

newsletter  
on  
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freedom



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most  
censored  
stories  
of 1995

The top censored story of 1995 warned how the Telecommunications Deregulation Bill passed by Congress in January, 1996, would allow huge new concentrations of media power in the U.S. Carl Jensen, professor emeritus of communication studies at Sonoma State University, California, and founder/director of Project Censored, said the mass media should have warned the public about the communications bill's threat to the public interest before it was approved by Congress.

Project Censored, a national media research effort now in its 20th year, locates stories about significant issues that are not widely publicized by the national news media. Following are the top ten under-reported stories of 1995:

**1. Telecommunications Bill.** The bill eliminates virtually all regulation of the United States communication industry, permitting major media monopolies on both national and local levels.

**2. Balancing the Budget.** The federal budget could be balanced by 2002 by eliminating corporate welfare and not slashing Medicare, Medicaid, education, and social welfare.

**3. Child Labor is Worse Today.** Children in the U.S. are working in environments dangerous to their social and educational development, health, and even their lives.

**4. Privatization of the Internet.** The federal government is gradually transferring the public Internet to companies such as IBM and MCI as part of a larger plan to privatize cyberspace.

**5. U.S. Plans to Spend Billions on Nukes.** While urging other nations to eliminate nuclear weapons, the U.S. plans a multibillion-dollar project to produce tritium—a gas used to enhance the power of nuclear warheads.

**6. Radical Plan from Newt Gingrich's Think Tank to Gut FDA.** Newt Gingrich's Progress & Freedom Foundation hopes to privatize much of the Food and Drug Administration's supervision of drugs and medical devices and retain a weakened FDA to rubber-stamp recommendations.

**7. Russia Injects Earth with Nuke Waste.** For more than three decades, the Soviet Union secretly pumped billions of gallons of atomic waste directly into the earth.

**8. Medical Fraud Costs the Nation Billions Annually.** An extensive investigation reveals that no one really knows how many billions of dollars are stolen from the

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## judges throw out Communications Decency Act

On June 12 the three-judge panel of the U.S. District Court in Philadelphia hearing the lawsuit filed by ALA and a coalition of organizations declared the provisions of the 1996 Telecommunications Act that would prohibit "indecent" communications to minors on the Internet (see page 113 and *Newsletter*, May 1996, p. 71, 73; March 1996, p. 35) unconstitutional. The case will be appealed directly to the U.S. Supreme Court.

The September issue of the *Newsletter* will include a full report on the decision, including excerpts from the opinions. □

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## Internet indecency law perils universities

A federal court's examination of a new law regulating the Internet has left many academics more worried than ever that the statute will infringe on academic freedom. At judicial hearings in Philadelphia on the suit filed against the 1996 Communications Decency Act by a coalition of organizations headed by the American Library Association (see *Newsletter*, May 1996, p. 71, 73; March 1996, p. 35), the U.S. Justice Department presented evidence that the law is needed to protect children from "indecent" material on the Internet. In the material cited by the government, however, were four World-Wide Web pages that college students had created on their campus computer systems.

Although most of what the government submitted came from commercial providers of pornography, the mention of the student Web pages worried educators. Some observers also were troubled when a government witness agreed that, under the act, the statue of a nude figure in a university's art collection might need to be labeled inappropriate for minors.

Lawyers for the plaintiffs said the examples were telling. If the government reviews student and scholarly activities on line, they said, the law will inevitably limit freedom of expression on the nation's campuses. According to Trotter Hardy, law professor at the College of William and Mary and editor of the *Journal of Online Law*, if the law is upheld, "universities have to worry about it. There's just no way around it."

The measure being challenged was signed into law by President Clinton in February as part of the Telecommunications Act. It prohibits Internet users from sending "indecent" or "patently offensive" material to minors or from making such material available in a way that could be accessible to children.

Under provisions of the law, a three-judge panel began to consider the legal challenges. Either side may appeal the case directly to the Supreme Court. The Justice Department has agreed not to enforce the law's provisions on indecency, pending the outcome of legal proceedings.

The four student Web sites — all of which contained images of naked women — were produced at Duke University, Michigan State University, the University of Texas at Austin, and Whitman College.

Marjorie Heins, a lawyer for the ACLU, called the mention of these sites significant. To include them in a list of commercial pornography providers indicates that students' computer activities will not be overlooked by law enforcement officials should the law prevail, she said.

Some college administrators wondered if academic institutions would be held liable for such materials, for

## alternate Internet indecency rule proposed

California Democrat Rep. Anna Eshoo of San Mateo introduced a bill in Congress March 14 to strike the indecency provision from the Telecommunications Reform Act and replace it with one that would more clearly and restrictively define indecency for children. Under Eshoo's proposal, matter considered sexually explicit must be proven to appeal to the prurient interests of minors, be patently offensive as determined by local community standards, and lack serious political, artistic, literary or scientific merit.

Officials from the San Francisco-based Electronic Frontier Foundation, one of the plaintiffs in the suit against the Communications Decency Act, applauded Eshoo, but said the foundation could not support the bill. Foundation lawyer Mike Godwin said Eshoo's alternative did not go far enough. "The structure of the bill is such that in any version, it puts [Internet] providers in the role of content policers."

Eshoo's bill was co-sponsored by other Northern California Democrats, including Nancy Pelosi of San Francisco, Ron Dellums of Oakland-Berkeley, Sam Farr of Monterey, and Lynn Woolsey of Petaluma. Reported in: *Oakland Tribune*, March 15. □

which they provide Web space. "With the Internet you have so many intermediary people. Who's responsible?" asked Prof. Hardy. "If that act stands and you're a prudent university, you're going to have to screen everything students post."

The prospect worries campus administrators. Joanne Hugi, director of university computing at the University of Oregon, said her institution does not regulate what students post on their home pages. Government supervision of students' home pages "increases my workload and potentially decreases the amount of information we can offer," she added.

Other administrators noted that colleges couldn't monitor such Web pages even if they wanted to. "The volume of materials makes it impractical," said Philip Long, director of Academic Computing Services at Yale University. On the Internet, he said, "every student or faculty member is potentially a personal publisher. Who would do this screening?"

Supporters of the law say all this is just alarmist. Russ Rader, press secretary for Sen. James Exon (D-NE), who proposed the restrictions, said the law provides a defense

that "protects access providers from liability." Unless colleges were aware of "indecent" Web pages, he said, they would not be responsible for them. But critics said this simply shows how the law will turn colleges into censors of their students — which some fear is already the case.

At Whitman College, the Web page cited by the government was forced off the system by administrators in March. Whitman's chief technology officer said he became aware of the page of nude photos when it began attracting an enormous amount of traffic, which slowed the entire campus network. He said the page's content had no impact on the decision to close it down.

But William T. Burkoth, the freshman who created the page, suspects otherwise. "I definitely feel censored," he said.

At Duke, the student who created the Web page removed it after seeing it mentioned in the *New York Times*. "I'm not taking any risks," said Charles S. Hamilton. He said that he had reviewed Duke's policy on Web pages before posting any material and thought his page was not in violation. The policy's only restriction is that the pages not attract more than 10,000 requests per day.

Betty Le Compagnon, vice president for information technology at Duke, said the university was not in the business of monitoring what's on its network. "We do not in any way control the content of the home pages," she said. The university's approach to the issue is based on "academic freedom, as opposed to censorship."

Hamilton's Web page featured an image of three nude cartoon characters fondling each other. During the hearing, the Justice Department pointed out that a child searching the Web for "Jasmine," a character in the movie *Aladdin*, could reach Hamilton's page, which featured the character, unclothed, in an image.

The final day of testimony in April focused on how the law might affect organizations in cyberspace. Judges and observers showed surprise at the range of materials that might fall under the law. Dan R. Olsen, Jr., a computer scientist at Brigham Young University, described a rating system that would ostensibly give Internet users and content providers "safe harbor" from prosecution under the law.

Under Olsen's plan, Internet users would "tag" any material that they thought might be considered "indecent." The tag, a four-character string of code, could block access to minors.

The judges questioned Olsen on the viability of this system. Chief Judge Dolores K. Sloviter posed a hypothetical question: What if the University of Pennsylvania's Museum of Archaeology and Anthropology were to post the image of a nude statue in its online collection? "You might have to pre-screen or block to be safe? Is that part of your scheme?"

"Yes," Olsen responded.

