

newsletter  
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Editor: Judith F. Krug, Director  
Office for Intellectual Freedom, American Library Association  
Associate Editor: Henry F. Reichman

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## library media challenges: the Wisconsin experience

*By Dianne McAfee Hopkins, Associate Professor, School of Library and Information Studies, University of Wisconsin, Madison.*

*The following article highlights a study of challenges to materials in high school library media centers in Wisconsin between 1991 and 1994. The study was funded with a grant from Encyclopaedia Britannica, Inc. Appreciation is extended to the Boards of Directors of the Wisconsin Association of School Librarians and the Wisconsin Educational Media Association, for endorsing the study. Special appreciation is extended to the Wisconsin high school library media specialists who participated.*

Wisconsin public high school library media centers were selected as the focus of a 1994-95 study of challenges to materials in high school library media centers. High school library media specialists were asked whether oral or written challenges had occurred between 1991 and 1994. Three primary areas were covered: the existence and use of a materials selection policy; the incidence of challenges to library media materials; and the outcome of challenges. The study provides some updated information for a 1988 study of challenges in Wisconsin secondary schools.<sup>1</sup>

The population of interest in this study consisted of the school library media specialists in Wisconsin public high schools. Four hundred thirty-four (434) schools were identified as Wisconsin high schools. Each identified school was sent a four-page questionnaire addressed to "library media specialist" in October, 1994. The library media specialist was asked to focus only on library media center materials for grades 9 and above. The questionnaire was accompanied by a cover letter indicating that the Board of Directors of the Wisconsin Association of School Librarians, a division of the Wisconsin Library Association, and the Board of Directors of the Wisconsin Educational Media Association had endorsed the study. The questionnaire was pre-tested with a summer school graduate library and information studies class and, following revision, was field-tested with a dozen high school library media specialists.

Of 434 schools receiving the questionnaire, 373 or 86% were completed and returned. The great majority or 98.9% reported formal or informal policies for the

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## controversy in Gwinnett continues

Scott Scoggins may have begun the hoopla over which books belong on Gwinnett County library shelves, but now that others have taken up the cause he said he's going to step back for a while. "Right now, I'm just going to kind of sit back and see what happens," he said September 12 after fellow library board members voted to let the courts decide what's obscene and what's not.

Appointed to the board in January, 1995, Scoggins has been pushing for more restrictive policies about which books should be readily accessible to children (see *Newsletter*, July 1995, p. 91; September 1995, p. 123; November 1995, p. 180). His proposed "Library Contract With Gwinnett" included suggestions such as labeling "sexually explicit" books or creating an adults-only section.

The September board meeting was the first to deal with the issue, which pleased Scoggins, but the motion passed did little to address his concerns. It prohibited the county libraries from housing materials that have already been deemed obscene by the courts.

But if Scoggins was taking the opportunity to withdraw somewhat from the fray, others were not. On October 16, more than two hundred citizens gathered to express their concerns to the library board. Around thirty people addressed the board during the two-hour forum, with those in favor of restrictions outnumbering those against.

Criticism of the library has been especially concentrated in more rural Forsyth County, where County Commission Chair Ron Seder has been a vocal advocate of restricting access and of removing at least one controversial book, *Woman's Body* (see page 29), from the shelves. The county has a separate library board to oversee the Forsyth branch (eight other branches of the combined system are in Gwinnett County); in early November, the County Commission called on its members to resign.

"Should we make the material available to children in the library?" asked Seder. "The library board thinks we should. The board of the Forsyth County commissioners thinks we should not." Two of the five members of the library board said they would accede to the request, one because her husband works for the county commission and another who supported the book removal effort, but the others refused.

"I feel we serve a diverse community with a lot of different people with different opinions and beliefs," said vice chair Horace Boling. "You got to serve everybody, not just certain groups."

If library board members choose not to resign, the County Commission has no means of forcing them to step down. However, Seder did not rule out taking the dispute into consideration when the library's budget comes up in the spring. Reported in: *Atlanta Constitution*,

September 13; *Gwinnett Daily Post*, October 18; *Atlanta Journal*, November 7. □

## Oregon clearinghouse annual report

On September 18, the Oregon State Library released the eighth Annual Report of the Oregon Intellectual Freedom Clearinghouse, which tracks challenges to library materials in the state. Between July 1, 1994, and June 30, 1995, the Clearinghouse received information about 37 challenges to library materials, including 29 books, two videos, one periodical, and five recordings. Public libraries experienced 26 of the challenges and school libraries eleven. Twenty-nine of the challenged materials were designated as children's and young adult materials, and eight were for adults. In 34 of 37 challenges, library staff, committees, library boards, site councils, superintendents or school boards decided that the challenged material should be retained. In one instance, the decision was made to reclassify the material. There were no decisions to restrict challenged materials, or to replace the challenged material with revised editions. Materials were removed from two libraries.

The largest number of objections, seventeen, focused on sexual themes (other than homosexuality), or use of graphic language. There were seven challenges to materials because of perceived occult, witchcraft, or Satanic references. Five challenges protested references to homosexuality. □

## computer may be labeled a library

Seeking a middle ground between censorship and obscenity laws, the faculty Senate of Carnegie Mellon University in Pittsburgh wants the school to consider declaring its computer a library. The request to University President Robert Mehrabian came at the end of a Senate meeting September 14 to consider a committee proposal that the school block outside computer "newsgroups" that transmit pornographic images through the Internet.

Mehrabian ordered a number of sexually explicit Internet groups blocked from the computer after being told of them by undergraduate researcher Martin Rimm. Rimm later released a controversial study of computer pornography, the reliability and research methods of which have been questioned.

Under most obscenity laws, a computer system is not held liable if it unknowingly carries pornographic images. Rimm's notification to Mehrabian "changed the university's status from not knowing to knowing and, thereby, made it liable" to prosecution, said Senate President

Teddy Seidenfeld. By declaring the computer a library, because it stores data and information, the faculty hopes to avoid breaking obscenity laws. Many obscenity laws, Pennsylvania's included, exempt libraries.

"The question is, does this fall into the library rubric of the law?" asked university Librarian Charles Lowry, who served on the committee that recommended blocking some of the pornographic newsgroups. Lowry said he would not administer the computer in his role as librarian, saying it was not part of the library's mission to administer computer files.

"There's no reason the mission of the library shouldn't evolve," countered Erik Altmann, a graduate student in computer science. "They could have done all sorts of things. The one thing they chose to pursue was censorship." The meeting was widely attended by Carnegie Mellon students, many of whom said they were opposed to any Internet restrictions on University computers. Reported in: *Pittsburgh Post-Gazette*, September 15. □

## **violence on television: good news, bad news**

While television series and made-for-TV movies on America's four broadcast networks reflect some promising signs in depicting violence responsibly in entertainment programming, important concerns still remain about theatrical films on television, some children's shows, on-air promotions and the use of advisories, according to a season-long study on television violence released September 19 by the UCLA Center for Communication Policy.

The UCLA Television Violence Monitoring Report found that of the 121 television series that aired during the 1994-95 season, 10 raised frequent concerns about violence, and about 14 percent of television movies raised similar concerns. However, serious concerns about violence persist in nearly half of the theatrical films shown on network television, in Saturday morning shows that depict "sinister combat violence," and in on-air promotions. The study also raised questions about the inconsistent use of parental advisories.

"We see positive signs that some important issues of television violence — particularly in series and television movies — are being addressed," said Jeffrey Cole, director of the UCLA Center for Communication Policy, which conducted the study. "But at the same time, important problems still remain and need to be confronted.

"Many television series consistently deal well with violence, by using violence that is always in context," said Cole. "A few series sometimes cross the line with violence that is more graphic, prolonged or intense than the story

requires. Television movies generally handle violence well, but about 15 percent raised concerns because of a variety of factors, such as the lack of an advisory, violent themes or inappropriately graphic scenes."

The UCLA Television Violence Monitoring Report, probably the most comprehensive and detailed examination ever conducted of violence on television, was designed to monitor the context in which televised violence occurs. The report was initiated by Sen. Paul Simon (D-Ill.), based on an agreement between the four television networks that funded the study. The study monitored all network prime time and Saturday morning entertainment programming during the 1994-95 television season, including series, television movies, theatrical films, on-air promotions, specials and advertisements. For comparison purposes, the study also examined violence in local and syndicated television, public television, basic and pay cable, home video and video games played on television.

"Violence can be an important part of much story telling," Cole said. "If parents could preview television for their children, they would not ban all violence. Otherwise they would not allow their children to see many important films, such as 'Bambi' or 'Beauty and the Beast.' What does concern parents is programming that sends the message that violent behavior does not have consequences or goes unpunished, or images that are more graphic and disturbing than the story requires. This study identifies that programming."

### **Television Series and Movies**

Each of the 121 television series of the season was reviewed at least four times. Programs that raised issues of violence continued to be reviewed, many for the entire season. In addition to the 10 television series that the study identified as raising frequent concerns about violence, eight series raised occasional concerns.

"In prime time series, there is very little killing, and the graphic violence shown in the past, such as bullets or knives ripping into a body, is rarely seen today," Cole said. "The violence in prime time series is mostly fist fights." Of the 161 television movies broadcast in 1994-95, 23 raised some concerns about the use of violence. Many of these television movies lacked advisories, and several focused on the minute details of violent crimes.

### **Theatrical Films on Television**

Probably the most serious source of concern regarding television violence occurs in network broadcast of theatrical films, particularly action films with as many as 40 scenes of violence. Of the 118 theatrical films monitored, 50 raised concerns about their use of violence.

"Most of the violence on television during the 1994-95

season, especially the most extreme violence, appears in theatrical films shown on television," Cole said. "Although the networks try to edit action films that contain 30 or more scenes of violence, their efforts usually only remove the worst parts of the worst scenes. All that is left are action films full of violence."

### **Children's Programming**

Of particular concern is the number of children's series featuring what the study called "sinister combat violence" — programs centered around violence that are dominated by "dark, mean spirits."

"Children's programs that feature sinister combat violence are gaining in popularity, which is a disturbing sign," Cole said. "The promise of confrontation is the signature of these shows; characters frequently are eager to fight and often do so with little hesitation."

### **On-Air Promotions**

On-air promotions demonstrate reliance on the use of violent images — almost always out of context — to sell television programs, the study found. Also frequently raising concerns are television advertisements for theatrical release of action films.

"Network promotions take scenes of violence from a program and string them together with little or no context," Cole said. "Even shows that use violence well are advertised with promotions that feature only unexplained scenes of violence." The result, according to the study, "is a world of promotions and theatrical film advertisements filled with the worst scenes of violence from all programming."

These promotions often are aired during programming for children or during completely non-violent shows, the study found. "Even shows that contain no violence, such as comedies, are culled for whatever 'accident' or scene of comedic violence that can be compiled into a promotion," Cole said.

### **Network Policies: Broadcast Time and Advisories**

The UCLA study also found problems with general network policies about airing programs with violent content, such as decisions about broadcast times for violent shows and the inconsistent use of advisories about violence.

"We found that there was no consistency in the use of advisories about violent programming, particularly for made-for-TV movies," Cole said. "Most of the 23 television movies that raised concerns about violence aired without an advisory."

The study found that many television movies, even some that raised no concerns about their use of violence, were given violent titles, while some with folksy or romantic titles contained very violent themes that, coupled with the lack of advisories, may have misled some viewers.

Some programs raised concerns about violence entirely because of the broadcast time of the program. Several of the shows that raised concerns about violence aired at 8 p.m., and in a few cases at 7 p.m.

### **Recommendations**

The UCLA report contained a series of specific recommendations for dealing with television violence that are directed to the broadcast networks, affiliates, the television creative community, government, schools, parents and children.

"Some of the problem areas discussed in the report, especially on-air promotions, can be addressed through strong and clear network policy," Cole said. "Other areas of concern are more deep-rooted and need to be examined and discussed."

"The UCLA Center for Communication Policy is prepared to work with the television networks in explaining all aspects of the report and in implementing its recommendations," Cole said. "By closely examining the content of programming, ensuring that violence is relevant and in context and no more intense or graphic than the context requires, by choosing appropriate broadcast times and airing responsible advisories and promotions, the television network can make significant strides in addressing the violence issue."

The UCLA Television Violence Monitoring Report is available for \$9.25 for purchasers outside of California, or \$10 for California residents. These prices include all shipping, handling and applicable sales tax. The report costs \$4.75 if purchased at the UCLA Store. For credit card orders, call (310) 206-0788. For mail orders, send a check to the UCLA Store, Book Zone, 308 Westwood Plaza, Los Angeles, CA 90024. □

## **record industry's stricter stickers**

Under attack for violent and sexually explicit lyrics, the recording industry is beefing up its ten-year-old voluntary program to add parental advisory labels. Changes announced October 24 by the Recording Industry Association of America and the National Association of Recording Merchandisers include steps to ensure correct size and placement of the "Parental Advisory — Explicit Lyrics" sticker on releases, and new moves to encourage merchants to use the advisory in advertising.

The trade associations will also encourage record clubs to identify stickered products in their solicitations, and will create permanent signs for retail display that will identify and explain the logo. Finally, the advisory will be adapted to music videos, although the language may change to alert parents to explicit imagery, as well as lyrics.

The changes were ordered by music industry leaders in the wake of a well-publicized attack on Time Warner, the largest recording combine in the world, for releasing records featuring explicit lyrics (see page 6). Hilary Rosen, president of the Recording Industry Association of America voiced confidence in the voluntary logo as "an appropriate tool for parents looking for assistance to monitor the kind of music their children buy and listen to." But Rosen also said the labeling effort could be more effective: "We are doing a little *mea culpa* here and we need to do a better job of communicating the meaning of the program to parents."

Industry leaders met in New York in June at the request of Record Industry Association of America Chair Jason Berman to review the sticker program and make recommendations for improvement. Working with the merchandisers' association, they subsequently commissioned focus groups of parents and teens to examine general attitudes toward lyrics, the need to control the sale of certain music, and overall public awareness of the "parental advisory" sticker.

Among the findings: While parents continued to hold the primary responsibilities for children's morals and values, and for controlling their behavior, they wanted help — but not censorship (even when they objected to recordings with violent or sexual themes). Many parents were unaware of the specific music their teens buy, and many did not realize that some retailers restrict or ban sale of stickered albums to children, or that parents can return recordings purchased by their children, if they find them objectionable."

"I recommend them for making an effort," said Barbara Wyatt, head of the Parents Music Resource Center, which pushed for labeling a decade ago under the leadership of Tipper Gore. "A standardized label is fine, but there still need to be some definite standards. We need to know exactly what 'explicit' means, and what is included and what is excluded." Reported in: *Washington Post*, October 25. □

## Time Warner dumps gangsta rap

Time Warner, Inc., agreed September 27 to get out of the gangsta rap business by selling its stake in the distribution of some of rap's biggest stars. Time Warner's decision to sell its fifty percent interest back to Interscope Records followed months of protest by politicians over Time Warner's role in promoting a musical style known for its violent, sexually explicit lyrics.