The museum later issued a statement noting that in fact it did have on display a statue that might meet Judge Sloviter's description. The two-thousand-year-old marble statue of a nude Greek goddess is currently seen by about forty thousand schoolchildren a year, according to the statement.

"It would be silly to be forbidden to put her photograph on the Internet. We consider such material art and we consider it history. We would be amazed if anybody considered it indecent," the statement said. Reported in: *Chronicle of Higher Education*, April 26. □

## group urges CompuServe probe

A fundamentalist Christian group demanded that the Justice Department open a criminal investigation of the CompuServe online computer service, alleging it violated "indecent" provisions of the recently enacted telecommunications law.

The demand, made in an April 1 letter to Attorney General Janet Reno, was apparently the first complaint lodged under terms of the Communications Decency Act. The law makes it a crime to transmit "indecent" material via computers in such a manner that children under 18 might view it. It has been challenged by a broad coalition of computer users and civil libertarians, led by the American Library Association (see page 113 and *Newsletter*, May 1996, p. 71, March 1996, p. 35).

The Tupelo, Mississippi-based American Family Association (AFA) maintained that the Communications Decency Act is far too weak and was gutted in Congress. In its letter to the Justice Department, the association alleged that CompuServe offers "pornography and other sexually oriented materials to its users, including children."

The group singled out a service called Mac Glamour, an adult forum that, among other things, offers color photos of nude women. The service was promoted on CompuServe's "What's New" screen when subscribers connected at the end of March.

The area is clearly labeled as containing adult material and users are given instructions on how they can block access to it. But the AFA said that wasn't sufficient and in a household that hadn't blocked access, the invitation could have been seen and the images viewed by a minor.

"This is exactly the kind of incident that Congress, in drafting the bill, anticipated," said Patrick Trueman, director of government affairs for the AFA in Washington. "The objection we had was that it was available to children. If this isn't prosecutable, I don't know what is." Reported in: *Philadelphia Inquirer*, April 19. □

## Canada's v-chip test

As American television magnates prepare to enter a new world by fashioning a movie-style rating system for broadcast and cable programming (see *Newsletter*, May 1996, p. 78), they might take a few hints from Linda Leslie, a manager with fourteen years' experience at the Canadian Broadcasting Corporation. Leslie has been in charge of assigning "V-chip" ratings to shows on Canada's largest network since February. The CBC is one of eleven broadcasters participating in the Canadian test of the V-chip, which lets parents block TV programs because of violence, sex, or foul language.

Leslie faced her first major dilemma in March with the rebroadcast of the acclaimed but controversial miniseries "The Boys of St. Vincent," an unflinching fact-based dramatization of physical and sexual abuse in a Catholic orphanage in Newfoundland. The program contained brief shots of nude boys in a shower and harrowing scenes of children pursued by Christian Brothers. It was just the kind of hard-hitting, adult drama that V-chip critics fear will be driven off the air by a rating system.

In the end, Leslie assigned the miniseries the equivalent of an American movie R-rating. The episode illustrated the gut-instinct nature of decision-making among the twenty or so television executives rating programs for the new Canadian system.

But the agonizing is rare. Armed with explicit guidelines issued by Canada's cable television industry, most participating broadcasters have found the ratings self-evident. They've found it unnecessary, for instance, to view every program before it airs. Stations are almost always rating all episodes of a series the same.

In what is the most extensive tryout of the V-chip to date, 130 cable television families in five cities — Toronto, Ottawa, Vancouver, Victoria, and Calgary — volunteered to have the device installed in their home converter boxes; eleven broadcasters agreed to encode rating information in at least some of their programs so the chip can read and react to it.

Overall, the Canadian experience so far suggests that rating shows is less difficult and time-consuming than some American broadcasters have warned. Dave Reid, manager of station KVOS in Bellingham, Washington, which draws over two-thirds of its viewers from the Vancouver region and is one of two American broadcasters participating in the Canadian test, observed: "The rating process is something that doesn't take a lot of time. We see the V-chip as beneficial to our viewers, not at all unmanageable for the station, and something that's not going to change the programming."

But with just 130 families participating in the test, there is no way to measure the impact of the V-chip on Nielsen ratings or advertising. It's unknown, in fact, how many sets blanked out "The Boys of St. Vincent" because of

its V-chip rating, or whether viewers even agreed with the judgment that gave it a more restrictive rating than a neighboring channel assigned to "Melrose Place."

One reason Canada is ahead of the U.S. on V-chip development is that the device was developed by a Canadian, Tim Collings, a professor at Simon Fraser University. Another is that the V-chip has been pushed relentlessly for four years by government officials, led by Keith Spicer, the top regulator of the cable TV industry.

Initial tests of the chip in the western Canadian city of Edmonton last summer revealed technical problems. Most TV viewers complained the device was awkward and confusing. Collings has since made it more user-friendly, and cable companies say they are getting better reviews from customers.

A major concern of Canadian television executives is that both countries settle on a common or closely compatible rating system. But some U.S. broadcasters regard the Canadian system as too complex and favor a simplified rating system with fewer categories.

Meanwhile, amid the mainly positive assessments of the test, notes of caution have been sounded. Even Spicer, probably the most important backer of the V-chip in Canada, cautioned that it was not a panacea. The CBC's Leslie agreed that the chip's wonders can easily be oversold. "Probably the parents who will use the V-chip are those who are already trying very hard to monitor what their children watch and probably doing a pretty good job of it." Reported in: *Los Angeles Times*, April 2. □

## poll finds criticism of TV

More than two-thirds of Americans believe television contributes to societal violence, erodes family values, and fosters a distrust of government, according to a new poll released April 6. The public also is deeply troubled about increasingly graphic portrayals of sex during prime time, said the poll, which appeared in *U.S. News and World Report*.

Nearly eighty percent of Hollywood executives questioned by mail in a separate survey agreed there was a link between television violence and violence in real life, but they were not nearly as concerned about TV's role in other social problems. Fifty-three percent of the executives said TV contributed to distrust of government, and 46 percent thought it contributed to the decline of family values. Thirty-four percent believed television played some role in America's divorce rate.

One thousand adults were interviewed for the poll, which had a margin of error of plus or minus three percent. *U.S. News* said 570 of the 6,500 Hollywood executives who received the mail surveys responded to them.

Eighty-four percent of the general public said they were concerned about the relationship between extramarital sex on television and real-life problems. By contrast, just forty-three percent of the executives said they were concerned. Seventy-five percent of the public said they were concerned about the portrayal of passionate encounters and heavy kissing on TV, compared to twenty-eight percent of the Hollywood leaders.

When asked about the solutions they would favor, 95 percent of both groups agreed that parental supervision was the most important step. "Strong majorities also supported the installation of a V-chip on TV sets to allow parents to block out shows to which they object," the magazine said. "Eighty-three percent of the public backed the V-chip, and 62 percent of the Hollywood executives did." Reported in: *Cleveland Plain Dealer*, April 7. □

## Jefferson Center announces "muzzle" awards

The Thomas Jefferson Center for the Protection of Free Expression in April issued its annual awards ridiculing censorship, targeting some of the biggest institutions in the country. The nonprofit, nonpartisan center based in Charlottesville, Virginia, bestows the Jefferson Muzzle Awards in recognition of those who attempt to control the speech of others.

The seven winners of the awards for 1996 were:

- CBS, for not broadcasting a "60 Minutes" interview with a tobacco industry whistle-blower — not from concern about its accuracy, but out of fear of litigation.
- The Library of Congress, for closing an exhibit on slavery and plantation life after one day, after complaints about the subject matter. The Martin Luther King Memorial Library showed the exhibit instead.
- The Smithsonian Institutions' National Air and Space Museum for dropping a controversial exhibit on

the Enola Gay after receiving complaints from veterans and members of Congress about the exhibit's questioning of the morality of dropping the Atomic bomb.

- Georgette Watson, executive director of the Massachusetts Governor's Alliance Against Drugs, for encouraging police to bring their squad cars to a protest against a radio station that broadcast a record whose proceeds benefitted an effort to legalize marijuana. At the protest, Watson entered the station with police and demanded the station stop playing the record.

- The Computer Crimes Task Force of Hamilton County, Ohio, for seizing the entire Cincinnati Computer Connection bulletin board, including 5,000 personal e-mail accounts, looking for 45 pornographic files (see *Newsletter*, May 1996, p. 75).

- New Jersey Superior Court Judge Patrick McGann, for entering an order halting the publication of a Hackensack couple's newsletter about reported apparitions of the Virgin Mary seen by a Marlboro Township man.

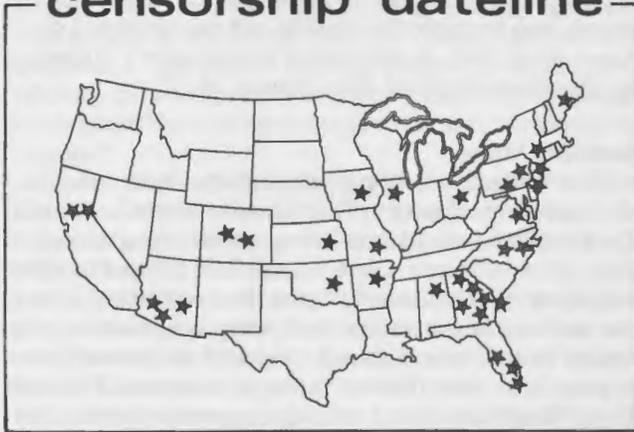
- The Carroll County, Maryland, Board of Education for deeming a book "anti-Christian" because its author interpreted the burning of the royal library in Alexandria, Egypt by Christians in the fourth century as evidence that Christians of that era did not believe in scholarship.

Jefferson Center director Robert M. O'Neil said the winners were but a sampling of free speech violators. "Although a few incidents get extensive press coverage, many more often go unnoticed except by those directly affected."

The "winners" are selected by the center's ten-member board of trustees. O'Neil said the recipients curb free expression, sometimes because of personal whim or bias, in times and places where free expression is vital.

"Censors often set out with the best of motives or goals and no intent to restrict speech. Somewhere along the way, they lose sight of one set of values, those embodied in the First Amendment, in an effort to serve others," he said. This was the fifth year the "awards" have been presented. Reported in: *Richmond Times-Dispatch*, April 12. □

## — censorship dateline —



### libraries

#### Athens, Georgia

The Athens Regional Library Board on April 18 rejected a donated magazine subscription about creationism despite the threat of a lawsuit. Watkinsville resident Ron Houser last year donated a subscription to *Creation Ex Nihilo* to the Oconee County Library, which is a member of the Athens Regional Library System. The gift was rejected by the library selection committee and again by the Oconee County Library Board (see *Newsletter*, May 1996, p. 95).

The Athens board agreed to hear Houser's appeal after he threatened to sue board members unless the decision was overturned. After more than two hours of public comment and discussion, however, board member Frank Ginn's motion to accept the subscription was defeated by an 11-4 margin.

Houser, who gathered more than 170 names on a petition asking the library to accept the gift, said he wanted to donate the magazine because it would be a good resource for people who share his interests. "I wasn't trying to coerce anyone into reading it or believing it," he said.

But the board majority said the magazine was too proselytizing. "I think this magazine crosses the line," said board member Wingate Downs. "It's too antagonistic. I don't see articles in *National Geographic* attacking other points of view."

"We're not dealing with is it dangerous or will it hurt anyone. We're dealing with is it appropriate," added board member Nancy Clark. "I think it's not. It is not a balanced presentation." Reported in: *Athens Daily News*, April 19.

#### Oconee County, Georgia

Bucking a recommendation from a committee of parents and teachers, the Oconee County Board of Education voted 4-1 March 18 to remove *Garden of Shadows*, by V.C. Andrews, from the Oconee County High School library. The action stemmed from a complaint filed in May, 1994, by area residents Geoff and Connie Rushing.

In the complaint, the Rushings said the book encouraged sexual activity and the result of reading or seeing it might be "incestuous relationships" and "aggressive sexual behavior." After extensive deliberation, the school system media committee voted 11-6 to recommend not removing the book.

In a memorandum to school board members, Superintendent Debra Harden pointed out that while the board had the right to overrule any recommendation, it should be "extremely cautious in exercising this option." She said going against a committee recommendation "could send the message to these committees that the substantial amount of time, energy, and emotion that they put into their efforts are not recognized or appreciated."

But board member James Hunter called the recommendation "a slap in the face to the board of education. I can't believe the media committee wanted to keep this in. If it can't be read out loud at a public meeting, I don't think our children should be reading it," he said.

Last year, the media committee reviewed the book and recommended its placement in a restricted section. But when the board approved a new media policy last March, the restricted access section was done away with. The committee was asked to again review the book under the new guidelines.

Board chair Harry Thomas said the book might have come off the shelf anyway due to lack of interest. The media committee found that it had only been checked out three or four times in fourteen years. Reported in: *Oconee Enterprise*, March 21.

#### Statham, Georgia

Collectors' cards depicting scantily clad female cartoon heroines were deemed pornographic and earned a fourth-grade pupil a suspension from Statham Elementary School. According to Principal Vivian Arnold, the nine Vampirella cards that Heather Eaton had with her on the school bus in April "show indecently and scantily clad women and are a form of pornography."

Heather's grandmother, Bonnie Eaton, disagreed. "It's nothing worse than what you see on the beach. If I thought the pictures were dirty, I wouldn't have allowed her to buy them," she said. "They didn't give her a warning about the cards or anything. She wasn't bothering anyone, just sitting on the bus."

"They are pornographic," countered Barrow Schools Superintendent Dan Cromer. "The women were scantily clad and suggestively posed. If the family wants that at their home, that's their decision."

Eaton disagreed, pointing out that the incident did not take place in a classroom. She also contended that other infractions, like several elementary students beating up another of her grandchildren at school, remained unpunished. Reported in: *Athens Daily News*, April 26.

#### Rockford, Illinois

Two years ago, an East High School teacher called aside a boy she knew was running with gangs. The teacher gave him a book. A few days later, he returned to report his amazement and to thank the teacher. Like the main character in the book, the East youth took up reading other books. He found a reason to study and, a year later, became the first in his family to graduate from high school.

The book was *Always Running*, the autobiography of Luis J. Rodriguez, who grew up poor and spent six years in Los Angeles gangs before getting out. It's also the same book condemned as "blatant pornography" in March by a parent whose daughter had gotten the book as optional reading at Guilford High School. The parent remained anonymous, but was soon joined by others. "This is definitely not the kind of book I would approve of my child reading," said Gary Stoltz, father of a high school freshman. "It is not appropriate to make this available in a high school environment."

Stoltz and parent Jane Davidson complained in particular about the book's profanity. "I saw a copy of one page. That was enough," Davidson said. "It's pornography."

Alderman Frank Beach also blasted the book at a city council meeting March 26 and followed up with a letter asking the state's attorney if parts of the book are pornography. Beach wants the book removed from schools. Besides the sexual references, Beach was troubled by descriptions of violence, guns and drugs. "Is this the kind of book that's really going to encourage our child to build better character?" he asked.

In response to the complaints, the district formed a committee to review the book and make a recommendation to Superintendent Ronald Epps. But school board member David Strommer responded to the controversy by calling on the board to review each book on school reading lists. Board member Bill Neblock asked Epps to pull the book immediately.

"The school board needs to address this issue by policy, not book by book," Epps responded. "You could pull three-quarters of the books off the shelves and still have books someone finds objectionable."

Strommer called Epps's comments "typical intellectual liberal thought."

"Trash is trash and smut is smut," he said. "There are things that need to be censored. I'd like to see the people who promote this stuff be run out of town. I don't know what kind of pesticide it would take." Reported in: *Rockford Register Star*, March 24, 27.

#### Sanford, Maine

Two Willard School parents said they were upset and disgusted at profanity in *The Upstairs Room*, a book on the Holocaust by Joanna Reiss, which was assigned to sixth-grade students. Debbie Littlefield refused to allow her eleven-year-old son to bring the book home. Later, she and her sister-in-law met with an administrative review board, which agreed to send a disclaimer home to parents to warn them of the book's content. Principal Dean Magarian called the agreement a useful compromise, but the parents were dissatisfied.

"I almost felt like an alien," Debbie Littlefield said. "I felt they were looking at us like we were the ones who had a problem. It made us feel like outsiders."

The book tells of a girl's experiences going into hiding in Holland during the Holocaust. Littlefield explained that her son was upset by the language in the book because it used "the Lord's" name in vain repeatedly, and included other profanity.