The decision came less than a week after the company agreed to a merger with Turner Broadcasting System, Inc., a move that will make the world's biggest entertainment company even more powerful and influential.

Time Warner executives said the decision to dump the five-year-old Los Angeles company, whose artists include jailed rapper Tupac Shakur and alternative rockers Nine Inch Nails, was based on creative control and had nothing to do with the merger.

"This decision is not about any particular kind of music," said Michael Fuchs, chair and CEO of Warner Music Group, in a prepared statement. Rather, "the nature of our agreement with Interscope precluded us from any meaningful involvement or discussion regarding Interscope's music. Fuchs was apparently referring to Time Warner's failed efforts last summer to review new material for objectionable lyrics, a demand that Interscope flatly refused.

"I'm not being judgmental about Interscope's music," Fuchs added in a news conference. "If we're going to be asked to defend the music we put out, it's going to have to go through the process we have here."

Interscope co-founder Ted Field said the decision was mutual. "From our respective vantage points, this was simply the right thing to do."

Senate Majority Leader Bob Dole, former Education Secretary William J. Bennett and C. Delores Tucker, head of the National Congress of Black Women, were among those pressuring Time Warner to stop distributing gangsta rap music. Interscope, which had been a big moneymaker for Time Warner, also distributes Death Row Records, which handles the superstar rapper Snoop Doggy Dogg. In August, Death Row Records sued Tucker, Time Warner, and others for allegedly launching a smear campaign against rap lyrics. Interscope has filed a similar suit. Reported in: *Chicago Sun-Times*, September 28. □

## need for military censorship questioned

Censorship of military operations is not only becoming impractical because of leaps in communication technology, it also does not well serve the Pentagon or the public, according to a report by the Freedom Forum First Amendment Center, a nonprofit foundation that studies the press.

"Censorship is a phenomenon of the past," said the two authors of the study, a veteran journalist and a decorated retired Navy vice admiral. "In every modern conflict, security breaches by news people have been rare. The best insurance against harmful disclosures is to send reporters to live with the troops in the field, where they soon develop understanding and even friendships. American reporters exhibit as much patriotism as members of the armed forces."

Although there always will be conflict between the Pentagon and the press because "the press wants freedom

and the military wants control," the authors said they found a surprising degree of agreement among senior military officers and media executives on how military operations should be covered by the press.

The report, based on sixty interviews and a national survey of military officers and journalists, disclosed that 55 percent of the military and 76 percent of the media agree that reporting should be free of censorship but in accordance with military guidelines.

"We find generally that at the top levels on both sides, when you're talking bureau chiefs and public affairs officers, there is a lot of sophistication and agreement about these things," said Frank Aukofer, Washington bureau chief for the *Milwaukee Journal Sentinel* and a co-author of the report with Vice Admiral (Ret.) William Lawrence, a Vietnam War POW and former superintendent of the U.S. Naval Academy. "Where you run into problems is in the younger journalists who are more iconoclastic, suspicious and distrustful of the military. Likewise you find younger officers more distrustful of the media, too."

Despite the seeming comity at the top, some deep divisions emerged in the survey of 935 military officers and 146 members of the media. For instance, 60 percent of the officers said they should be allowed to use the news media to deceive the enemy even if it means deceiving the American public as well, whereas only eight percent of the media people thought that way. Seventy-three percent of the media leaders said they should be free to visit any place they choose within a war zone, while only ten percent of the military officers believed that.

However, both officers and journalists agreed that few members of the media know national defense issues well. There was also agreement about the value of the press, with 82 percent of officers and 98 percent of journalists saying the media are just as necessary to maintain U.S. freedom as the military. Nearly half the officers surveyed were general or flag officers; none were enlisted personnel. Of the 146 media people surveyed, 87 were executives.

Lawrence and Aukofer made several recommendations:

- The Defense Department should consider adopting a "security at the source" policy in which local commanders work with the reporter traveling with their unit to decide whether any news item could harm the military mission.
- In major operations, a one-star officer should be put in charge of coordinating media access and coverage of the battlefield.
- Improvements should be made to the Pentagon "pool" of reporters who are the first to go with military units deployed to an operation. The authors suggested a tiered pool arrangement where the major national publications and networks go first with successive tiers

later, as possible, according to space and logistics.

- News organizations must make a greater effort to cover military affairs.

- More and better professional military education about media interaction should be offered for all levels of military personnel, and a better job done by news organizations and the services of training reporters to cover the military.

Aukofer said he was surprised to learn during his research that many younger military officers who never served in Vietnam believe the media lost the war. "Nobody in the upper ranks believes that anymore," he said. "It was a bum rap to begin with, and it still sort of persists among younger officers."

He also discovered a lack of understanding of the military by many in the media. "The draft ended in 1972, and you have an entire generation of newspaper reporters and editors with no understanding of the military," he said. Reported in: *Air Force Times*, October 23; *El Paso Herald Post*, September 23. □

## in review

**Abandoned in the Wasteland; Children, Television, and the First Amendment.** Newton N. Minow and Craig L. LaMay. Hill and Wang, 1995. 237 p. \$20.

What an outstanding challenge this book is to use the First Amendment on behalf of children and to help make television a force that will nurture and not harm them. Minow is chairman of the board of the Carnegie Corporation and former chairman of PBS. He is currently a professor of Communications Law and Policy at Northwestern University. LaMay is associate director of the Public-Service Television Project and former editor of the *Media Studies Journal*. This duo warns us of the urgent problems associated with our abandoning our children to television programming that represents none of the values we believe in and that threatens our future.

They point out that this book is the result of thirty-four years of work and contemplation of a medium that has transformed the world, the nation, the community, and the family. As far back as 1961, when Minow was chair of the Federal Communications Commission, he criticized television broadcasting as a "vast wasteland" and he and LaMay feel that the problem is more urgent today.

As we hear so often, they point out how commercial interests argue that the Constitution gives them the right to broadcast whatever they wish. This, of course, is a poor application of the First Amendment. They remind us that broadcasters are required by law to serve the public interest. The Supreme Court and Congress also

regard service to children as an obligation under the law. The authors include in an appendix, "A Bill for Children's Telecommunications," which proposes additions to the 1990 Children's Television Act as incorporated into the 1934 Communications Act. Chapter 5 in the book lays out the principles and recommendations included here.

The authors feel that there are more choices available now but in a number of key respects, they believe the wasteland has grown vaster and the prospects for serving the public interest have become even dimmer. No one has yet determined what "the public interest" really means. They say it requires us to ask what we can do for our children. Justice Potter Stewart said that we confuse the right do so something with whether it is the right thing to do. Minow tells of his travels with Robert Kennedy as part of Adlai Stevenson's presidential campaign staff and how Kennedy said when he grew up, the three influences on children were home, school, and church but the fourth major influence was television. More than 3000 sociological studies have confirmed this observation. The problems come with the merchandising imperative. Often we operate to serve the best interests of advertisers rather than the best interests of children.

The authors eloquently offer many workable ideas for an effective children's television policy to ensure that our children travel safely on the information superhighway. They certainly challenge American citizens to become committed in rebuilding our television system. They say we should demand debate and participate in it because it will take a combination of broad education, wise parenting, corporate responsibility, and smart and forceful lawmaking to see any improvement in this area. This is truly an authoritative plea.—Reviewed by Gene D. Lanier, Professor, Department of Library Studies and Educational Technology, East Carolina University, Greenville, North Carolina.

**Censored: The News that Didn't Make the News — And Why. The 1995 Project Censored Yearbook.** Carl Jensen. Four Walls Eight Windows, 1995, 332 p. \$14.95.

Every year, Carl Jensen, Professor of Communication Studies at Sonoma State University, and his Project Censored, a long-running media research group in California, gather together an elite cadre of journalists and media specialists to take a very close look at the reliability and fairness of the year's national press coverage. The group then publishes its findings in a hard-hitting and no-holds-barred volume entitled *Censored: The News that Didn't Make the News — and Why*.

As one might suspect, Project Censored's conclusions aren't very encouraging, not if one takes seriously the notion of a free and unbiased press. The really important

news, the group contends, usually isn't reported. Much of what does get a lot of coverage is largely sensational or irrelevant. The result is nothing short of censorship. The media, through a variety of shortcomings, denies people what they really need to know — what is vital to their health and well-being as American citizens. The press neglects, misrepresents and downright suppresses mountains of important information and what are probably the most essential news stories of the year.

*Censored: the News that Didn't Make the News — and Why* intends to set the record straight. The book reports what should have been reported, brings to light what has largely been ignored, and publicizes what has escaped the attention of the major news wires. Consider some of the singular news stories that went unnoticed or under-reported by the national news media in 1994 — important things that you should have heard about but didn't. The Office of Occupational Health and Safety, for instance, has routinely failed to warn large numbers of American workers of their dangerous exposure to a variety of hazardous materials. This failure continues in light of the institute's own epidemiological studies and with the full knowledge of the Reagan, Bush and Clinton administrations. Then there was the major story that ran in the *London Sunday Times* about the questionable quality of the medical test routinely administered for HIV. According to the *Times*, a large number of British scientists and medical experts are beginning to have serious doubts about the actual reliability of the test. The American papers never carried the story.

And what shall we say of the Justice Department's commissioned study of the celebrated drug-prevention program DARE? The major field study indicated that the program improved students' social skills and their knowledge of pharmaceuticals but actually did very little to curb the use of drugs. The proven ineffectiveness of the very popular DARE program to prevent drug abuse in American schools went largely unnoticed, in part due to the indifference of the press and the active suppression of any negative criticism of the program by the leaders of DARE itself.

These stories and more than twenty-two others, Jensen and Project Censored carefully summarize in their book, along with an assortment of interesting and provocative extras. They include, among other things, a briefly annotated listing of alternative publications and a chapter charting the chronology of the history of censorship. They've even added a section detailing the year's junk-food news stories — the really stupid things like the O. J. Simpson case and the Tonya Harding saga, which dominated the media far beyond any sense of relevance or importance.

We can only wish that their energetic, well-researched and very readable book goes a long way in helping resurrect that older, more-fearless journalistic style. *Censored:*

*The News that Didn't Make the News — and Why* convincingly and powerfully challenges the shoddy and sensationalistic news coverage in this country that so often passes itself off as solid and accurate reporting.—*Reviewed by Steve McKinzie, Librarian, Dickinson College, Carlisle, Pennsylvania.*

**Censorship: A Threat to Reading, Learning, Thinking.** Edited by John S. Simmons. International Reading Association, Inc., 1994. 279 p. \$16 (\$11 for IRA members).

This anthology examines censorship issues in schools. Based on reports from the Office for Intellectual Freedom of the American Library Association and People for the American Way, challenges to materials in schools increase each year. Many of them result in removal or restriction.

Twenty-two authors contributed to this compilation published by the 92,000-member International Reading Association. It is divided into three sections which provide both theoretical and practical information for classroom teachers, school administrators, librarians, media specialists, and parents.

Section one discusses the dimensions of the problem. There are chapters dealing with the focus on attempted censorship in critical reading and in the school curriculum. Edward B. Jenkinson's chapter on tactics used to remove books and courses from schools is quite revealing. The major complaints falling into the areas of "new age" and political correctness are well covered. It is easy to see that challenges are coming from both ends of the political spectrum. Young adult author Robert Cormier describes the human side of censorship in his chapter. He visualizes the student who could not participate in discussions of *The Chocolate War* because her parents had protested the use of the novel in the school and a hearing had been scheduled. We often overlook how children and young adults treat their peers where there have been formal challenges by them or their family members.

The second part of this comprehensive title examines complaints and challenges in the classroom. Different areas receiving the most complaints are emphasized including materials and stories on the supernatural, the *Impressions* series, critical thinking skills, history textbooks, and evolution. Educators and professors from across the country contributed these chapters which give a true picture of censorship problems faced by teachers, administrators, and librarians at both the elementary and secondary levels. Donald R. Gallo, a long-time campaigner for teachers' and students' rights, has an interesting chapter on the censors' concerns about realistic young adult novels and also explains the alarming number of cases of self-censorship, an area librarians need to continue to examine for themselves.

Section three provides practical plans for action. The authors in this section clearly outline the rationales behind censors' motivations from the struggle of the religious right to preserve a particular morality and worldview to the need for all groups to have their voices heard. Their thought-provoking descriptions of what can be done to counter attacks from individuals and groups are quite worthwhile. The suggestions come from many points of view: school administrators, English teachers, school board members, and school library media specialists. The Office for Intellectual Freedom's own Anne Levinson Penway contributes a chapter on tips for school library media specialists in dealing with challenges. All school media people would benefit from again reviewing her well-written presentation of ALA policy in this area, along with suggestions for what to do in anticipation of attacks, how to deal with the attackers, and how to follow up on any approved courses of action after a controversy has been arbitrated. Ken Donaldson concludes this section with a chapter on the "ten steps" for fighting school censorship.

This reviewer frankly found this anthology well worth the money due to the information provided by people from all areas of education. The rather extensive subject index is also a plus. Some First Amendment purists may find some of the information "old hat" but it is an excellent compilation for beginners as well as a good review for veterans.—*Reviewed by Gene D. Lanier, Professor, Department of Library Studies and Educational Technology, East Carolina University, Greenville, North Carolina.*

**Mind Your Own Business.** By Gini Graham Scott. Insight Books, 1995. 394 p. \$26.95.

Dust jackets are notoriously misleading in describing books. Such is not the case with this volume, which should be read by anyone who is interested in personal privacy. The author is a nationally recognized expert on the subject of personal privacy and the author of more than 25 books.

She begins with a chapter explaining why privacy is so important, shows how privacy helps define the individual, and discusses the need for privacy in a "surveillance society." Scott then traces the battle for privacy from the mid-nineteenth century to the present in two fascinating chapters. What contributes enormously to the interest of these chapters is the way the author places the battles in the social context of the times. The evolution of the press in this country, as well as technological advances, have compounded the problems associated with protecting the privacy of individuals. Ms. Scott uses her legal background to explain the cases that have helped define the issue during this period.

In subsequent chapters, she elaborates on methods used by employers to delve into the private lives of employees; she explores issues such as drug testing and what the courts have decided in that arena, privacy and sex harassment, employer investigations of employees, and the ever evolving area of e-mail. Here again, the author cites and explains court decisions related to the topics under discussion. An entire chapter is devoted to what police departments have done in the surveillance area and what the courts have allowed them to do. Another chapter explores the issues surrounding medical records and medical testing. Most readers will be familiar with some of the legal battles surrounding AIDS testing because those are the issues that have been most in the news. More unsettling is the statement that, except for medical records related to alcohol and drug abuse and mental health, there are no federal laws which protect the privacy of medical records. The author goes into considerable detail about AIDS-related cases that have been adjudicated in the courts in recent years.