"The way I see it, profanity shows disrespect and inconsideration to people around you," Denise Littlefield said. "It shows a lack of vocabulary — it is venting. It infringes on the rights of children and other people."

The women said they were not opposed to the book remaining in the school library; they simply think it should not be assigned reading. They were considering an appeal to the school board. Reported in: *Biddeford Journal Tribune*, May 10.

#### Clifton, New Jersey

A manual for disabled people and two "how-to" books joined three explicit sex guides behind city library counters in March. The Clifton Library Board of Trustees voted unanimously to remove *Enabling Romance: A Guide to Love, Sex and Relationships for the Disabled*, by Ken Kroll; *The Joy of Sex: The Cordon Bleu Guide to Lovemaking*, by Alex Comfort; and *The Lovers' Guide*, by Andrew Stanway, from city library shelves and replace them with dummy books made of styrofoam.

The decision came a month after board officials restricted minors from access to *The New Joy of Gay Sex*, *More Joy of Sex*, and *The Magic of Sex* (see *Newsletter*, May 1996, p. 83). Patrons can still request copies of all six books from librarians, who will keep them behind counters.

The board based its decision on a recommendation by its Policy and Planning Committee, which developed the plan with input from library staff. Several librarians spent a month reviewing all city library books to

see if any others fell under the restrictive measures of the board's new sex-book policy. The policy, approved February 15 by a 4-2 vote, restricts to adults any material containing "patently offensive graphic illustrations or photographs of sexual or excretory activities or contact as measured by contemporary community standards for minors."

"I don't agree with the policy," said board President Cornelia DeVries, "but if that's the way most of us want to go, I agree that these additional books fall under the policy."

*Enabling Romance* was published in 1992. It discusses proper positioning for disabled persons to have sex and uses drawings to illustrate. Some pictures include couples in wheelchairs having intercourse.

The matter became an issue last November when Al DuBois, the municipal recycling coordinator, complained during a public session of the city council that the original three books should be kept out of children's hands. He labeled them "hard-core pornography." Reported in: *North Jersey Herald & News*, March 20, 21; *Clifton Dateline Journal*, March 27.

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

For four years, students taking health classes at Horace Greeley High School have read Earvin (Magic) Johnson's 1992 book, *What You Can Do To Avoid AIDS*, as part of the AIDS education curriculum. But early this year, a group of parents complained that the basketball player's written depictions of oral and anal sex were inappropriate for 14- and 15-year-olds. As a result, the district stopped using the book.

On March 12, after a stormy meeting that focused largely on the issue of sex education, the school board decided to establish a health advisory council to review all materials used in the health classes. It also said it would let parents preview the materials used in class and allow them to have their children "opt out" of any instruction they found objectionable.

The uproar surprised the board in this wealthy community known for progressive social views. Last year, the board adopted a policy protecting the rights of gay students with barely a whisper of protest. But it was clear at the meeting that many parents believed the sex education curriculum had gone too far.

Jim Runde said he was appalled that Johnson's book had been included in the curriculum. "The book first describes the benefits of sodomy to include birth control and preserving virginity," Runde said, "and second discussed the use of Saran Wrap as a prophylactic for oral-to-anal sex. This course material needs to be scrutinized to insure that such inappropriate material is not included again."

School administrators said that Johnson's book had been endorsed by the American Medical Association and

the Children's Defense Fund. But when it was first published store chains, including Walgreen's and K-Mart, refused to sell it because of its blunt language.

Parents also criticized films shown in the health class that deal with sexual abuse and rape, and raised concerns about a segment on self-examination for breast and testicular cancer.

But many parents and students at the meeting vigorously defended the health class. "I greatly value the current curriculum and I would hate to see it taken away," said Anne Davison. "My daughter learned a tremendous amount about safety in sexual matters — about disease prevention and pregnancy prevention. This was invaluable to her and I wouldn't want to send her to college without the information she got in that health class." Reported in: *New York Times*, March 14.

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

Monique Moore, a sophomore at Smith High School, was startled when her teacher told her March 21 to return one of her favorite books to the school library immediately. Monique was reading *Kaffir Boy*, by Mark Mathabane, the true story of a black youth growing up under South Africa's apartheid system, for the third time.

But word had gone out from the school system headquarters: Someone had complained about the book, and librarians were told to remove it from the shelves pending a review.

"I was upset," said Monique. "I didn't say anything at the time, but I was upset that they were taking off the shelves such a good book." The decision also upset students, parents, and teachers at several other schools. By March 25, a hastily-convened review committee ruled that the book should be returned.

A school system official said the book was temporarily pulled from high school libraries after a resident sent letters to school board members and some administrators charging that the book could encourage young people to sexually assault children. The book includes an explicit passage describing how poor, homeless boys prostituted themselves for food.

"There had not been a challenge made at the district level prior to this, and we pulled it while we tried to decide how best to handle it," the official said. Reported in: *Greensboro News & Record*, March 26.

#### **Columbus, Ohio**

Columbus Metropolitan Library officials in mid-April removed three books and related audio tapes from the collection after determining they were pornographic. The action followed a patron complaint. Library Director Larry Black said it was the first time in his twelve-year tenure that items had been removed because of pornographic content. In another case years ago, a doll-making book was pulled because of its persistent use of racial slurs.

The books removed — *The Claiming of Sleeping Beauty*, *Beauty's Punishment*, and *Beauty's Release* — were by Anne Rice, author of the *Interview With the Vampire* series, and were originally published under the pseudonym A.N. Roquelaure. They had been labeled hard-core pornography by many reviewers.

The library patron complained after her twelve-year-old daughter borrowed an audio version of *Beauty's Punishment*. The materials were removed after Black and six librarians reviewed them. "We believe it is a good decision, and the vast majority of people will support this. There will be others who disagree," Black said.

In April, 1995, the library board adopted a revised materials selection policy that states the library's collection will not contain pornographic materials, Black said. The library had 29 copies of the Rice books and five audio tapes.

On April 24, several speakers came before the library board to object to the removals. "The library has faltered in its duties in pulling Anne Rice's series," said Ryan Paul. He gave the board a petition with about 75 signatures opposing the action. "As a citizen of Columbus, Ohio, and as a human being, I believe that the right to choose what I read (and don't read) is an essential factor in building and maintaining a free society," the petition said.

"I can't believe in Columbus, Ohio, a book is banned," said artist Mark Kaplan. "It's wrong, it's dead wrong, and it's against everything this country stands for."

Jan Hall, co-chair of the National Leather Association, a sado-masochistic organization, told the board that people turn to the library to look for materials like the Rice novels that are difficult to find elsewhere. "It's literature you can't buy at a porn store," Hall said. She gave the board a list of books, including nonfiction titles about sadomasochism, and suggested they be included in the collection for educational purposes.

Monica Carroll, a clerk at the Main Library, called the decision subjective. "One person's pornography is another person's erotica," she said. "The library is here to protect everyone's rights. I don't think the citizens are being served." Reported in: *Columbus Dispatch*, April 19, 25.

## **schools**

### **Moulton, Alabama**

The "Caged Bird" isn't free yet. After a school media committee turned down his attempt to ban Maya Angelou's autobiography, *I Know Why the Caged Bird Sings*, parent George F. Thomas took his appeal to the next level. Thomas asked the Lawrence County School System Media Committee to hear his appeal to remove the critically acclaimed book from required reading.

Library media coordinator Teresa Culbert said Thomas filed his appeal in a letter sent days after the East Lawrence High School media committee returned its decision. After an emotional hearing on March 12, where nine of thirteen speakers backed Thomas (see *Newsletter*, May 1996, p. 84), a twelve-member committee decided that the book — which was only required reading for senior advanced placement students — should be required reading for all high school honors classes, advanced placement seniors and pre-advanced placement junior English classes. The committee also decided students in all other English classes can continue using the book as supplemental reading. Those students will be given at least one optional reading assignment.

Thomas, whose daughter is in an honors ninth-grade class, wanted the book banned because of passages he finds sexually explicit, including one in which Angelou is raped as a child by her mother's boyfriend. Reported in: *Decatur Daily*, April 5; *Florence Times Daily*, March 23.

### **Tempe, Arizona**

Demonstrators called for the ouster of McClintock High School principal Mike Gemma April 22 as part of their protest against the Tempe school's use of Mark Twain's *The Adventures of Huckleberry Finn*. Some fifty protesters were demanding the removal of the book as required reading in an honors English class. The Tempe Union High School District rejected a challenge to the book in January (see *Newsletter*, May 1996, p. 98).

Kathy Monteiro, president of Parents for Equal Education, said the protest was aimed at making both the faculty and students more aware of cultural and ethnic differences at the school. One protester, Rev. Oscar Tillman, president of the Arizona NAACP, said, "We don't want to ban the book, just don't make it mandatory reading." Reported in: *Scottsdale Progress-Tribune*, April 23.

### **Antioch, California**

Citing the need to maintain a uniform curriculum, the Antioch school board decided to make a sixth-grader read a science fiction book despite her mother's objections. Lisa Tuller asked the board to excuse her daughter from reading *A Wrinkle in Time*, by Madeleine L'Engle, because it violated her family's religious beliefs. The board voted 4-1 against the request and Tuller responded by threatening a lawsuit.

"I feel it indoctrinates my child to something I don't want her indoctrinated to," Tuller said. "My daughter is not a ward of the school and I, as her parent, want an option."

But Superintendent Alan Newell objected that if the district let each parent set his or her own academic standards, "then you wind up with no standard. In my mind,

that's destructive of the system. Do we choose things that are so sterile nobody can object to them?"

The 1962 Newberry Award winner concerns three children who travel through time and space searching for their father. Tuller said the book's references to magic and mind-reading offended her religious beliefs. The book, she charged, could make readers more open to non-Christian religions.

Also offensive, she said, was a passage describing Christ as Earth's greatest fighter against evil, leading a list including Rembrandt, Mme. Curie, Beethoven, Gandhi, Buddha, and others. She said that put Jesus on the same level as human beings.

Tuller complained that it took six weeks for her first objection to her daughter's teacher at Black Diamond Middle School to reach the school board. Meanwhile, the teacher read the whole book to the class. So Tuller's daughter heard the story, although she did not read it herself nor did she complete assignments as required. Reported in: *Contra Costa Times*, April 19.

#### Lakewood, Colorado

"The book is about war and about liberty. Yet the freedom to read the book — *My Brother Sam is Dead*, by Christopher Collier — may soon be history at a Lakewood elementary school. "I'm trying to get parents to wake up," said Marcia Super, the grandmother who wants the book removed. "There's too much good literature out there. Students don't have to read stuff like that. Don't tell me I'm doing censorship. I'm just asking that what they're doing in the public realm be acceptable to everyone."

The 1974 Newberry Award-winner describes a family's disintegration during the American Revolution. Literary critics lauded the book because, according to the *New York Times Book Review*, it "assumes for once that children can think."

But Super objected to "the persistent usage of profanity" in the book, as well as references to rape, drinking, and battlefield violence. And she was particularly upset that 10- and 11-year-olds were asked to read passages out loud "without knowledge or consent of parents." In early April, she filed a challenge against the book with the Jefferson County Public Schools, documenting twenty-five uses of profanity in the novel.

Super said she noticed the language in *My Brother Sam is Dead* during a visit to her granddaughter's classroom at Stein Elementary School. Fifth-grade students were taking turns reading excerpts from the book to the rest of the class. "Why do they have to do this at this age?" Super asked. "The manner in which it was done really irritates me — the parents don't have a clue. They haven't asked permission to do this. Kids probably think it's cool that they get to read swear words in school." Reported in: *Denver Post*, April 9.

#### Sheridan, Colorado

Four students were suspended in mid-March for using their high school's computers to make copies of the *Anarchist's Cook Book*. The Sheridan High School students were sent home March 13 for placing the bomb-making guide on the computer and distributing copies of the document, principal Ken Bostdorff said. The suspensions ranged from three to five days.

"If you're talking about building bombs and how to destroy property and how to hack into computer systems and how to break into coin machines and steal money," Bostdorff said, "that's not needed to be printed and copied in a school setting and shared with other students."

Two of the students said they were simply curious. "I wasn't thinking of blowing something up," said Craig Reed, who had downloaded the information. "I recognized the name and started to read it, and it had some interesting stories. Sure, I noticed there was information about bombs, but I never really cared." Another student, Nick Alley, said he was surprised at what Reed had found and copied Reed's computer diskette. Two other students also made copies.

"Once I found out what it was, I got interested in it," Alley said. "It contains a lot of things. Just by reading it, you find out how people do these things."

Alley's and Reed's parents were upset that the school suspended their children. "We can't see where our kids did anything wrong," said Robert Alley. "I feel that the school system is limiting their curiosity." Gary Reed said he was "not pleased" that his son downloaded the book, but added, "I'm not into censorship. I feel that the school abrogated our rights as parents. It's a moral issue that should have been dealt with by the parents." Both parents said their sons were interested in the Oklahoma City bombing case and were using the information as research. Reported in: *Rocky Mountain News*, March 16.

#### Fort Lauderdale, Florida

The parents of an expelled fifth-grader sued the Archdiocese of Miami, a Miramar Catholic school, and its principal April 17 in a dispute over a sex education textbook they say is too explicit. The lawsuit, filed in Circuit Court in Fort Lauderdale, said the school has violated guidelines from the Vatican that call for sex education to be optional.

The textbook, *Benziger Family Life*, is used in more than fifty Catholic schools in Dade, Broward and Monroe counties, archdiocese officials said. The book says sex is reserved for married couples and gives a straightforward explanation, using specific terms for sexual organs and acts.

Alecia Jagarnauth-Walker said she protested the use of the book and wanted to remove her ten-year-old daughter, Princess, from the sex education class at St.

Bartholomew Catholic School. But Principal Maria Glass told her: agree not to complain about the textbook and the class, or Princess would be expelled. Glass wrote Jagarnauth-Walker March 22 telling her that Princess was expelled because of her mother's refusal to cease all "spurious accusations."

"Something that explicit should not be taught to any ten-year-old," the mother said. "There are parents with concerns, but they're afraid to do anything about it because of repercussions from the archdiocese." Reported in: *St. Petersburg Times*, April 18; *Fort Lauderdale Sun-Sentinel*, April 19.

#### Hillsborough, New Jersey

The use of John Grisham's popular novel *The Client* in a sixth-grade high-level reading class was challenged March 12 by parent Laura Burshnic, who told the school board the book was inappropriate because of its violence and use of "curse words."

"I'm angry about the selection of this book," Burshnic said. "It's full of negativism." She objected to both the book's use of harsh language and its detailed descriptions of a child watching a man commit suicide and of his seeing his father beat and humiliate his wife. "I want to know why this book was selected, and what they expected students to get from it," she said. "I don't think it's healthy. The language in *The Client* is inappropriate. It's too mature for a sixth-grade child."

Board member Peter Conlon told Burshnic that the book had been recommended by teachers. "I believe one of the reasons for the use of the book is that the client in the story is a sixth-grader," Conlon said. Reported in: *Hillsborough Beacon*, March 14.

#### Hillsborough, New Jersey

Parents and school administrators March 21 condemned an AIDS activist whose raw language and graphic demonstrations shocked some who attended Hillsborough High School's annual Diversity Day. They said that when poet River Huston used her mouth to place a condom on a purple sex toy and led the audience of 14 to 17-year-olds in an obscene chant, she went too far.

"This woman clearly, clearly, forgot her audience. She was talking to young teens, not longshoremen," said Hillsborough Board of Education President John Perrone.

It was the fourth consecutive year that Huston had given her message of AIDS awareness at the program. One of the most popular talks of the day, her presentation had previously been given high marks by teachers and students alike.

Huston said that she had not led the students in a chant of the "F" word, but had used it herself in reading one of her poems. Her demonstration of how to put a condom on orally was needed to drive home a point. "I'm

trying to get a message across about changing behavior," said Huston, who was diagnosed HIV positive in 1991.

At a public meeting March 25, school officials pleaded with a crowd of more than five hundred not to use the incident as a reason for opposing the school's budget. "There is no doubt in my mind that the trust and confidence of all of you have been shaken in the school district," Board President John Perrone told the crowd. "But the healing process is going to start tonight."

Huston's message was to abstain from sex, but if you're going to have sex, protect yourself, said High School Principal Tony Radano. "I know my decision to have her back has torn the community apart," Radano added. "I've heard people use it as an excuse to defeat the budget. What did a kindergartner do — why hurt them for something I have done."

Superintendent Robert Gulick outlined a plan to prevent future episodes, including developing a policy that would outline standards for guest speakers and requiring that all future speakers submit an overview of their talks in advance.