The chapter entitled "How Big Gov.Doc is Watching You" delves into all the issues related to information gathered about individuals by government agencies. It includes sections on voter registration records, social security numbers, driver's licenses, and criminal records. It also discusses the move toward using the social security number as a universal identifier to which all sorts of other government gathered databases would be linked. The dangers of this possibility are pointed out and include both the danger for mistakes that could tarnish the reputation of individuals but also the possibility of abuses such as using this information to harass political activists. Other chapters include a look at what is happening in our school systems related to personal privacy and how financial institutions try to reduce the envelope of such privacy.

The author also devotes an entire chapter to the business of personal privacy, a multi-billion dollar business. On the one hand, there are the constantly changing devices being developed to facilitate surveillance while, on the other, there is the development of devices to protect personal privacy. The last chapter in the book is devoted to privacy issues stemming from the information revolution. This is an area where much of the battle will be waged in the coming years as new technologies change the manner by which information is gathered and communicated in our society.

Appropriate footnotes follow each chapter and contribute to the seriousness of this volume. A very interesting appendix provides a "selected list of companies with privacy products and services; books and catalogs; privacy organizations; magazines, journals, and newsletters; and resources for getting off mailing and phone lists." Finally, there is a detailed index.

With new issues related to personal privacy surfacing daily, any individual who is serious about wanting to

understand them will want to read this volume. The author has made a significant contribution to society with this publication.—*Reviewed by Joseph A. Boisse, University Librarian, University of California, Santa Barbara, California.*

**Out of Tune: Listening to the First Amendment.** John Frohnmayer. North American Press, 1995. 138 p. \$16.95.

John Frohnmayer apparently developed this short text to accompany a course on the First Amendment, with each chapter followed by discussion questions. It is a very personal approach, partly growing out of his experience as chair of the National Endowment for the Arts, which he says, on page 78, changed his life. "I decided that free speech is not a compromisable issue; that if we as Americans stand for anything, it is the fierce protection of individual conscience; and that art that is offensive to some is the price of doing business. In short, I became a First Amendment radical."

Reflecting this personal view, his choices of issues and examples are not typical of other works on the subject. The book is organized around four documents, "The Declaration of Independence," "The Constitution of the United States," "The Gettysburg Address," and "Letter from Birmingham Jail," all of which are included in an appendix which is nearly as long as the text. Frohnmayer uses these documents to focus discussion on the roles of ethics, politics, censorship, religion, and citizenship in our democracy. He tends to present his arguments in moral terms derived from the natural rights invoked in the "Declaration of Independence." Color plates of censored art appear in the center of the book and Frohnmayer uses controversies from the arts extensively. On page 37, he describes a "celebrated episode" in Mannheim, Germany, in 1853, where the statue of Venus de Milo was convicted of nudity, but he does not provide any citation for this and I have been unable to locate any corroboration. As this illustrates, even with an index, the book is not very useful as an information resource on the First Amendment. It is intended rather to provoke individual thought about how the First Amendment affects each of us personally. Whether it succeeds may depend more on the reader sharing Frohnmayer's values than on the persuasiveness of his presentation.—*Reviewed by Carolyn Caywood, Bayside Area Librarian, Virginia Beach Public Library.* □

## — censorship dateline —



### libraries

#### Gwinnett County, Georgia

The Gwinnett County Board of Education agreed in October to hear an appeal from a parent who wants a book that was banished from a school's shelves restored at his son's elementary school. Dennis Hearn of Tucker, a parent of a student at Nesbit Elementary School, challenged a 1994 school-based decision to keep *Agnes the Sheep*, by William Taylor, out of the school's media center.

June Dean, the parent who filed the original objection that led to the book's removal to the middle school, said it overused the words "hell, damn, and God." After learning of the decision, Hearn asked that the book be reinstated at Nesbit, contending its removal violated both his and his son's First Amendment rights.

"I'm appealing to the school board, then the next step would be to go to the state board or court or wherever it needs to go," Hearn said. "The book has relevance but it is not a priority. This is a censorship issue. The book had been placed in the library. We had a meeting a week ago today. We were not allowed to see the vote."

Hearn had attended the final review committee meeting with representatives of the book's publisher and the ACLU. The meeting was public, but the vote was taken behind closed doors.

*Agnes* tells the story of two children who inherit a ram-paging sheep from an elderly woman. The story follows their adventures as they try to prevent the sheep from getting in trouble. Reported in: *Gwinnett Daily Post*, October 6, 19.

#### Winona, Minnesota

The Winona Middle School has removed a book from the school after two parents objected to it. *Nightmare*, by local author Marjorie Dorner, was removed last spring at the behest of Principal Scott Hannon from the media center and classroom libraries. Craig and Cynthia Porter had filed a "statement of concern regarding instructional materials" about the book, although he said their intent wasn't to ban it from the school.

"Our personal opinion was the content of the material wasn't suitable for a sixth grade student," said Craig Porter. The Porters were offended by the language and violence in the book. Reported in: *Winona Daily News*, September 29.

#### Columbia Falls, Montana

For the first time in recent memory, a book in the Columbia Falls school system underwent formal review after a complaint by parents. Younger students seeking to check out *The Giver*, by Lois Lowry, must now have parental permission.

Three parents complained about the Newberry Medal book's treatment of themes of infanticide and euthanasia. The book, they said, is inappropriate for children below sixth grade and should be available to them only with parental permission. The board agreed to that arrangement October 2, but two weeks later heard from parents who appealed the decision as censorship. The board then appointed a committee of two parents, a librarian, a teacher, and an administrator to review the book. Reported in: *Daily Inter Lake*, October 26; *Hungry Horse News*, October 19.

#### Boiling Spring Lakes, North Carolina

Graphic descriptions of body parts and sexual activities, as well as crude references to orgies in a parent's king-size bed, were in a book checked out of South Brunswick Middle School last summer. Parent David Putnam, who brought *Funhouse*, by Dean Koontz, to the school board's attention, was furious.

"This filthy trash includes natural and unnatural sex," he said, demanding to read portions to the uncomfortable board members. Putnam said his son had gone to the library with his communications class to pick a book for a project. He chose *Funhouse*, but later brought it to his father with questions about its contents.

School administrators said the book was not bought with school funds. Instead, they said, it was one of thousands collected in a book drive by the Lions Club. They said the books were screened but *Funhouse* slipped by because its title was similar to an approved book, *Fun House*.

Putnam said he would not wait for the school to rule on what to do with the book. He sent a check for seven

dollars to the school to pay for the book that he said his son would not be returning. Reported in: *Myrtle Beach Sun-News*, September 13.

#### Prince William County, Virginia

Some members of the Prince William Board of County Supervisors called for the removal of a thriller from the public library shelves after a resident came to a county board meeting October 17 and played excerpts from a tape of the book that described rape and torture. Passages from *White Ninja*, by bestselling author Eric Van Lustbader, offended several board members, who called the material "pornographic." The passages described the vicious rape and flaying of a young woman.

"I think it's despicable that that kind of material could make its way into a public library system," Supervisor John D. Jenkins (D-Neabsco) said. "It sounded like pure pornography to me."

It was the second time in two years that *White Ninja* had been challenged as inappropriate for a library where it could be read by children. The book was first criticized in 1994 by a mother who said her middle school child had checked out the audio version of the book. After reviewing the novel, the Prince William Library Board decided it should remain in the collection. County library director Richard Murphy said Lustbader's books were included in the collection because of his wide popularity.

"If a library is doing its job, it will have something to offend almost everyone," Murphy said. "We have thousands of people coming through the door every day, and not everyone wants to read the same thing."

At the supervisors' meeting, Woodbridge resident Paul Goze criticized the library board's willingness "to spend tax dollars on materials that promote behaviors that are against the law and offend, injure and shorten the lives of our citizens."

Supervisor Hilda M. Barg (D-Woodbridge) agreed, calling the book offensive. She and Jenkins said they would ask the library board to again review the book. "I want this book out of the library, particularly out of the hands of children," Barg said.

At least one library board member, Patricia McCoart, said she would initiate a review of *White Ninja*. If the library board does not remove the book, Jenkins said he would recommend changes to Virginia's laws to give parents more power over what their children have access to in public libraries. Reported in: *Washington Post*, October 19.

#### Spokane, Washington

The Spokane School District pulled *Tintin in America* from school libraries after a Native American employee challenged the book as racially demeaning and insulting.

It was the first time in years the district had removed a book.

*Tintin in America* is part of a comic series that began in 1929 and is enjoying new popularity for its nostalgic artwork and quirky humor. The series may be popular, said the district's Language Arts Coordinator Fran Mester, but no ethnic group escapes its stereotypical portrayal. The books also represent drunkenness and violence as funny. "On almost every page you find something you would not want kids to see," Mester said.

Kathy Posnett, a Yakima Indian who is a tutor in the district's Native American education program, challenged the book after seeing it displayed at Stevens Elementary school. "Tintin is tied to a pole. Indians are presented in a stereotypical way with headdresses dancing around him in an angry kind of way," Posnett said. "And it was all males, which doesn't depict Indian people in a positive or truthful manner." Reported in: *Spokane Spokesman-Review*, September 29.

#### schools

##### Wasilla, Alaska

"I'm not saying 'ban the book,'" said Leo Brueggeman, a parent of a Houston Jr./Sr. High School middle schooler. "I'm not in the censorship business. I don't believe in that. I do believe we all have a duty to protect our kids."

Brueggeman and several other parents expressed their concern that the anonymous diary of a teenage drug user, *Go Ask Alice*, was included as an optional reading in Jeff Parsons' eighth grade English class. Brueggeman voiced his complaint to the school board in October and filed a complaint with the Mat-Su School District.

"It's a very popular book," Parsons said. Since it was first published in 1971, many teenagers have read and learned from it, including hundreds of his own students, he said. "It's about making kids literate. Not just so they can read and write but that they read in life," he said.

"For a 13-year-old, this is not appropriate," Brueggeman countered. "When there's all this good literature out there, why use something like this?" He said Parsons was condoning the activities in the book by encouraging the students to read it, and that he was particularly concerned that the teacher had read graphic sections aloud to the class. "This is a mandatory English class — not drug rehabilitation," he said. "What does this have to do with English?" Reported in: *Frontiersman*, October 18.

##### Mesa, Arizona

A parent of a McClintock High School student asked that an anthology containing a short story by William Faulkner be removed from the required reading list

because it contains racial slurs. Kathy Monteiro filed a protest with the Tempe Union High School District governing board October 19 after school officials refused to remove *Themes in World Literature* from an English honors curriculum.

The story, "A Rose for Emily," is objectionable, Monteiro said, because it uses the word "nigger" six times as well as other demeaning phrases. She said her daughter, a black honors student, was offended. "I'm not trying to ban the book, but I don't think it, because of the particular story, should be required reading," she said.

Monteiro, who teaches fifth and sixth grades in the Phoenix school system, brought her complaint to the district's governing board October 25. "I don't agree with you, but I applaud you for standing up for what you believe," she was told by board member Steve Rich. "We'll let the committee decide, however." Reported in: *Mesa Tribune*, October 27.

#### Lake Los Angeles, California

Two Wilsona School District trustees objected in October to the use of state-recommended books about Japanese culture because of their depictions of violence and references to Buddha and ritual suicide. *Japanese Tales and Legends*, a collection of folk tales, and *The Samurai's Tale*, a historical novel about a young man who trains to be a samurai, are both on a state list of books recommended for schools. The board was scheduled to revisit the issue after deadlocking 2-2, with one board member absent, October 19 on whether to adopt them and two other historical novels which drew no objection.

"With all the violence that kids see on TV, why do we have to stress violence in the classroom?" asked trustee Maurice Kunkel, who voted against the books. "There should be other books available to teach about foreign countries and cultures without resorting to violence."

The four books were reviewed by the social studies committee and referred to the board for adoption as classroom textbooks for seventh graders. The books would be required reading as history and social science supplementary textbooks.

Kunkel said he did not have time to read the books but voted against them in part to allow more time for review. Trustee Sharon Toyne, who also voted against the books, said she found some of the stories in *Japanese Tales* too violent. She also objected to characters who called out to "Lord Buddha," saying it injected too much religion into the classroom. "I'm all for studying Japan, but we need to stay away from tales and legends," she said. Reported in: *Los Angeles Daily News*, October 28.

#### San Jose, California

The classic American novel *The Adventures of*

*Huckleberry Finn*, by Mark Twain, will be removed from required reading lists in East San Jose high schools in response to objections raised by African-American parents, the East Side Union High School District Board decided October 26. After a tense and often emotional public hearing, the board voted 4-1 to shift the novel to an optional reading list in eleven high schools.

Members of the African American Parent Coalition had asked for the change because they said the book's use of racial epithets, including frequent use of the word "nigger," erodes their children's self-esteem and affects their performance in school.

"This is a way to strengthen the bonds of our community," said board president Manuel Herrera.

"I think people are finally 'getting it,'" said Chester Stevens, a founder of the parents group.

But Patricia Martinez-Roach, the lone dissenter, said she worried that removing *Huckleberry Finn* would encourage other challenges to the curriculum. "You take this book, and then tomorrow, it will be a different book, and then a different book," she said.

According to the board vote, teachers may still assign the book in class and it will remain on an optional reading list. Moreover, students wishing to may read the so-called "adapted" version by John Wallace, in which material that Wallace deemed objectionable has been deleted. As had always been the case, students may also request an alternative assignment.

The vote followed more than three hours of public testimony, much of which consisted of passionate denunciations from African-American parents and others on how "nigger" affects them.

The decision overruled an October 18 recommendation by a twelve-member panel of parents, teachers, students and administrators to keep *Huckleberry Finn* on the reading list. Acknowledging that "some students may be adversely affected" by the book, the committee said teachers should be trained to teach the novel sensitively. Reported in: *San Francisco Chronicle*, October 27; *San Francisco Examiner*, October 27, 31; *San Jose Mercury-News*, October 15, 19, 26; *ACLU News*, November-December.

#### San Jose, California

The assignment of Michael Crichton's novel *Congo* as an optional text in an interdisciplinary high school course is part of racially discriminatory practices alleged by the father of two black students attending the San Jose school, according to an \$8 million civil rights suit.

Alvin Haywood filed the complaint September 22 in Santa Clara County Superior Court on behalf of his two sons who attend Yerba Buena High School. The boys had failed a math class, a course that utilized Crichton's highly technical book as an optional text. English,

engineering and social studies teachers also used the book as an optional part of their course curricula, said principal Gary Zellner, named as a defendant in the suit. Reported in: *Los Angeles Daily Journal*, September 26.

#### Lakeland, Florida

A Lakeland private school on October 20 canceled a Walt Disney Co.-sponsored drug awareness puppet show to protest the corporation's recent decision to extend health insurance to partners of gay and lesbian employees. Temple Christian School canceled the show after a parent and two teachers called the school to complain about the insurance plan. "We're a family-oriented school, and it's against everything we stand for," said Principal Juanita McMillen. Reported in: *St. Petersburg Times*, October 21.

#### St. Augustine, Florida

Parents should have the option of deciding what their children read when it comes to required supplemental reading, claimed St. Johns County School Board member Judy S. Krug. Krug called on the school board to revamp how it handles required reading policy after she and other board members received telephone calls and letters complaining about books. Among the books targeted by complainants were: *Catcher in the Rye*, by J.D. Salinger; *The Turn of the Screw*, by Henry James; *The Color Purple*, by Alice Walker; and *Song of Solomon* and *Beloved*, both by Toni Morrison.

The complaints followed a complaint to the board in September by parents of Nease High School students who were required to read *Ceremony*, by Leslie Marmon Silko, as part of their supplemental work for an English honors class (see *Newsletter*, November 1995, p. 184). Nease Principal William Mignon told the board that the book would not be used again and apologized to the parents that the book had not been put through the regular procedure in the first place.

Krug said the board must create a definite set of guidelines for challenges. She said her concern was heightened when she realized that each teacher can set up her own supplemental reading list and that the list can differ from teacher to teacher for the same course.

At the board's October 12 meeting, two people called on the board to remove *Catcher in the Rye* from supplemental reading. Ken Vensel told the board, "I read *Catcher in the Rye* twenty-five years ago and I wish it had changed since. I wish I weren't here to discuss it." He said the book made numerous references to bestiality, homosexuality, and "is riddled with sexual exploits." Reported in: *St. Augustine Record*, October 17.

#### Volusia County, Florida

A parent in DeLand called in November for the Volusia County School District to remove *I Know Why the Caged*

*Bird Sings*, by Maya Angelou, from county classrooms. Glen Holland called the book "trash" and questioned whether it had any literary merit. He said it is sexually explicit and promotes cohabitation and rape.

Holland said he found out about the book when his 16-year-old daughter, who attends DeLand High School, brought it to his attention and questioned whether it was a proper assignment. Holland read the book and complained to school officials, demanding a formal review.

"After I made the complaint, my daughter was given an option to read a different book," he complained. "I understand, as a parent, if there is anything dealing with sex, I am supposed to be informed before." Holland also charged that since making his complaint, the teacher had retaliated by giving his daughter lower grades.

"The book should be thrown in the garbage can and never talked about again," Holland said. "If this is what we are getting in the classroom, maybe we need to get rid of some teachers and principals."

Holland's was the fifth challenge to a book in Volusia County schools in less than a year. Earlier in 1995, several parents called for the district to remove *Tex* by S.E. Hinton, from the list of approved reading for middle school. School board member Deborah Denys also challenged three books she found in a staff development library. Reported in: *New Smyrna Beach Observer*, November 8.

#### Eureka, Illinois

The District 140 school board October 10 approved a textbook with a limited version of Geoffrey Chaucer's *The Canterbury Tales* for use in an English class for college-bound high school seniors. But the board left open to interpretation whether the teacher can use supplemental material to teach the medieval poetry.

The issue had thrown the school district into a controversy that attracted national media attention (see *Newsletter*, November 1995, p. 185). The original complaint against the book was made in November, 1994, along with a personal complaint by parents of a student who received a poor grade from teacher Nancy Quinn. Quinn was then told to stop using a paperback version of the *Tales* and stick to selections from the work in a textbook. However, when it was found that the board had not approved use of the textbook, Quinn was told she could teach everything out of it but the Chaucer selections.

Student Stephanie Bridges and three other students had urged the board to allow students a choice between versions. Reported in: *De Kalb Daily Chronicle*, October 11; *Pantagraph*, October 11.

#### Lynn, Massachusetts

Nobel and Pulitzer Prize winner Toni Morrison's novel, *The Bluest Eye*, was no winner with some English

High School parents who said their children were too young to read about incest. Susan Walsh and Marcy Warner said October 4 that school officials should have alerted them to the book's sex scenes before their 15-year-old girls read it. "It's as if our rights as parents were stripped away," Warner said.

The book was on a recommended summer reading list drawn up for the two sophomores' advanced English literature classes. Principal Joseph Patuleia insisted it was optional reading. "We don't force anyone to read anything. There's no requirement," he said. Reported in: *Lynn Evening Item*, October 5.

### **West Branch, Michigan**

A local substitute teacher has demanded the removal of a book from the middle school curriculum. Pam Kline, who works part-time as a substitute in the West Branch-Rose City district, approached the school board September 18 requesting action on a book used as assigned reading for an eighth grade English class.

*From Myth to Science* discusses occult beliefs, which Kline said do not belong in the school. "In my opinion, it's garbage," she said. "It's allowing kids to participate in something that's unhealthy." Kline said her daughter was assigned the book but would not read it. Reported in: *Ogemaw County Herald*, September 21.

### **New Ipswich, New Hampshire**

Approximately forty Mascenic Regional High School students — a tenth of the student body — were suspended from classes on September 29 after they took part in a protest on behalf of an English teacher fired days before for refusing to remove books about gays and lesbians from her classroom. After months of controversy (see *Newsletter*, September 1995, p. 166), the Mascenic Regional School Board voted unanimously September 25 to dismiss Penny Culliton for "willful insubordination."

The school board ruled that Culliton "deliberately" disobeyed orders last spring not to distribute *Maurice*, by E.M. Forster, *The Education of Harriet Hatfield*, by May Sarton, and *The Drowning of Stephan Jones*, by Bette Greene, to her eleventh and twelfth grade students.

"Ms. Culliton intentionally engaged students, during class time, in a tacit, if not overt, protest of the principal's proper directive that she collect the books from students," read the decision. Culliton, however, backed by the state's largest teacher union, disagreed. "None of this has anything to do with my teaching," she said. "It has to do with intolerance and other people's insecurities when a group they are used to looking at as being inferior to themselves asks to be regarded on an equal plane. All along I've tried to do what's best for my students."

Dennis Murphy, lobbyist for the National Education Association, predicted the decision would be overturned

by arbitration on appeal because the punishment did not match the infraction. "If it were any other subject matter," he said, "Penny would not have been dismissed."

Students agreed. On September 27, about eighty students walked out of class, but forty returned when administrators said they would not be reprimanded and that they would discuss Culliton's firing at a later date. Those who remained outside were suspended for a day. A large banner reading "Support Miss Culliton. Fight Censorship" was held up by students in front of the school.

"Yes, she was insubordinate and should have been punished but not fired," commented student Jon Vincent. "That's going too far. This school doesn't have that many good teachers. She's one of them."

Some parents came to support the students and Culliton. "My mom came and she was crying and said 'I'm proud of you for doing this,'" said Marissa Steinberg. Another mother, Cindy Ouellette, said she received a call from school officials asking her to pick up her demonstrating son. Instead, she said, "I brought my other son and we came to join him."

Lori Malboeuf, one of the three students who organized the protest with a telephone campaign, said she was glad the students had a chance to get their message across. "At least we made our opinions known that we're not happy with the school board." Malboeuf's father was also in attendance in his official capacity of police chief. However, he said he supported the protest. "They have beliefs, and they're young adults and they should be able to express them," he said. Reported in: *Boston Globe*, September 27, 29; *Bay Windows*, September 28; *Focus Point*, October 11.

### **Bedford, New York**

What began as a two-woman battle against an occasionally gruesome card game, "Magic: The Gathering," flared into a crusade against the entire curriculum of the Bedford schools — and by default, the similar lesson plans of other districts in Westchester County. The battle in Bedford grew so heated it drew more than 300 people in September to a forum warning against occult and "New Age" influences in the schools.

Mary Ann DiBari and Cecile DiNozzi, founders of the Association Against the Seduction of Children, flew in seven occult "experts" from around the country to plead their case. The forum angered numerous parents, students and educators, who called the claims absurdities whipped up by a handful of ultra-conservatives. Nevertheless, the attack has had a chilling effect, with teachers questioning everything from Halloween parties to classic books.

"There is a real level of community concern about this. People feel the system has been attacked in an unwarranted and unfair way," said Superintendent Bruce Dennis.

Many of DiBari's and DiNozzi's complaints appear extreme and many are clouded by conflicting accounts of controversial events. Their many accusations fall largely along two main lines: classroom activities encourage the practice of Eastern religious and occult dabbling, and assignments are focusing on personal and psychological issues at the expense of a solid education.

The two began their campaign with objections to the fantasy card game, "Magic: The Gathering," which was played informally last year before school and in an after-school enrichment program at Fox Lane Middle School. Educators saw the game as a way to encourage mathematic skills. Opponents called it Satanic.

DiBari and DiNozzi pointed to a card titled "holy strength" with a flaming pentagram in the background, which the card makers have since withdrawn. There are several "circle of protection" cards, along with "psychic venom," "grave robbers" and "demonic consultation." Satanism is a religion, the women claim, and allowing the cards in school violates the law by encouraging a religion. "I don't want any religion in the schools," DiBari said.

The pair's other accusations include:

- Schools should not have played folk songs by Annie and the Natural Wonder Band, a regionally popular educational songwriting duo, at an Earth Day celebration. They charged that the band's lyrics celebrating the forces of nature and animals are pagan. "You can be New Age all you like, but don't teach my child a New Age song without my permission," DiBari said.

- The Association Against the Seduction of Children charged that a sixth-grade "decision-making curriculum" developed by Yale University inappropriately teaches meditation.

- Forum speakers said a teacher taught pupils to make idols of the Hindu elephant-headed god Ganeshe, telling them to pray to the statues and not tell their parents. Teacher Jackie Reizes called the complaint a distortion of her unit two years ago on the culture of India. She said pupils made paper cutouts of elephants and were told some people in India pray to the god.

School officials said that in reaction to the controversy many teachers have asked whether they could continue with lesson plans. Questions have included assignment of a Newberry Award-winning book that mentioned the Bible and different cultures; writing assignments that could be seen as personal; and whether classes could have Halloween parties. Reported in: *White Plains Reporter-Dispatch*, October 20.

#### **Fort Plain, New York**

The mothers of two sixth-graders told the Board of Education October 4 they were dismayed about books

their children are reading in school. Tricia McVeigh and Luann Thibodeau told board members there was a "common theme" in three books read to students by English teacher Vic Sgambato, as well as a book titled *Ice Man* that Thibodeau's son brought home from the school library. Thibodeau said there was profanity in *Ice Man* and in one chapter a young character mentions that he saw his father naked.

Thibodeau also said the book *Are You There God, It's Me, Margaret*, by Judy Blume, which she remembered as a self-esteem booster when she read it in ninth grade, mentions menstruation, a topic her son told her made him feel uncomfortable in class. And in *Dear Bill, Remember Me*, by Norma Fox Mazer, two teen characters make love on a couch, she said. Reported in: *Amsterdam Recorder*, October 5.

#### **Plattsburgh, New York**

Eleven-year-old Michele Rene Adams chose a book from her English class's shelf for a book report, but before she finished the first chapter she knew her parents wouldn't approve. By page eight of *Jumper*, by Steven Gould, the 17-year-old main character, who is fleeing an abusive father and accepts a ride with a trucker, barely escapes being sodomized by four men. The scene is described in graphic detail until the lad escapes through teleportation powers.

The fantastic tale then continues with the boy using his teleporting ability to steal money from a bank vault, seek revenge on his mother's killer, and transport to Hawaii with his girlfriend.

"I read it, and I was totally shocked," said Michele's father, Michael Adams. "It was nothing that an 11-year-old or anyone else in the school system should be reading. I don't know, but my daughter could be permanently damaged by this. I would like to make sure something like this doesn't happen again."

Adams and school board member Susan Crawford called for a curriculum committee to review all books available for class assignments in the district. Committee members would read books in search of vulgarity, sex, and excessive violence. "We should be able to eliminate intellectual garbage as well as [nutritional] garbage from students' education," Crawford said.

Superintendent John Gratto said establishing a committee could be constricting because it projects the values of a small group on the entire district. "I agreed with Mike Adams. I wouldn't want my daughter to read the book either, but that's because we might have similar values," Gratto said. "But I wouldn't want to impose my values on anyone else."

*Jumper* was purchased by the English Department as part of a package of young adult fiction. It was on ALA's list of "Best Books for Young Adults" between 12 and 18. School librarian Jim Reh checked reviews of the book

after the controversy arose. He found seven, including one from the *New York Times Book Review*, but only one mentioned the sexual assault.

Gratto said the school system would "scrutinize books more carefully in the future," but said he could not be specific until he and the board decided what action to take. Administrators did say, however, that letters would be sent home with each student explaining that a wide variety of books are available in the schools and that concerned parents should review their children's choices. Crawford and Adams, however, said the responsibility should lie with administrators and the school board. Reported in: *Plattsburgh Press-Republican*, October 18.

#### **Covington, Ohio**

When tenth-grade English students were given an assignment in early September that teacher Karen Brackman called a "Devil's Contract," parent Peggy Lantz, supported by the Christian Life Coalition, protested. According to Lantz, the assignment was based on an article in the *National Enquirer*, which said three of five Americans would sell their soul to the devil for twenty dollars.

Melody Morris, Executive Director of Christian Life Coalition, met with principal Robert Huelsman, who said the assignment was an "honest mistake." She said she asked Huelsman if the situation were reversed and it had been a contract with God or Jesus Christ would that have been allowed.

Covington Superintendent Robert VanOsdol said the interpretation of the assignment by the coalition was "regrettable."

"The writing assignment was a piece of fiction," he said. "No student at any grade level is being coerced to sign any kind of authentic, binding contract with anybody, real or fictional." Reported in: *Piqua Daily Call*, September 19.

#### **Astoria, Oregon**

An Astoria parent said a novel read to fifth-graders at Astor Elementary School last spring promotes intolerance toward Christians and should be removed. Melinda Leshner and her husband, Robert, filed a complaint with the school district against *The Education of Little Tree*, by Forrest Carter. They said the book included profanity, mentioned sex and portrayed Christians as "liars, cheats and child molesters."

Ms. Leshner said it really didn't matter to her that the teacher read only sections of the book, leaving out words and portions that weren't appropriate for the age level. That, she said, only made it more difficult for her to establish exactly what her daughter was hearing in class.