Students at the meeting defended Huston, however, charging that media accounts had taken what she did out of context and played up the sensational while ignoring the message received by students.

"Parents should be concerned whether or not we learned something," said sophomore Linda Perrons, daughter of the board president. "I've never learned so much about AIDS and I support River Huston 100 percent."

Senior Carrie Eastwood cried as she talked about her friends. "I'm very scared my friends are going to go to college, get AIDS and die," she said. "You go home tonight and you hug your kids and teach them how to protect themselves." Reported in: *Newark Star-Ledger*, March 22; *Bridgewater Courier-News*, March 26.

#### Coudersport, Pennsylvania

At its April 15 meeting, the Coudersport Area School Board included a point on its agenda regarding continued use of *Brave New World*, by Aldous Huxley, in the senior English curriculum. At no time during the meeting was an explanation proffered as to why the book was being discussed, or what prompted its inclusion on the agenda. After the meeting, however, Superintendent Ed Goulding said the issue was on the agenda because it was "requested by a member of the board."

During the meeting, the board heard testimony from at least eighteen different district residents, who voiced a wide range of opinions. Several speakers urged the board to keep the book in the curriculum, while others objected to its content and language, and suggested that it should not be required. One speaker went further, opining that the book "should not be allowed."

The board also requested background information and comments from Mary Boardman, who used *Brave New World* for nineteen years in the class, and from current English teacher Jim Wilkinson.

The board took no action, although members voiced a range of opinions. Reported in: *Potter County Ledger-Enterprise*, April 17.

## student press

### Tampa, Florida

The editor of the University of South Florida's student newspaper made no apologies for her decision not to publish a letter threatening terrorist violence on campus. "We did the right thing," *Oracle* Editor-in-Chief Deborah O'Neil said April 19, four weeks after she wrote about — but didn't publish — the "War Purgers" letter. The letter said the violence would take place if it wasn't printed in the paper.

"Everybody on the campus had a right to know their lives were being threatened. We put in the story things we thought people needed to know," she said.

Her March 26 story set off a campuswide debate and prompted administrators to plan unusually strong security precautions for a bomb threat. O'Neil said she didn't publish the letter in its entirety because she didn't want the newspaper to be manipulated into giving the writer a platform. Nor did she think the letter's inflammatory insults needed to be general information.

Her decision, reached after hours of discussion with the student newspaper adviser, resulted in criticism and accolades. An informal poll by the *Oracle* the day the story was published found sixty percent of students supporting the decision and forty percent questioning why O'Neil would endanger the school by refusing to publish the letter.

The one-page, typed letter, signed "The One, the Leader of the War Purgers," demanded publication or, on April 29, an administration building would be blown up, an unnamed white female professor killed, and a fake detonator placed in a public place. Reported in: *Tampa Tribune*, April 20.

### Atlanta and Statesboro, Georgia

Editors of student newspapers at two Georgia universities got a crash course in controversy in March. The editor of Georgia Southern University's paper, the *George-Anne*, sparked a three hundred-student protest and calls for his resignation with an editorial critical of the Statesboro school's Black Awareness Month. In Atlanta, *The Technique* at Georgia Tech stood firm on its decision not to run an ad that some thought would be insensitive to gays, despite an attorney general's opinion that the ad should be accepted.

Christopher Cole, editor of the *George-Anne*, offered no apologies March 28. He said his editorial had been misunderstood by the more than three hundred students, mostly black, who marched across campus three weeks earlier to call for his resignation. They claimed Cole's column, calling for an end to university funding for the observances, was racially insensitive. Cole said that individual groups, not the university, should sponsor the Black Awareness events.

The editor of Georgia Tech's newspaper said she would defy state Attorney General Mike Bowers' opinion that the newspaper must run an ad that she and other editors rejected. Two ads submitted by Campus Crusade for Christ in October included testimonials from a husband and wife who said they turned away from homosexuality after becoming Christian.

The ads were part of a national campaign launched by the group on fifty campuses. Officials said only Purdue University's paper had rejected the ad. Bowers said *The Technique*, unlike private publications, "may not exclude materials from publication based on their content, absent a compelling state interest for doing so." Reported in: *Gwinnett Daily Post*, March 30.

### Topeka, Kansas

A censorship battle loomed over Shawnee Heights school officials' opposition to an advertisement for a gay and lesbian youth hot line in the district's high school newspaper. The ad, placed in the *Totem*, was paid for by the Topeka AIDS Project. It identified STEY, or Support To Express Yourself, as a group for gay, lesbian, bisexual, transgendered and questioning youth, and provided a telephone number and an e-mail address for teens to talk confidentially with other gay and lesbian youth.

The ad appeared in the *Totem's* February 9 and February 23 issues with the approval of high school administration based on Unified School District 450's current policy. That policy prohibits ads that "infringe upon the rights of others to promote products or lifestyles which may jeopardize the social, emotional and physical health of students by mentioning drugs or drug paraphernalia."

But the ad generated a flurry of opposition from parents, readers and members of the Shawnee Heights Board of Education. It was supposed to run in the paper's March 15 issue, but school officials yanked it, according to *Totem* editor Deneen Bush.

The board then began to consider expanding the policy to add violence, hate, sex, tobacco and alcohol to the list that was limited to drugs or drug paraphernalia.

"I felt very offended to see this ad in our school paper," said board president Don Christian. "I got angry calls on this. I think our community stood up and said 'No.'"

Superintendent Dr. Steve McClure said the ad was in-

consistent with the district's mission to emphasize abstinence in its sex education curriculum. School officials said they didn't know whether the hot line would promote sex.

*Totem* staff questioned whether officials could legally kill the ad just because it generated complaints. The Kansas Student Publication Act, passed by the Legislature in 1991, protects the liberty of student journalists. It says school employees can regulate the number, length, frequency, distribution and format of student publications, but "material shall not be suppressed solely because it involves political or controversial subject matter." Reported in: *Topeka Capital-Journal*, March 19.

### **Blue Springs, Missouri**

The headline in the school newspaper was intriguing: "Two area businesses sell cigarettes to minors." But that's all that readers of the *Jaguar Journal* were allowed to see. Nothing but white space — and a logo saying this was an investigative report — ran where the story should have been.

The Blue Springs High School paper was forced to pull its centerpiece story from the April 4 edition when school administrators refused permission to print it. Jeremy Gates, student editor of the *Jaguar Journal*, said the paper's staff was told not to run the story. "We as a staff felt we had been censored by the school district, and they were trying to protect the public opinion of them," Gates said.

According to Gates, during an investigation by student journalists, cashiers at two Blue Springs grocery stores — Hy-Vee Food and Drug Store and Price Chopper South — sold underage students cigarettes, which is illegal in Missouri. Cashiers at six other local businesses refused to sell the students cigarettes. Gates said that after the purchases, the newspaper staff interviewed managers at the stores to get their views.

But Principal Dennis Littrell stepped in before the story was written. "I have no problem with students writing about the dangers of smoking" he said. "I have no problem with students writing about the accessibility of cigarettes or faults in the law concerning their sale to minors." But Littrell said he did have a problem with the editor of the paper sending minors into stores to purchase cigarettes. He said that amounted to participating in an illegal activity.

"It's a form of entrapment," he said. "I don't think that's the purpose of our school or the school newspaper." Gates noted, however, that he had checked with police in advance and learned the law prohibits sale to but not receipt or possession by minors of cigarettes.

After Littrell told students they couldn't publish the article, they appealed to deputy superintendent Paul Kinder, who said they could run the story only if the names of the businesses were deleted.

"The students made the decision not to run the story," Kinder said. "They are the ones who determined that they couldn't run it without the names."

A week later, however, the school reversed its decision and permitted publication of the article after coverage of the incident in the local newspaper included publication of the businesses' names. "The businesses look worse now because people are paying attention." Reported in: *Blue Springs Examiner*, April 9, 10; *Kansas City Star*, April 9.

### **Chapel Hill, North Carolina**

The editors of the *Carolina Review*, a conservative periodical at the University of North Carolina, are frank about their dislike of the student body president. On the eve of the February student election, their cover featured a doctored photograph showing him with devil's horns. Next to that was a drawing of a pitchfork.

Many students and professors charged that the illustration and the article that went with it were not just harsh but anti-Semitic. The article said that the student, Aaron Nelson, was biased against Christian and Muslim student groups because he is Jewish. The illustration was offensive, the *Review's* critics said, because it used an image that has been common in anti-Semitic literature for centuries.