The book cropped up again this past fall when the Leshners' son was assigned to read it in the ninth grade.

The Leshners asked that he be excused from the assignment. Their request for the removal of the book from elementary school was to be heard by a review committee.

"I just feel that there are lots of other books out there that aren't as questionable," Melinda Leshner said. "It's not like we don't have a lot to choose from." Reported in: *Daily Astorian*, October 25.

#### **Palmyra, Pennsylvania**

*Run, Shelly, Run* has been chased from a Palmyra middle school classroom into the high school library. The book about a teenage girl's life on the streets of New York, drew objections last March from the parents of a middle school student. They disliked some of its language and the portrayal of incidents involving nudity, lesbianism and prostitution.

The book was on a classroom reading shelf from which students could make selections. It was not used as a classroom text and the district possessed but one copy. In October, a review committee recommended that it be limited to high school readers. Reported in: *Lebanon Daily News*, October 5.

#### **State College, Pennsylvania**

Heated words were exchanged during a September 25 school board meeting as concerned parents and residents debated Park Forest Middle School's decision to cancel a planned student bus trip to see the AIDS quilt. One speaker called the cancellation "a tragic mistake" and rebuked the administration for making a decision based on phone calls from select parents who didn't constitute a majority.

"Some parents were concerned," explained Superintendent William Opdenhoff. "We tried to analyze and do what was right by parents and educators."

The bus trip for about 115 students was canceled September 22 after parents complained, but the issue began with an AIDS presentation to seventh and eighth graders earlier in the week. More than thirty parents phoned the school after learning about a presentation given by Sally Maud Robertson of the AIDS Project, which contained an answer to a student's question that provided more details about the physical aspects of transmission of the AIDS virus than the administration thought necessary or the curriculum specified.

This, school officials said, was the main issue that provoked parental criticism and led to the trip's cancellation. "This issue has nothing to do with the AIDS quilt," said a concerned parent, but rather that "we are exposing 12- and 13-year-olds to highly graphic, sexual material in a lecture."

"I apologize for any misunderstanding between myself and the staff," Robertson later said. She said she was not aware of the district's curriculum restrictions. But,

she added, the public was misinformed about the incident. Reports said her answer had to be interrupted by an anxious school official, but Robertson said she moved on to the topic abstinence, herself.

At the next school board meeting, board member Louis Glantz said teachers had expressed fear of approaching the subject of AIDS because of the incident. "I think we've allowed ourselves to be manipulated by a minority of parents," he said. Reported in: *Centre Daily Times*, September 26, October 10.

#### **University Park, Pennsylvania**

Special performances for high school students of William Shakespeare's *Measure for Measure* were canceled in October after a Philipsburg-Osceola Area School District administrator said she thought the play was too risqué for young audiences. The presenting organization, Pennsylvania State University's Resident Theatre Company, responded to the cancellation by offering to admit for free parents who attend the play with teenagers.

A school administrator saw a dress rehearsal of the play and decided its sexual themes were "neither age-appropriate nor curriculum-appropriate," said Jennene Lundy, director of the arts in education program for an interdistrict program that was sponsoring the trip. "She felt that young minds might come away missing the point and remembering only the sexuality," Lundy said. When the approximately two hundred Philipsburg-Osceola students were withdrawn the program decided to cancel the two performances for all schools.

"I can understand that board of education members and school administrators feel the pressure of close scrutiny," said Dan Carter, head of the university's theater department, "but I think this decision is an unfortunate one that bodes ill." Reported in: *Centre Daily Times*, October 24; *Daily Collegian*, October 27.

#### **Fairfax, Virginia**

The Fairfax County School Board voted November 16 to ban a sex education video that critics said painted minorities in a poor light and presented questionable medical information. By a 9-2 vote, the board reversed an earlier decision that allowed teachers to decide whether to show *Sex, Lies, and the Truth* to their ninth grade sex education students.

School Board member Ralph Miles and a group of minority parents objected to the portrayal of a black teenage mother, who giggles as she tells an interviewer she is a single mother and her boyfriend is in prison, and a Hispanic youth who displays a cavalier attitude about sexual health.

"The biggest concern is that it's set in a carnival-like atmosphere," said parent Joyce Parkin. "It is sleazy and seamy and gives the impression that sex is a dirty, dark and dangerous thing."

Elodie Murray, a black mother with a child in eleventh grade, said she didn't find the video racially offensive. "The three young girls talking is in no way critical of African-Americans," she said. "It shows a girl showing the millstone effect on her life of choosing to ignore sexual abstinence."

The video was produced by the conservative Christian group Focus on the Family. It became almost a battle cry for some conservative candidates in the November school board election. However, one conservative who won election said she doubted the new board would reverse the decision against the video. Reported in: *Washington Times*, November 17.

#### **Rockingham County, Virginia**

When author Ferrol Sams was told that the Rockingham County School Board had voted 4-1 September 14 to retain his book, *Run With the Horsemen*, but only for seniors in advanced placement English classes, he said, "I think that's good. I only wrote it for people who can read." But hardly anyone else was satisfied.

Aline Poythess, the parent who first protested the book (see *Newsletter*, November 1995, p. 188) said she would not rest until the book was completely out of the school. On September 27, her husband asked the county Board of Supervisors to enter the conflict but was told it was out of their jurisdiction.

From the other side, many Spotswood High School students objected to the board's restriction of the book. They pointed out that there was no room in the advanced placement curriculum for the book, which uses an assigned list of classics. Sams's book was one of approximately five hundred titles in the classroom paperback library from which the other, non-AP students select most of their reading. It may not be returned to those shelves.

Student Council Association president Jeremy Aldrich said he would protest the decision. Students began a petition demanding that the book be available to all students. "Most students feel this was an attack on their maturity and on their intelligence," Aldrich said. To have a book that one group of students may read "not even be allowed in the library for voluntary reading is unheard of," he said. Reported in: *Daily News-Record*, September 21; *Daily News Leader*, September 28.

## **student press**

#### **Diamond Bar, California**

Printing a satirical cartoon in Diamond Bar High School's student newspaper of Mark Fuhrman nearly uttering a racial slur was the right thing to do at the time, said teacher Joe Moran. "I did what I thought was appropriate," he said October 9. The drawing was intend-

ed as satire and was "anti-racist and anti-Fuhrman." If he had it to do over again, however, the former adviser to *The Bull's Eye* would have decided differently. The uproar caused by the cartoon cost him his job.

The editorial cartoon depicting Fuhrman as a mayoral candidate was published September 22. It drew protests from African-American students and parents throughout the Walnut Valley Unified School District. It pictured Fuhrman saying, "I should be mayor because I know how to deal with the nigg . . . uh . . . I mean, I can help minorities."

Three days later, African-American parents and community leaders called for Moran's dismissal. They said the cartoon was the "final insult" in what they perceived as an atmosphere of racism on the Diamond Bar campus. Moran, an English and journalism teacher, resigned as adviser September 28. He had held the job nine years. He will remain a teacher.

He noted, however, that even if he had wanted to kill the cartoon, "I don't know whether legally I could have told students not to print it."

Gwen Copeland, president of the Council of African-American Parents, a district group that led the protest, said the movement was not intended as a personal attack against Moran. However, he had to be held accountable for his students' work, she said. "Someone had to pay."

In three of the past four years, the paper's staff placed first in a newswriting contest sponsored by the Southern California Journalism Education Association. Moran was "the one who brought our paper up from what some people called fluff," editorial page editor Heeyon Chang said. "We don't want to see the backbone of that — Mr. Moran — go." Reported in: *San Gabriel Valley Tribune*, October 10.

#### **Fort Lauderdale, Florida**

Florida Atlantic University's student *Free Press* was late in mid-October after campus officials held the paper from the presses. FAU officials delayed the student newspaper's publication October 19 saying that a story questioning university security hiring practices in connection with the history of one officer needed legal review.

The university pulled the story because of concerns about possible lawsuits, but later told the students they could publish. However, the university said the students would be solely legally responsible for the paper's contents.

FAU officials said they were not trying to censor the paper, but to inform student editors of their potential liabilities. But student news editor Lycia Naff, who wrote the story, thought the university violated her First Amendment rights. "You can't stop a paper from running because you don't like the article," she said. Reported in: *Fort Lauderdale Sun-Sentinel*, October 23.

#### **New York, New York**

Some Columbia University students were seething over a controversial column printed in the *Columbia Daily Spectator* October 12. The newspaper was inundated with letters to the editor since it printed the column by a black student that referred to Jews as "leeches sucking the blood from the black community" and criticized whites in general. Board members of Columbia's Jewish Student Union said they were considering filing a grievance with the university.

Jewish Student Union Vice President Noah Leibowitz said the group was organizing a petition against the column. He said they were also considering sending copies of the column to the *Spectator's* advertisers and would request an official apology from the newspaper. Leibowitz said the newspaper could have created "an atmosphere of tolerance" by refusing to print the column.

But *Spectator* editorial page editor Scott MacKenzie said he would not apologize. "For me, the question was not why print it, but why not," he said. "I just have a problem with not printing something because it is going to be sensitive to a certain group on campus."

Sharod Baker, president of Columbia's Black Student Organization and a regular *Spectator* columnist, said he stood by his words in the column. "Lift up the yarmulke and what you will find is the blood of billions of Africans weighing on their heads," he said.

Some Columbia students said responding to the article only lended credibility to it. "You shouldn't give respect to people like that," said Ariel Friedman. "Taking it seriously is the worst thing you could do." Friedman wrote a column the day after Baker's that focused on other people's reactions to Baker's piece, rather than attempting "to reason with him."

Friedman said he believed in Baker's right to free speech, adding that there should be no "official" response to the column. Reported in: *Daily Pennsylvanian*, October 20.

#### **Greensboro, North Carolina**

For the second time in less than two years, the University of North Carolina at Greensboro student newspaper, *The Carolinian*, generated intense controversy and drew the ire of readers after printing material that many students characterized as racist. In 1994, it was an inflammatory letter, with a forged, typewritten name at the bottom, that called the late Martin Luther King, Jr., a "rabble rouser" who "prompted riots and massacres." This year, it was a cartoon that many readers believed showed a young white man thinking about ramming his fist through the midsection of a young black man who has his arm around a young white woman.

Editor Jeff Whitlow said he was wrong when he approved the cartoon, which appeared September 8,

prompting numerous letters, phone calls and visits to the newspaper's campus office by angry readers. Whitlow insisted, however, that neither he nor anyone else at the paper, including the artist who drew the cartoon, had any idea that anyone would be offended by it. "I didn't see anything racial about it either," he said. "The cartoon was intended to depict jealousy and nothing else."

In an unsigned one-paragraph statement published September 12, the artist apologized for "any mixed messages or confusion" caused by the cartoon. He said the figure many people took as a black man was meant to be "another young white man with a crew cut." Reported in: *Greensboro News & Record*, September 18.

## universities

### Tuscaloosa, Alabama

An award-winning artist has accused University of Alabama officials of censoring one of his sculptures by tossing a white sheet over and then removing to storage a figure that has both male and female sexual features.

The sculpture by artist Boll Cawley had been approved by a student committee for display on the basis of a slide submitted. But committee members said the figure in the slide had only female features. The student committee wanted to move the figure out of the gallery, but didn't have a place to store it and didn't want the artwork damaged, so they covered it with a white cloth. A notice placed at the base of the sculpture said it had been deemed "inappropriate for viewing."

"After further consideration and upon finding a suitable storage area, the piece was removed from the gallery and is in the process of being returned to the artist," said University Programs President Brian Jackson.

Sonya Rieger, director of the University of Alabama at Birmingham Arts Department, described Cawley as "one of our outstanding students who has won national and regional awards for his works. He had a pretty distinguished record as a student here." Reported in: *Montgomery Advertiser*, September 26, 28.

### Ann Arbor, Michigan

After what she called an act of "censorship" by the University of Michigan Art School, art student Stephanie Sailor dismantled her project October 2, saying it had been altered by the presence of barriers in front of it. Sailor's exhibit, which included "pornographic images showing women with cum on their faces," was hanging in the Street Gallery in the Art School, partially blocked by barriers put there by Art School Dean Allen Samuels.

Samuels said the barriers offered a choice to the public should they not want to see the sexually explicit art in

a public place. "Let me make it clear: we do not censor in the Art School," Dean Samuels said. "This exhibit is not in a gallery, it is in a main corridor that is a public way to get to the main gallery. We have small children literally walking hand-in-hand past here every day, and I think that it would be inappropriate to subject them to something that they probably shouldn't see."

But Sailor charged censorship. "I took it down because from an artistic point of view my work had been altered by the barriers," she said. "The barriers caused too much attention to be focused on one aspect of the work — the sexually explicit images. The important issues, that of sexual exploitation and the abuse of animals, were being overlooked and the exhibit was being treated as a peep show." Reported in: *Michigan Daily*, September 28, October 3.

## advertising

### New York, New York

Calvin Klein got back on the wrong side of underwear with a new advertising campaign featuring a well-muscled young man clad only in briefs, his legs spread wide. "This is nothing more than pornography," said Donald Wildmon, head of the American Family Association. He said October 31 that his organization would ask for a boycott of Klein products. The advertisement appeared on the back covers of the November *Esquire* and December *Playboy*.

In August, a firestorm of criticism from Wildmon and other groups forced Klein to cancel a jeans campaign that featured unknown models, some as young as 15, in provocative poses and settings. The Justice Department has been investigating whether the advertisements broke child pornography laws. Reported in: *Hartford Courant*, November 1.

## foreign

### Frankfurt, Germany

Renowned Turkish author Yasar Kemal said October 11 he had not been able to write since he was charged under his country's controversial anti-terror law. Turkey's most famous writer faces up to three years in jail after being accused of "provoking hatred" with an article he wrote in the German magazine *Der Spiegel* about Turkey's military campaign against separatist Kurds.

Speaking to reporters at the world's biggest book fair in Frankfurt, Kemal said, "I have not written in ten months. Because of all the letters, faxes, and business with the lawyers, I have no time."

In September, a Turkish court agreed to try him on

a charge of "provoking hatred," instead of a controversial charge of "separatist propaganda." Reported in: *Reuters*, October 11.

#### **Bergen, Norway**

Municipal authorities in Bergen, Norway's second-largest city, banned the showing of all French films in protest against France's nuclear testings in the Pacific. The first casualty of the ban was Zhang Yimou's French-Chinese coproduction *Shanghai Triad*, which was to open October 14. Reported in: *Hollywood Reporter*, October 24.

#### **Colombo, Sri Lanka**

The Sri Lankan government exempted foreign news organizations September 25 from the harsh censorship rules imposed on reporting the country's twelve-year civil war. But the censorship, imposed the previous week, will continue for local journalists. The Foreign Media Journalists Organization had appealed to the government to lift censorship, saying that it was "grossly unfair to censor reports of the conflict, which was a concern the world over."

The government said censorship was needed because certain newspapers and radio and television stations had supplied military-related news in an "irresponsible manner, threatening the security of the state and the people." Reported in: *Hartford Courant*, September 26. □

## **Showgirls not shown**

The controversial NC-17-rated movie *Showgirls*, about a Las Vegas "lap dancer" who wants to become a showgirl, was banned at a number of movie theaters across the country, sometimes under pressure.

- In Alabama, the film could not find a theater in the entire northern half of the state. Theaters in Huntsville, Decatur, Albertville, Scottsboro, and Fayetteville, Tennessee, all refused to show the movie. North Alabamans had to drive out of state or to the South Alabama town of Enterprise to see the film — at least that was the case until Clark Cinemas in Enterprise bowed to a boycott threat by more than fifteen church leaders, and closed the picture.

- In Camarillo, California, the City Council on October 11 considered a request by a local cable television political commentator to protest the decision of Edwards Theatres to show the movie at its Camarillo multiplex. In Thousand Oaks, California, council members wrote a protest to Mann Theatres for playing *Showgirls* at its theater in that city.

- In Temecula, California, the SoCal Temeku Cinemas pulled the film after two weeks after a dozen people picketed the movie. Theater owner Bruce Sanborn called the early closing a compromise. He said protesters should have praised MGM for allowing the NC-17 rating to remain with *Showgirls* because it protects children from seeing the movie.

- In Mississippi, the United Artists chain pulled the movie from theaters in Ridgeland, Hattiesburg, Columbus and Flowood after protests from residents. In Greenville, a group of parents collected 206 signatures on a petition demanding the movie's removal from the Plaza Theatre.

- In Springfield, Ohio, the Chakeres Cinema 7 pulled the film when Clark County Sheriff Gene Kelly called Michael Chakeres, president of the theatre, after receiving 22 complaints from residents. Theater Vice President Philip Chakeres said the movie was pulled on its second day because of declining sales and rising security costs.

- In Yakima, Washington, Mike Mercy, owner of all three of the city's indoor movie theaters, pulled the film September 21, just one day before its scheduled premiere. Earlier in the day, he had been confronted by three religious activists who opposed the film and threatened a boycott. Mercy also yanked the film from his theater in East Wenatchee.

- Several newspapers refused to run ads for the movie, usually on the basis of standing policies against advertising NC-17 or X-rated films. In Salt Lake City, Utah, the film opened in five theaters but the *Deseret News* would not advertise it nor list its starting times. The *Fort Worth Star-Telegram* and the *Daily Oklahoman* were other major newspapers that would not run *Showgirls* ads. Reported in: *Huntsville Times*, September 20; *Thousand Oaks Star*, October 10; *Riverside Press-Enterprise*, October 5; *Jackson Clarion-Ledger*, September 27, 30; *St. Petersburg Times*, October 7; *Springfield News-Sun*, September 29; *Denver Post*, October 1; *Yakima Herald-Republic*, September 22; *Wenatchee World*, September 22. □

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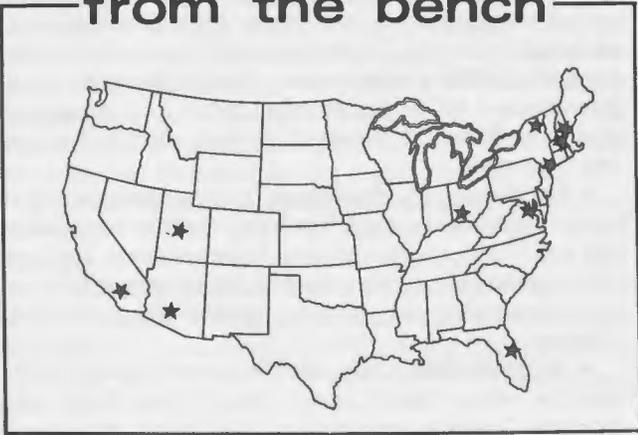
#### **films and videos**

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## from the bench



### U.S. Supreme Court

As its 1995-96 term began October 2, the Supreme Court cast aside two challenges to federal limits on abortion clinic protests. Giving a big victory to abortion rights advocates, the court let stand rulings that the federal Freedom of Access to Clinic Entrances Act does not infringe on anyone's freedom of expression or religion. The law makes it a crime for anyone to block, hinder or intimidate someone who seeks to enter a clinic.

Although the action was not a ruling — and, therefore, not necessarily the definitive word on the law's validity — it was a key setback for antiabortion activists. The justices let stand a ruling that a 36-foot buffer zone around a Melbourne, Florida, abortion clinic did not violate a protester's free speech rights. The court also turned back a challenge by abortion opponents contending the federal access act is unconstitutional. Lower courts had ruled in a case from Virginia that Congress, in passing the access law, had acted within its authority to regulate interstate commerce.

Last June, the Supreme Court had rejected a challenge to the act by the Concerned Women for America, but that challenge had not raised the interstate commerce issue. Reported in: *Tampa Tribune*, October 3.

At a time when indecency is a hot topic in Congressional legislation and the nascent presidential campaigns, the Supreme Court agreed November 13 to decide the constitutionality of restrictions on indecent cable television programs.

The court said it would hear a free speech challenge to a 1992 law, spearheaded by Sen. Jesse Helms (R-NC), that allows cable operators to prohibit indecent programs on channels leased to independent and local programmers. The Justice Department, defending the regulation, told the court that Helms and other lawmakers wanted to protect children from the harmful effects of indecent television programming.

But a group of cable programmers, media organizations and civil libertarians argues that the regulation's vague terms will lead to "arbitrary enforcement" and the loss of "important and valuable programming . . . simply because it may have some sexual content or vulgar words."

The regulation, which has never taken effect because of lawsuits, covers only "leased access" channels, carrying shows by independent programmers, and "public access" channels, set aside for the public and local education and government groups.

Part of the Cable Television Consumer Protection and Competition Act of 1992, the regulation allows cable operators to ban programming "that the cable operator reasonably believes describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards." If a cable company permits indecent leased-access programming, it must be segregated on a blocked channel and blocked out until the subscriber requests it in writing.

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit had struck down most of the regulation as a violation of free speech, but last June the full appeals court reversed the panel (see *Newsletter*, November 1995, p. 191). By a 7-4 vote, the court said the regulation simply allows, rather than "commands," private cable companies to ban indecent programming. As such, the court said, the regulation is not "state action" to which the First Amendment applies.

A ruling in the case could be important beyond cable television, as Congress debates restrictions on indecency in computer on-line services. The combined cases are *Denver Area Educational Telecommunications Consortium v. Federal Communications Commission* and *Alliance for Community Media v. Federal Communications Commission*. Reported in: *Washington Post*, November 14.

A Florida city's stringent controls on the appearance of newspaper vending machines on public sidewalks survived a free speech challenge in the Supreme Court October 16. The court let stand a ruling that Coral Gables's uniformity-of-appearance regulations are a valid attempt to advance the city's aesthetic goals.

Attorneys for two newspapers had urged the court to use the case to clarify communities' power to regulate the

use of newsracks. The U.S. Court of Appeals for the Eleventh Circuit had said the ordinance represented a valid regulation of commercial speech. Reported in: *Washington Times*, October 17.

## church and state

### San Diego, California

A public high school's lunch break is "noninstructional time" within the meaning of the federal Equal Access Act (EAA), the U.S. Court of Appeals for the Ninth Circuit held September 28. Accordingly, a student religious club at a San Diego school must be allowed to meet on the same basis as other student groups during that time.

Under the EAA, a public secondary school that receives federal financial assistance and creates a "limited open forum" by allowing students to meet during "noninstructional time" may not deny equal access to students on the basis of the religious, political, or other content of the speech at their meeting.

The school has the option of disallowing all student groups from meeting during lunch period, the court noted. But under the EAA, the school must accord the religious club the same access to meeting time and space that is given to other non-curriculum groups at lunch.

The court also rejected the argument that allowing religious groups to meet during lunch would violate the Establishment Clause. A school that allows equal access to a religious club reflects a policy of neutrality, not the kind of endorsement that the U.S. Supreme Court has found to be prohibited under the First Amendment, it said. Reported in: *U.S. Law Week*, October 10.

### Airmont, New York

A federal appeals court has found that a town north of New York City discriminated against Orthodox Jews through zoning laws that prohibit prayer services in rabbis' homes. The U.S. Court of Appeals for the Second Circuit ruled September 21 that a lower court erred in throwing out a jury verdict against the Village of Airmont and wrongfully dismissed the federal government's discrimination lawsuit against the Rockland County village. Reported in: *Orlando Sentinel*, September 23.

### Salt Lake City, Utah

A U.S. district court judge in Utah has dismissed a lawsuit brought by a Jewish student at a Salt Lake City public high school who said her choir teacher compelled students to sing primarily Christian songs and perform in churches, and berated those who objected. The case of Rachel Bauchman has agitated both promoters of school prayer and defenders of separation of church and state.

In his September 13 decision, U.S. District Court Judge J. Thomas Greene rejected the arguments of Bauchman's attorneys that West High School choir's repertoire of Christian songs and devotionals constituted "sung prayers," violating the First Amendment's prohibition against government endorsement of religion.

The songs didn't violate the Establishment Clause for several reasons, Greene wrote. First, singing religious songs isn't an explicit religious exercise. "Music has a purpose in education beyond the mere words or notes in conveying a feeling or mood, teaching culture and history, and broadening understanding of art." Second, the music curriculum's primary purpose is not to promote religion, but to teach musical appreciation and broaden the students' awareness of culture and diversity.

Finally, excessive entanglement by the state with religion does not necessarily result. "Any selection of choral music for use by a public school will inevitably entail some involvement with religion due to the nature of choral music."

The court also decided that there was no violation of the Free Exercise Clause or the Religious Freedom Restoration Act because the student was not compelled to participate; the school's compromise adequately protected her rights. The compromise was that Bauchman could refrain from singing in the Christmas concerts and still receive an "A" grade in the class.

The lawsuit alleged, however, that the choir director proselytized by encouraging his students to pray before performances, talk about Jesus on class trips, and sing pop Christian tunes. Bauchman's attorney, Andrew Hruska, said the judge failed to see that the choir director had crossed Constitutional boundaries by promoting religion in his class. He said there was clear grounds for appeal. Reported in: *Fort Lauderdale Sun-Sentinel*, September 17; *U.S. Law Week*, October 3.

## schools

### Nassau County, New York

A federal magistrate has determined that Nassau County violated the free speech provision of the Constitution when it passed a law making it a crime to sell to minors trading cards depicting serial killers, mass murderers, and other "heinous criminals."

Calling the three-year-old law an "unconstitutional restriction on the distribution of free speech and ideas," Magistrate Michael L. Orenstein held that the ordinance was too broad and had been adopted without "credible or empirical evidence" that the cards "cause juvenile crime or impair moral and ethical development." The law was challenged by a California company that produced the cards and the ACLU.

In his finding, Orenstein held that "a card which would

depict and tell the story of Cain slaying Abel comes within the law's purview, as does a card which would depict the Holocaust." Reported in: *New York Times*, October 17.

## prior restraint

### Cincinnati, Ohio

Legal experts say they expect a higher court to overturn a federal judge's order blocking publication of a *Business Week* story about a dispute between Procter & Gamble Co. and Bankers Trust Co. The restraining order issued September 13 by U.S. District Court Judge John Feikens was "clearly an example of prior restraint," said Richard A. Schmidt, attorney for the American Society of Newspaper Editors.

Feikens barred the magazine and its publisher, McGraw Hill Co., from disclosing documents sealed in the legal battle between Procter & Gamble and Bankers Trust. Lawyers for McGraw Hill, however, said the documents were obtained legally through sources. The magazine asked the U.S. Court of Appeals for the Sixth Circuit for an immediate hearing. Reported in: *Dayton Daily News*, September 16.

## English-only

### Phoenix, Arizona

An Arizona constitutional provision that bars state and local employees from using any language other than English in performing official duties violates free speech rights and is unconstitutionally overbroad, the en banc U.S. Court of Appeals for the Ninth Circuit held October 3.

Although the state may, in the interest of efficient government operations, restrict public employees' speech, that authority diminishes when the employee speaks on matters of public concern. Information about government services is a matter of public import, the court said. By limiting the way in which public employees are able to address the public, the Arizona measure interferes with free access to information by the state's non-English speaking population. A rule that leaves public employees "mute" when non-English speakers seek their help is hardly conducive to effective government, the court said.

The court also found the English-only rule unjustified by the state's asserted interests in protecting democracy through unity, encouraging a common language, and protecting public confidence. However praiseworthy these goals may be, they cannot sustain the coercion at issue, the court said. The U.S. Supreme Court struck down at least two comparable state attempts to restrict language during the 1920s, it noted. Reported in: *U.S. Law Week*, October 17.

## nudity

### St. Augustine, Florida

The U.S. Court of Appeals for the Eleventh Circuit in October upheld St. Johns County's anti-nudity ordinance, which has a 346-word definition of buttocks and a 69-word definition of breasts. A lawyer for Cafe Erotic in St. Augustine said they might take the case to the U.S. Supreme Court. He also said parts of the ordinance, such as prohibiting nudity at beaches, probably should stand, but not the part aimed "at barring free expression at my client's restaurant." Reported in: *Atlanta Journal*, October 14. □

## computer porn: Jake Baker and the law

In early February, 1995, a University of Michigan student named Jake Baker was arrested and held without bail for publishing a sexually violent piece of fiction on an Internet newsgroup. At the time, the cause of arrest seemed to be an unfortunate choice in naming the story's victim — giving her the name of a student in one of Baker's classes. While many wondered how anyone could even be arrested and held on charges of simply, like many others, writing a gross and tasteless story, Baker spent 29 days in jail. Not surprisingly, the government soon abandoned prosecution based on the story, focusing instead on Baker's private e-mail exchanges with a person named Gonda. Finally, on June 21, 1995, a U.S. District Court judge dismissed the indictment against Baker, ruling not surprisingly that the First Amendment barred his prosecution. The Court commented that the justification for Baker's arrest seemed far-fetched, and expressed doubt as to whether his prosecution resulted from good judgement.

What were the facts behind this highly publicized case? The District Court ruling is instructive.

Between November 29, 1994, and January 25, 1995, Baker exchanged e-mail messages with Arthur Gonda. Baker was living in Ann Arbor, Michigan. Gonda, whose identity and location remain unknown, sent and received mail through a computer in Ontario, Canada. The correspondence between them expressed "a sexual interest in violence against women and girls."