University Chancellor Michael Hooker called the article "deeply offensive" and "altogether inappropriate." However, he affirmed the right of the *Review* to print whatever it wanted. Twenty-two Jewish faculty members signed a letter condemning the article.

After the paper was distributed on the morning of the election, about 1,500 of 5,000 copies disappeared. Nelson said that to the best of his knowledge, his friends had not taken the papers and he supports the *Review's* First Amendment rights. Nelson won the election in a landslide. Reported in: *Chronicle of Higher Education*, March 15.

### **East Pennsboro, Pennsylvania**

An East Pennsboro Area High School student never imagined that a short story she wrote for an English assignment would turn into a bitter lesson on the First Amendment. The story about a teen's jealousy causing school gang rivalry to escalate into violence, which won a regional writing award, was barred from a school publication of student works because of profanity and a sexual reference.

"It's censorship," said author Cassandra Hench. "It really made me mad it couldn't be published. If it was good enough to win an award, it ought to be good enough to print in East Pennsboro's *Wordsmith*."

*Wordsmith* adviser Gerry Myers said the questionable parts of the story conflicted with the conservative standards of the community. She said her decision was also

backed by state guidelines on student publications. "I would never allow a student to say those things in my classroom, so I don't think I could possibly publish them," Myers said.

Hench's story won a Silver Key in the Central Pennsylvania Scholastic Writing Awards competition, which drew over five thousand entries. Works earning Silver or Gold Key status are entered in the national competition.

When the story won a Silver Key, Hench was led to believe it would be published in the *Wordsmith*. Then she learned it wouldn't. Her mother, Alyce Mohar, first suggested editing out the sexual references but, after re-reading the story, agreed with her daughter that they needed to remain because that's the way many teens talk. Mohar then discussed the issue with teachers, which resulted in a compromise whereby the story and Hench's name was mentioned in the table of contents, but not published. Still unsatisfied, Mohar contacted Superintendent Glenn Zehner, who stood by the faculty decision.

The district has no written guidelines about what is published in *Wordsmith*. Reported in: *Harrisburg Patriot*, May 6.

## periodicals

### Washington, D.C.

The House National Security Committee took time out May 1 from talking about missile defense systems and fighter jets to dwell on the subject of magazines like *Hustler* and *Playboy*, and to ponder the meaning of "lascivious." When the lawmakers finished a debate that included references to "smut," "cultural degradation," and "constitutional rights," they approved by voice vote an amendment to the defense bill that would ban the sale and rental of sexually explicit publications and videotapes at all military commissaries, PXs and retail facilities.

"In 1988, the Navy banned topless dancing at clubs on bases. Topless dancing is equivalent to a Sunday school class from what you see in *Hustler* today," said Rep. Roscoe Bartlett (R-MD) as he urged his colleagues to support the amendment. "This is smut. This is demeaning to women and it leads to aberrant behavior."

Rep. Christopher Smith (R-NJ), the author of the bill, said that the sale of sexually explicit magazines at military bases is unfair to military families and has an "addicting effect on the viewer" that can lead to abnormal behavior.

Smith said the military stores sell such publications at discounts, meaning the military is subsidizing pornography. He said the "sale of this garbage" should not be facilitated by government. But during the committee debate, some lawmakers expressed concern the ban would violate constitutional rights of servicemen and women, while others worried about its unintended consequences.

"We could be banning married sex manuals and the *Sports Illustrated* swimsuit edition if we are not careful," warned Rep. Chet Edwards (D-TX). The use of the word "lascivious" as part of the definition of what would be banned "leaves too much ambiguity," said Rep. Neil Abercrombie (D-OH), who proceeded to read a variety of definitions from the dictionary to make his point.

Rep. Douglas Peterson (D-FL) suggested the bill could jeopardize cable television at military facilities since "some cable channels could violate what we are talking about," while Rep. Ron Dellums (D-CA) chided his colleagues for taking a purely political vote. "Nobody wants to vote against morality and family values," said Dellums. "But we all know that this does have First Amendment implications." Reported in: *Newark Star-Ledger*, May 2; *Washington Times*, May 2; *Los Angeles Daily News*, May 2.

### Seoul, South Korea

Some U.S. army libraries north of Seoul have been ordered to take "all pornographic reading materials" off their shelves, including *Playboy*, *Penthouse*, and *Playgirl* magazines. Marilyn C. Guinta, Community and Family Activities assistant director in Area I West, directed the action in late April. Area I West is one of five geographic areas of U.S. military bases in South Korea.

Guinta said she was only "following a direct order," and added that the ban would affect "fourteen or fifteen libraries." Another Army representative said the action was taken after a "concerned community member" complained in a letter to Maj. Gen. Tommy R. Franks "of the accessibility of the mentioned materials in the Camp Red Cloud library." Franks forwarded the letter and Col. Shawn Graves, Area I West commander, issued the order. Reported in: *Pacific Stars & Stripes*, May 2.

## publishing

### New York, New York

Chastened executives of St. Martin's Press halted publication of a controversial new book by David Irving after the company was besieged by angry telephone calls about the historical biography that even the company's chairman eventually concluded was "inescapably anti-Semitic." The company notified Irving April 3 about the cancellation of *Goebbels: Mastermind of the Third Reich*. The British author vowed to distribute the book around the world on the Internet.

The decision by St. Martin's, a unit of the British publisher Macmillan, Ltd., came after weeks of defending the book, including statements from its editor, Thomas Dunne, that when he agreed to a contract with

Irving in 1995 he was unaware of the author's association with the Institute for Historical Review, a group that denies the Nazi Holocaust against the Jews.

The final decision by Chairman Thomas J. McCormack came after much internal soul-searching by the company, including impassioned pleas by some hundred employees at an unprecedented "open forum" on the issue.

"We made a mistake," McCormack said. His three-page statement nonetheless tried to defend the original decision and also excuse the publisher's previous scathing response to historians, critics and Jewish groups who complained about affording credibility to Irving.

"I hated it," McCormack said of the book. "I tried to summon up why I hated it. It seemed to me that the subtext was the ugly one: that Jews brought it on to themselves."

Dunne said he agreed with the decision, but not because he was disturbed by the book's contents. "I was the first one to suggest that we haul down the flag on this one," he said. "There's been all this mud-splattering on innocent people, horrible phone calls and death threats. Orders to our college department were canceled."

The Anti-Defamation League of B'nai B'rith, which repudiated Irving in a letter to Dunne that went unanswered, was pleased by the announcement. "It's not a question of book burning and censorship," said the group's director, Abraham Foxman. "That's just poppycock. It's a question of responsibility. I think they finally made the right decision." Reported in: *New York Times*, April 5; *Washington Post*, April 4.

## video game

### Gilbert, Arizona

An Arizona mother's anger over a video game attracted national attention, and one of the country's largest catalog companies dumped the game in response. Ellie Rovella's campaign bumped the Sega Genesis version of *Primal Rage* from the J.C. Penney catalog. The move came on the heels of Best Buy's decision to pull the game from its stores. J.C. Penney officials agreed with Best Buy's assessment that portions of the game considered gruesome and vulgar were not appropriate. Reported in: *Orlando Sentinel*, March 11.

## art

### Phoenix, Arizona

Noting a 1978 state law that prohibits "abuse of venerated objects," a group of Republican lawmakers called on the city of Phoenix to investigate a controversial art exhibit on the American flag. In a letter to city Prosecutor Kerry Wangberg, Rep. Scott Bundgaard of

Glendale and twenty-four other Republicans called for an investigation into the exhibit at the Phoenix Art Museum. Among the artworks is one with an American flag stuffed into a toilet.

A powerful state lawmaker also threatened to scuttle a proposed state arts commission unless the exhibit, titled "Old Glory: The American Flag in Contemporary Art," was shut down, although he later backed off his proposal.

"I don't think you would see an exhibit celebrating any side of the Holocaust or an exhibit celebrating slavery because those things offend people," Bundgaard said. "I think these folks need to be more responsible for the exhibits they choose."

Angry veterans groups led by the American Legion had been protesting the exhibit daily outside the museum, with some removing flags displayed as part of the art. On March 21 the Legionnaires requested removal of four specific works that they found particularly offensive. The museum rejected the demand.