On February 9, 1995, Baker was arrested on a criminal complaint based on a story he posted to a Usenet group titled "alt.sex.stories" and sent directly via e-mail to Gonda. The story posted to the Internet "graphically described the torture, rape, and murder of a woman who was given the name of a classmate of Baker's."

Baker was detained overnight and brought before a magistrate, who ordered him held as a danger to the community. A federal judge affirmed the detention the following day. On March 8, a psychological evaluation was ordered. Received on March 10, the evaluation concluded that Baker posed no threat. He was released that day.

Notably, a report by the University of Michigan stated that a January 20 psychological evaluation concluded that Baker did not display any risk factors for potential violence. Another evaluation on February 7 concluded there was "no evidence that [he] is a danger to himself or others." Two days later, on the same day as his arrest, a further psychological evaluation reported that Baker "presented no clear and present danger to [the student whose name he had used in the story] or anyone."

"Why Baker was arrested and taken into custody on February 9, 1995, is inexplicable," wrote U.S. District Court Judge Avery Cohen. "The government indicated in its supplemental brief that Baker's arrest was justified as preventing 'Jake Baker and other like-minded individuals from acting on their violent impulses and desires.' In light of the information available at the time of Baker's arrest, this justification seems farfetched."

In March, the government charged Baker and Gonda with a superseding indictment that did not even mention the original story for which Baker was first arrested. The indictment charged Baker with five counts of violating 18 U.S.C. Section 875(c), which forbids communication in interstate or foreign commerce of any threat to kidnap or injure another person.

Such a threat "need not be communicated to the person or group identified as its target." But because "pure speech" is involved, the First Amendment is implicated and to pass constitutional muster, the government must prove a "true threat" — one that "on its face and in the circumstances in which it is made is so unequivocal, unconditional, immediate and specific as to the person threatened, as to convey a gravity of purpose and imminent prospect of execution."

The government argued that e-mail between Baker and Gonda reflected "the evolution of their activity from shared fantasies to a firm plan of action." However, messages constituting "shared fantasies," ruled the Court, fall short of the required standard and are not "true threats."

The Court also noted that the constitutional test is "not satisfied by finding that the desires expressed in a statement are so deviant that the person making the statement must be unstable, and therefore likely to act in accordance with his or her desires at any moment." The Court noted that Baker's messages to Gonda were private. While the two exchanged messages concerning violence against women and girls, the Court found, "[i]t would be patently unreasonable after reading [Gonda's] messages to think

that Baker's communications caused their only foreseeable recipient, Gonda, to fear violence, or caused him any disruption due to fear of violence."

The government alleged that messages between Baker and Gonda evolved into a "firm plan of action." But the Court noted that Section 875(c) covers transmitting threats, not planning crimes. Although the government characterized Baker and Gonda as co-conspirators, to prove a conspiracy one has to prove an overt act in furtherance of the conspiracy, yet none was even alleged.

Judge Cohen then went through each of the five counts against Baker and showed that not a single one even resembled a true threat. All were extensions of fantasy. "Discussing the commission of a crime," the Court noted at one point, "is not tantamount to declaring an intention to commit the crime."

The final count was based on Baker's statement in a message to Gonda that "Just thinking about it anymore doesn't do the trick. I need to do it." They then discussed meeting in the summer when, according to Baker, "pickings are better . . . although it's more crowded."

"Baker indicates, at most, an intention to meet Gonda at some indefinite point in the future," the Court said. "This statement does not express an unequivocal intention to do anything immediately."

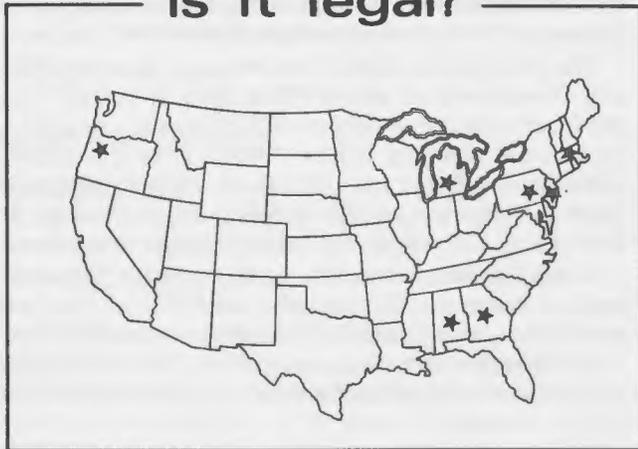
"This prosecution presents the rare case in which, in the government's words, 'the language set forth . . . is so facially insufficient that it cannot possibly amount to a true threat,'" the Court concluded.

Accordingly, the Court dismissed the indictment against Baker, ruling that even in the light most favorable to the prosecution there was no case for the jury because the factual proof was insufficient as a matter of law. "The government's enthusiastic beginning," said the Court, "petered out to a salvage effort once it recognized that the communication which so alarmed the University of Michigan officials was only a rather savage and tasteless piece of fiction."

"Whatever Baker's faults, and he is to be faulted," observed the Court, "he did not violate 18 U.S.C. Section 875(c). This case would have been better handled as a disciplinary matter."

Regarding the government's activities, the Court added: "The Court is very skeptical, and about the best thing the government's got going for it at this moment is the sincerity of purpose exhibited by [the Assistant U.S. Attorneys prosecuting the case]. I am not sure that sincerity of purpose is either synonymous with a good case under the law, or even the exercise of good judgment." Reported in: *The Active Window*, October 1995. □

## is it legal?



### **schools**

#### **Montgomery, Alabama**

After intense lobbying by the conservative Eagle Forum, the Alabama school board voted November 9 to put a message in new biology textbooks telling students evolution is a theory not a fact. The 6-1 vote followed a public hearing in which James Payton, representing the First Baptist Church in Dadeville, said evolution “comes from the devil,” while Ann Jolly, a teacher, described the insert as “foolish.”

Eagle Forum members and others who contend evolution is presented in the textbooks as fact requested the insert. A science course of study adopted by the board in March says evolution is to be taught as theory, not fact. The vote was encouraged by Governor and Board President Fob James, a Republican, who said he believes the biblical explanation of the origin of life.

Before approving a recommended list of biology textbooks to be used for the next six years, the other eight members of the board voted to require a version of the insert written by the only Republican members. Board vice president Ethel Hall cast the only dissenting vote. Willie Paul of Montgomery abstained.

Hall said the wording of the insert is “too complicated” for ninth graders. It refers to microevolution, observable changes within species, as fact. Macroevolution, such as reptiles changing into birds, “has never been observed and should be considered a theory,” the insert says.

The Alabama Academy of Science Committee on Science and Public Policy backed a separate insert message written by state school superintendent Ed Richardson. Richardson proposed a shorter version of a message that described evolution as a “scientific explanation of how our world, including plants and animals, has changed over a long period of time.”

Joan Kendall of Eagle Forum said Richardson’s insert was unacceptable. “The main problem is that it would give students the impression that all of the different explanations are offered in their textbook and that is just far from the case,” she said. Reported in: *Atlanta Constitution*, November 10.

#### **Carrollton, Georgia**

A small group of Central High School students and parents say a ban on some clothing at the school violates their First Amendment rights. School administrators, however, say the dress code was implemented to prevent disruption at school.

Central High students are being asked to comply with a new rule forbidding symbols on clothing that may fan racial tension. Students who come to school wearing clothing that may be considered racially inflammatory are called into conference with the principal and asked to change clothes.

Principal Scott Cowart said the prohibition of such symbols as the Confederate battle flag is intended to prevent violence in school, but at least eight students and two parents said the school was violating students’ rights.

Parent Kathy Brown said she was prepared to file a civil suit against the school system if her son Robbie continues to be sent home for wearing shirts bearing the Confederate battle flag. According to Brown, black students are not disciplined for wearing clothing that could be considered racially inflammatory. Cowart denied that was the case.

“I am very upset and disturbed,” said Brown September 13, adding that her son had not attended a full day of school in more than two weeks because of the conflict. “I don’t understand why a black person would be offended,” she said.

Although Cowart said the rule included “anything inflammatory in nature,” Brown and students Jason Worthan and Tim Noland charged that school administrators focused solely on white displays of the “rebel flag.” Cowart said there had been no stubborn infractions of the rule by black students to compare with those by whites, but that the rule was enforced consistently across the board.

Attorney Allen Trapp said Cowart’s rule was “blatant censorship. Kids do not forfeit their First Amendment rights when they enter the school house,” he said. Reported in: *Carrollton Times-Georgian*, September 14.

### **South Hadley, Massachusetts**

A former student at South Hadley High School is challenging the Massachusetts district's dress code in a case started by a "Coed Naked" T-shirt. In 1993, a gym teacher objected to Jeffrey Pyle's T-shirt, a gift from his mother for being named the school band's drum major. It said: "Coed Naked Band. Do It to the Rhythm."

Pyle, whose father teaches constitutional law at Mount Holyoke College, questioned the censorship, since South Hadley students had often worn T-shirts with "Coed Naked" slogans. The school committee than banned shirts that were vulgar, profane, or demeaning.

On the day the ban took effect, Jeffrey Pyle was sent home for wearing a shirt given him by the women in one of his father's classes. The gift was in response to local publicity about the case. It said: "Coed Naked Civil Liberties. Do It to the Amendments."

Pyle, now 20 and a student at Trinity College, and his younger brother, Jonathan, then decided to test the censorship by wearing a variety of T-shirts with messages. One, with a picture of a gerbil, said: "Coed Naked Gerbils. Some People Will Censor Anything." Jonathan Pyle was sent to the school office, although he was ultimately allowed to wear the shirt and given a note from the superintendent to show to anyone challenging him.

When he brought his fight against the dress code to U.S. District Court, however, a magistrate ruled that school officials have wide discretion to censor expressions they consider "profane," "lewd," or "vulgar." That included a shirt he wore that said: "Coed Naked Censorship. They Do It in South Hadley."

The case was appealed to the U.S. Court of Appeals for the First Circuit, which referred it to the Supreme Judicial Court of Massachusetts for an interpretation of the state's Student Free Expression Law. Reported in: *San Jose Mercury-News*, October 5.

### **South Haven, Michigan**

T-shirts bearing the Confederate flag and Malcolm X insignia, or other clothing with potentially disruptive racial overtones, have been banned from L. C. Mohr High School. The ban was prompted by a fight September 7 between two high school students, one black and one white. The fight started when the black student told the white student to remove his shirt bearing the Confederate "stars and bars" and the white student refused.

Following the classroom fight, school officials conducted classroom meetings with students to explain the new ban on the Confederate flag, "Black Power" slogans and any other clothing the administration deems to be potentially disruptive.

"Recently, the wearing of certain commercial T-shirts, those sporting the Confederate flag, Black power or the

Malcolm X insignia, have resulted in responses by students due to the racial overtones," said Superintendent Larry Blackmer. "The direct connection between the message on the shirt and the aggressive response of students has been well documented by high school officials."

The school had already banned clothing that included references, slogans or images related to drugs, alcohol, profanity, or sexual conduct, said Principal Pat Bird. Reported in: *St. Joseph Herald Palladium*, September 23.

### **Reedsport, Oregon**

The Reedsport School Board on October 18 was informed by its attorney that it must reject calls for a section stressing "intelligent design" of nature in high school biology classes. "The courts have universally found that the theories of creationism are rooted in religious beliefs and tenets of various religious denominations," attorney Bruce Zagar of Salem wrote. "The advocates of intelligent design argue that intelligent design is rooted in science. I see no significant difference between creationism and intelligent design."

Since June, the board had discussed teaching intelligent design. A group of Reedsport residents asked the district to include a supplemental textbook, *Of People and Pandas*, in freshman biology classes and to teach the theory along with evolution.

With only four of seven members at the school board meeting October 18, the board took no action. Member Chris Vaughn moved to reject the proposal, but the motion failed because no one would second it. Chair Michelle Petrofes had voted against the idea in the past, but as chair she could not second the motion.

"It's pretty cut and dry," said board member Ed Balfour. "No matter what our beliefs are federal law and state law say that if we teach creation in the biology section it's a belief and in the state and federal courts it's been tried and not allowed." But "as a Christian," he couldn't bring himself to bring the motion to the table or give it a second, he said. Reported in: *Roseburg News-Review*, October 19.

### **Octorara, Pennsylvania**

With all members present and no comment from the thirty residents at the meeting, Octorara school board members voted September 18 to keep certain language in the alcohol and drug policy against the advice of the district's attorney. Alan Jarvis told the board the passage, which classifies some publications as drug paraphernalia, could be in violation of students' First Amendment rights. The policy was approved nonetheless by a 7-2 vote.

Students can now be reported to law enforcement, expelled from school for a minimum of ten days and required to complete a drug counseling program before readmission if they bring to school any publication

describing how to grow, manufacture, prepare, package, store or ingest any controlled substance.

Superintendent Thomas Scholvin supported the ban. "The right thing and the legal thing used to be the same; it's not anymore. We're trying to tell [the board] what the right thing to do is. . . . Yes, people have the right to print and we have the right to say you can't have it in school."

High school principal Henry Detering authored the policy. "We put a lot of limits on students, but it's necessary to make school function well. I don't care to abridge anyone's First Amendment rights, they can read whatever they want. I just don't want them to bring it to school," he said.

Dissenting board member John Addyman said he supported a strong drug policy but, "we are treading on a First Amendment issue and inviting a lawsuit. I cannot support the policy as written. What about tomorrow? What about next year? Where does it end?" he asked. Reported in: *West Chester Local News*, September 19.

## newspaper

### Elizabeth, New Jersey

The ACLU filed suit October 11 against Elizabeth Mayor J. Christian Bollwage, charging him with violating the First Amendment by destroying newspapers published by his political foes. The suit was filed in U.S. District Court in Newark on behalf of *The Elizabeth Reporter*, a weekly newspaper that was born two years ago from

a political movement opposed to the Bollwage administration. The suit alleged that Bollwage and his agents on a number of occasions have seized copies of the newspaper, and destroyed or discarded them in an effort to suppress the information they contained.

Bollwage said in a prepared statement that the newspaper does not contain "legitimate news" and that he would file a countersuit. The ACLU sought an injunction prohibiting the mayor and his associates from seizing or otherwise suppressing the newspaper. The suit also sought unspecified compensatory and punitive damages.

"We have facts that the mayor has gone out, intimidated [our] advertisers, destroyed newspapers and tried to suppress freedom of the press," said *Reporter* columnist Jim Ford, one of three staff members also named as plaintiffs. "This country was based on people expressing their opinions," said Ford. "Here in Elizabeth we're being run like Berlin was being run before World War II."

The weekly newspaper is staffed solely by volunteers, among them Councilman Robert Jaspan, whose property houses its newsroom, and former Mayor Thomas G. Dunn, Sr.

The suit alleged that on six different occasions between September 2, 1994, and January 5, 1995, the mayor either seized copies of the paper or instructed someone else to confiscate and destroy them. In one incident, the mayor was said to have removed the papers from the Elizabeth Free Public Library on January 5, 1995, and discarded them. Reported in: *Home News & Tribune*, October 12; *Philadelphia Inquirer*, October 16. □

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(Wisconsin . . . from page 1)

selection of materials, for Wisconsin statutes require that all school districts have policies for selection. School-board approved policies were reported by 93.8% or 350 out of 373 library media specialists. About 3/4 of the approved policies received approval by the school board in the 1990s. Only four people responding to the survey indicated that no policy of any kind existed.

Most library media specialists, 296 or 80.7%, indicated they felt little or no pressure in selecting LMC materials. Those feeling pressure of any kind noted the source(s) of the pressure as follows: parents (reported by 95), conservative groups (77), teachers (66), community members other than parents (43), and principals (42). While also reporting little pressure, library media specialists with challenges between 1991-1994 reported feeling more pressure than library media specialists without challenges.

Most library media specialists, i.e., 255 or 73.7%, indicated that no oral or written challenges to library media materials had occurred since 1991. There were

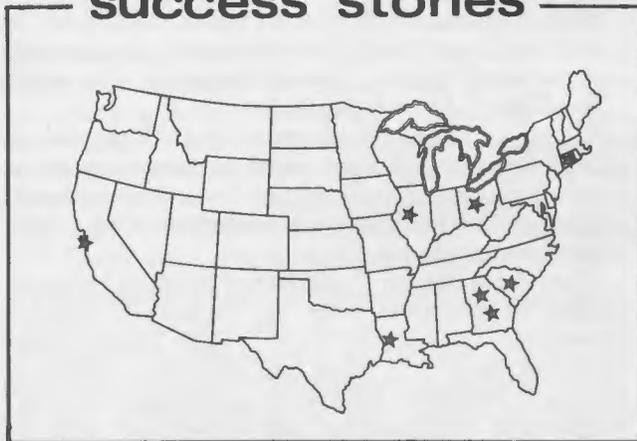
ninety-one (91) or 26.3% of the library media specialists who reported one or more challenges.

The ninety-one (91) library media specialists reporting challenges since 1991 were as follows: thirteen (13) or 14.4% from urban communities; 55 or 61.1% from rural communities, and twenty-two (22) or 24.4% from suburban communities. Usually, only one challenge occurred. Further information was provided on the most recent challenge.

Most challenges were oral. Oral challenges were reported 64 times or in 70.3% of the cases. The remaining challenges were written. One item was challenged in 80% or 68 of the challenges, while two items were challenged in 8.2% or 7 challenges. Fiction books (mentioned 36 times), magazines (34 times), and nonfiction books (22 times) were challenged. Most challenged material was challenged in only one school in the state. Only two book titles were listed by more than one school.

(continued on page 31)

## success stories



### libraries

#### Gwinnett County, Georgia

Ron Seder, controversial chair of the Forsyth county Board of Commissioners, lost a battle October 9 when the Gwinnett-Forsyth Regional Library Board rejected a motion to restrict children's access to a book he says is too sexually explicit to be on regular library shelves.

Seder appealed to the library board during its September meeting to consider the process by which children are given access to sexually explicit material. He used as an example for his case the women's health book *Woman's Body*, by Dr. Miriam Stoppard. One section he found objectionable contains photographs of couples engaged in various sexual positions.

Seder filed a complaint against the book and a library committee recommended it remain on shelves in the adult section, not behind the counter as he had hoped. That decision was affirmed by a 6-2 vote. Only board members Scott Scoggins, controversial author of the "1995 Library Contract with Gwinnett," and Selma Cheeley voted to have the book kept behind the counter. Reported in: *Gwinnett Daily Post*, October 7, 11; *Atlanta Constitution*, October 10.

#### Tocoa, Georgia

John Steinbeck's *Of Mice and Men* is still in the Stephens County High School library. School board members listened to objections to and praise of the novel from about a hundred people September 19 but took no action on a request by parent Garry Crawford to remove the book and others with "curse words" from the shelves.

"My battle is not against anyone on this board," Crawford said. "It's not against the teachers. It's just against the powers that come against us. I'd like to see us get back to our Bible beliefs. Censorship has already been set in place. Our school system has already censored (sic) Christianity."

"You have the right to find this book offensive, but I have the right to read it in the classroom so it can be explained to me," retorted student Katrina Agnew. "By taking the book off the shelves you won't be erasing these curse words. You'll be erasing knowledge of part of our history."

In August, a school system review committee denied Crawford's request. Crawford told the board that he objected to curse words and, especially, "to the use of my Lord's name in vain 22 times." He asked the board to appoint "a committee of citizens in the county to study all our materials."

Parent Chip Hayner identified himself as a Christian who wanted to see *Of Mice and Men* remain in public school libraries. "My daughter has had reading assignments from the Bible in her English classes," he said. "Let's not be censored by the religious, but let's not censor out religion." Reported in: *Athens Banner-Herald*, September 21; *Tocoa Record*, September 21; *Athens Daily News*, September 21.

#### Libertyville, Illinois

Cook Memorial Library officials rejected a request September 19 to remove a controversial children's book from the shelves. Library patrons David and Beth Semmelman had asked the library to reconsider shelving *Don't Call Me Little Bunny*, by Gregoire Solotareff, in the children's room at the Libertyville branch. They argued the actions taken by the bunny character in the book were anti-social and inappropriate for children's reading.

The parents took their request to a review committee made up of a trustee and two librarians. The committee denied the request. "As a parent, I felt the book was not objectionable," said trustee Judith Schlesinger. Reported in: *Daily Herald*, September 20.

#### Lancaster, Ohio

Two books thought by a parent to contain sexually explicit language will remain on the shelves of the Fairfield County District Library. The seven members of the library board voted unanimously October 18 to keep *Skin Deep*, by Isaac Asimov, and The Gunsmith Western series *Ambush Moon*, by J.R. Roberts, in circulation despite the efforts of Teresa Lane.

Lane had complained that during a visit by the library's bookmobile to Berne Union Elementary School near the end of the 1994-95 school year, her 11-year-old son had

obtained the books. After judging them inappropriate, she requested not only that the two books be removed from circulation but that separate library cards be issued to adults and juveniles. The board did not act on that latter request.

A review committee consisting of two library representatives, one board member, the chair of the library services committee, and one citizen reviewed the complaint; it recommended retaining the books and taking no action with regard to separate cards. Reported in: *Columbus Dispatch*, September 21; *Lancaster Eagle-Gazette*, October 19.

### **Anderson, South Carolina**

Members of the Anderson County Library Board voted unanimously October 27 to keep on the library shelves a book about people who have left fundamentalist Christianity. Edward T. Babinski's *Leaving the Fold: Testimonials of Former Fundamentalists* was pulled from circulation for review after an anonymous written complaint that the book presented fundamentalism in a negative light. The book was donated to the library by a Greenville secular group last June.

With no discussion, the eight-member library board agreed unanimously with Library Director Carl Stone's recommendation to keep the book. "This is one of the few books that represent an alternative view of fundamentalism. Library policy guidelines recommend that a collection represent different viewpoints on all subjects," Stone told board members. Stone said the library had ten positive titles on fundamentalism and 94 books written by fundamentalist authors. Only two books in the collection offer other views, he said. Nobody who opposed the book attended the meeting. Eight supporters, including donor Michael Deanhardt and Pat Scales of the ALA Intellectual Freedom Committee, attended. Reported in: *Greenville News*, October 28.

## **schools**

### **Los Altos, California**

Halloween was off and then on again at six elementary schools in the Los Altos area. Perhaps spooked by the overflow turnout at a hearing October 16, the Los Altos school board voted 4-0, with one abstention, to allow holiday activities in the classroom.

"I think they were persuaded that Halloween is not a religious holiday, just a holiday that is viewed as religious by some people," Superintendent Margaret Gratiot said. The board came under heavy criticism when two weeks earlier it voted to reschedule costume parades or Halloween parties for after-school hours because some parents complained the holiday had Satanic connotations. Reported in: *Orlando Sentinel*, October 18.

### **Bridgeport, Connecticut**

English teachers in Bridgeport public schools are free to teach an Ernest Hemingway short story that repeatedly uses the word "nigger," leaving the parent who wanted "The Killers" banned dissatisfied.

"I can understand how one's sensibilities could be offended by this piece, but I think we have to weigh that tension against the availability of what's considered a good piece of literature for students," said Schools Superintendent James Connelly.

"No, I'm not happy," said Henry Valentine, who complained to educators after his 14-year-old daughter showed him the story her Central High School English class had read. The story was the first "challenged material" complaint filed with the district. The story, published in 1927, was not part of the curriculum, but was chosen by a teacher as part of a unit on violence in literature.

Assistant Superintendent Daniel Shamas said teachers would be told to "be very sensitive to the issue." "The Killers" is about two shady men in a diner waiting for a third man they plan to kill. While they wait, they tie up diner employees and refer to one, the cook, using the racial slur. According to Valentine's daughter, when several students objected to the use of the word, teacher Elizabeth Hickey explained that it was an acceptable way to refer to blacks in 1927. Shamas said Hickey "did a superb job in presenting the piece."

Valentine said he would continue to demand the story's removal from the curriculum. On November 9, he led a rally of some fifty members of the black community to protest the use of books with racial slurs. However, school officials said they would not back down. "We said we're going to make sure our teachers handle these issues in a sensitive manner," Shamas said. Reported in: *Connecticut Post*, October 28, November 10.

### **Shreveport, Louisiana**

Students at Huntington High School can read Maya Angelou's *I Know Why the Caged Bird Sings*. Superintendent James Foster gave Huntington Principal John Dilworth approval October 4 for students to read it. About 125 students in junior-level English classes had already bought the paperback when the school was directed September 15 to delay its use pending a review prompted by parental concerns about language, relayed to school board member Ron Adams. Students petitioned and demonstrated against the move.

A Caddo Parish review committee met October 3 and recommended to Foster that the book and Harper Lee's *To Kill a Mockingbird*, which also raised objections, remain on the supplemental reading lists for high school students. Reported in: *Shreveport Times*, September 26, October 5. □

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The fiction book, *Forever*, by Judy Blume, was listed four times<sup>2</sup> and the nonfiction book, *What to do if you or someone you know is under 18 and pregnant*, by Richards and Willis, was listed twice.<sup>3</sup> *Rolling Stone* magazine was challenged 18 times. Other challenged magazines were *Thrasher* (4 times), *Mademoiselle*, *Seventeen*, *Sports Illustrated*, and *YM* (each challenged 3 times). *Glamour* and *People* were each challenged twice.

Magazine challenges were overwhelmingly from within. Of thirty-four (34) magazine challenges, twenty-six (26) or 76.5% were from persons inside the district. Nine complaints from school staff included the custodian (1 complaint), teachers' assistants (2), school secretaries (3), library assistant (1), unidentified staff member (1), and a student (1). Other complaints came from teachers (8), principals (6), and the district administrator (3). Even though most magazine challenges came from within the district, most of them still resulted in retention. Thus, twenty (20) magazines or 66.7% were retained; 3 or 10% of magazines were restricted; and 7 or 23.3% were removed (the remaining challenge outcomes were checked as "other").

Library media specialists reported that the reasons offered for challenges were concerns about sexuality (checked 31 times), profanity (23), nudity (20), morality (20), obscenity (18), and family values (16). The challenges came from parents (checked 31 times or 35.2%), others (meaning individuals not specifically categorized in a list - 19 times or 21.6%), teachers (15 times or 17%), and principals (13 times or 14.8%). Taken together, teachers and principals accounted for 31.8% or almost one in three reported challenges. Other initiators were conservative groups (6 times or 6.8%), district administrators (3 times or 3.4%), and a school board member (1 check or 1.1%).

For the reported challenges, the result was usually retention. Library media specialists reported that 58 or 70.7% of challenged materials were retained. Eleven or 13.4% were restricted and thirteen (13) or 15.9% were removed. Nine others not included in these overall percentages had "other" outcomes, such as transfer to other buildings. When principals and teachers were aware that a challenge had occurred, they were usually supportive during the process. Such support was important in the retention of materials.

Over half (51 or 56%) of the library media specialists reported that no outside assistance was received during the reconsideration process. Those receiving outside assistance overwhelmingly reported receiving it from the Cooperative Children's Book Center (CCBC). The CCBC, a research and examination center for children's and young adult literature located at the University of

Wisconsin - Madison, was reported as the source of outside assistance by twenty-seven (27) library media specialists or 67.5% of those reporting outside assistance.<sup>4</sup> Other sources of outside assistance were library media specialists outside the district (6); others not included in the categories (5); Wisconsin Department of Public Instruction (4); local public library or public library system (4); national organizations (2); Wisconsin Educational Media Association (1) and Wisconsin Library Association (1).

In 1994, the great majority of Wisconsin public high school library media programs operated under recently approved materials selection policies. Most library media specialists did not have challenges to materials between 1991-1994. Most of those with challenges were successful in retaining the challenged materials. Those library media specialists receiving assistance outside the district received it overwhelmingly from the Cooperative Children's Book Center, located at the University of Wisconsin - Madison.

An examination of challenges that occurred between 1991 - 1994 offers questions for thought. The study showed several challenges to magazines in the LMC. Even though the overall retention rate was high, an important follow-up question not addressed in the questionnaire, is "Were magazine subscriptions to challenged magazines approved for purchase in subsequent years?" An additional finding of the 1994 study was that about 32% of challenges were initiated by teachers or principals. How well prepared are library media specialists for internal challenges? What kind of working relationships do library media specialists maintain with principals and teachers? Do principals and teachers understand the philosophy undergirding library media centers?

It is important to understand the nature of challenges to materials, such as that obtained in periodic studies. Plans can then be developed to address the needs that become evident through such examinations. □

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3. Richards, Arlene Kramer and Willis, Irene. *What to Do If You or Someone You Know is Under 18 and Pregnant* (New York: Lothrop, Lee, and Shepard Books, 1983).
4. The Cooperative Children's Book Center (CCBC) is a noncirculating examination, study, and research library where individuals and groups may examine, read, and evaluate books for children and young adults. The CCBC is supported by the University of Wisconsin - Madison's School of Education, and the Wisconsin Department of Public Instruction's Division for Libraries and Community Learning. The CCBC offers a nationally recognized intellectual freedom service to persons in Wisconsin seeking a range of professional opinions of specific children's or young adult trade books.

# intellectual freedom bibliography

Compiled by Cynthia M. Robinson, Office for Intellectual Freedom

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