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## art under attack

An assistant middle school principal in Marietta, Georgia, stops publication of a student's poem. The film *Showgirls* is pulled from Wichita theaters after protests. An elementary principal in Dorchester, Massachusetts, bans all films after a teacher complains about one movie.

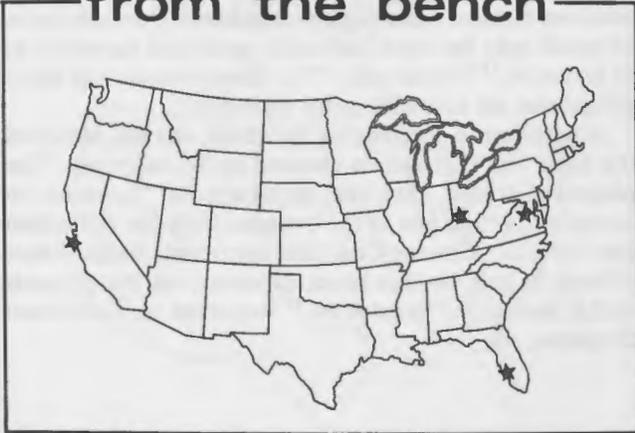
These were among the successful challenges to artistic expression in the U.S. last year catalogued by People for the American Way in its fourth annual report on challenges to artistic expression, issued April 2.

"This year, researchers documented a total of 137 challenges to artistic expression in 41 states and the District of Columbia," the report said. "Challengers continue to be remarkably successful at removing or restricting the expression to which they object. Overall, challengers had some measure of success in 73 percent of the incidents."

The researchers also reported a trend toward self-censorship. "While it is impossible to document works of art that are never produced," the report said, "anecdotal evidence suggests that fear of controversy is causing artists and institutions to engage in self-censorship or to impose more restrictive curatorial practices." The report found challenges in both fine arts and pop culture and said eight percent of challenges to specific pieces of art were used to challenge public funding of the arts.

"Although challenges to art can stem from both the political left and the political right, the religious right and the far right are the driving force," the report asserted. Reported in: *Denver Post*, April 3. □

## from the bench



### U.S. Supreme Court

Returning to the national debate over militant abortion protests, the Supreme Court agreed March 18 to decide whether courts may create a floating no-speech zone to shield unwilling listeners from demonstrators. The justices agreed to review a 1992 court order in upstate New York that required demonstrators on public streets and sidewalks to stay at least fifteen feet from abortion clinics as well as from patients who wanted to be left alone.

Lawyers for anti-abortion protesters said the court order violated the free speech rights of protesters while advancing a "new constitutional right not to be hassled in public." If such a right is allowed to stand it "will swiftly encroach upon union picket lines, gay rights activists, and all other anti-establishment protesters who hassle the American people by challenging the status quo," the lawyers warned.

But abortion rights advocates defended the order as a rational means of protecting people from being badgered at close range while allowing demonstrators to use most of the sidewalks outside clinics to wave signs and shout protests. A Supreme Court decision, expected in early 1997, could clarify guidelines for anti-abortion protests throughout the nation, some of which have turned into violence.

In the dispute before the Court, U.S. District Court Judge Richard J. Arcara imposed buffer zones in response to complaints that anti-abortion protesters of Operation Rescue had intimidated, harassed, and blockaded clinic patients and staff members in Buffalo and Rochester, N.Y.

Two parts of Arcara's order are at issue. One barred protesters from coming within fifteen feet of abortion clinic entrances and driveways, or patients and vehicles entering or leaving the clinics. Two "sidewalk counselors" were permitted to enter the buffer zones to try to persuade women not to have abortions. The second controversial part of the order required that if a patient expressed a desire to be left alone, the counselor must stop speaking and withdraw.

By a 13-2 vote, the U.S. Court of Appeals for the Second Circuit in New York approved both provisions. "There is no right to invade the personal space of individuals going about a lawful business, to dog their footsteps or chase them down a street, to scream or gesticulate in their faces," wrote Judge Ralph K. Winter in an opinion joined by nine other justices. "A nose-to-nose confrontation is hardly essential to the conveying of the protesters' views."

Key to the outcome of the case, *Rev. Paul Schenck v. Pro-Choice Network of Western New York*, will be the high court's interpretation of its own 6-3 ruling in a 1994 abortion protest case from Melbourne, Florida. In that case, Chief Justice William Rehnquist, writing the majority opinion, issued this general legal test: A judge's injunction would violate First Amendment free speech guarantees only if it stifles more speech than necessary to serve a significant government purpose. Reported in: *Newark Star-Ledger*, March 19.

The Supreme Court April 22 rejected a challenge to a Florida county's ban on nude dancing, turning away arguments that the ordinance violates erotic dancers' freedom of artistic expression. Attorneys for the owners of Cafe Erotica had argued that St. Johns County had forced dancers into bikinis "and the message inherent in their erotic performances has been significantly diluted, if not effectively stifled."

The action was taken without comment. A federal trial judge and the U.S. Court of Appeals for the Eleventh Circuit previously had thrown out the challenge to the 1992 ordinance.

The county commission in the mostly rural area of northeast Florida enacted the disputed ordinance a few months after Cafe Erotica, a restaurant that does not serve alcoholic beverages, began featuring nude dancing in 1992. Under the ordinance, about one-third of a dancer's buttocks must be covered, and about one-fourth of females' breasts. Reported in: *Fort Lauderdale Sun-Sentinel*, April 23.

A tow truck operator has asked the U.S. Supreme Court to define the constitutional boundaries of patronage practices in the public contracting context. During oral argument March 20, he maintained that the First Amendment protects public contractors from compelled political contributions. The city of Northlake, Illinois, urged the court not to extend to contractors the patronage shield enjoyed by public employees.

The tow truck operator serviced disabled vehicles on call pursuant to a police rotation list. When the mayor's reelection campaign allegedly asked him for a contribution, he refused and openly supported the mayor's opponent. After the mayor won, the operator was removed from the rotation list. The U.S. Court of Appeals for the Seventh Circuit rejected his claim that the action violated his First Amendment political association and speech rights, reasoning that only government employees enjoy constitutional protection against patronage. Reported in: *U.S. Law Week*, April 2.

## periodicals

### Cincinnati, Ohio

The First Amendment rights of booksellers and other retailers were vindicated in a decision issued by the U.S. District Court for Southern Ohio in Cincinnati May 2. The court declared that Hamilton County Prosecutor Joseph T. Deters violated the First Amendment when he sent a letter to a Barnes & Noble bookstore warning that a display of magazines in the store violated state law. The letter, which said the store was illegally displaying magazines with sexual content, is "null and void" and must be withdrawn, Judge Herman J. Weber wrote.

The letter "is a directive to the store to remove from display materials which the prosecutor has deemed on his own, without any judicial superintendence, to be objectionable," Weber said. Therefore, it is an unconstitutional prior restraint on the exercise of the right of free speech. The judge ordered Deters to pay court costs in the case.

"This case is an important reminder to prosecutors that they can't take it on themselves to decide what booksellers may display," said Oren J. Teicher, president of the American Booksellers Foundation for Free Expression (ABFFE). "It is an important First Amendment victory."

ABFFE, the Great Lakes Booksellers Association, eleven national groups, including the Freedom to Read Foundation, and *Playboy* magazine sued Deters in March 1995 over the December 28, 1994, letter to a Barnes & Noble store in Kenwood, a Cincinnati suburb. The letter notified the store that the January 1995 issue of *Playboy* and five other magazines were "on general display open to view by juveniles in your establishment." It alleged that the magazines were "harmful to juveniles" and therefore could not be displayed under Ohio law. Deters also said other material "harmful to juveniles" was on display in the store but did not identify it.

Judge Weber ruled that Deters' letter was "fatally vague in that it provides no indication whatsoever of why the listed materials might be considered harmful to

juveniles." In addition, the letter caused Barnes & Noble to remove from display magazines, "at least some of which may be constitutionally protected materials as to juveniles," Weber said. "For these reasons, the letter constitutes an unlawful prior restraint."

In addition to challenging the letter, the suit attacked the Ohio law that Deters claimed to be enforcing. The plaintiffs argued that the definition of "harmful to juveniles" in the law is far broader than the definition that the U.S. Supreme Court has approved. Judge Weber refused to rule on this issue, however, on the grounds that it would be "premature." Reported in: *Cincinnati Enquirer*, May 4.

## computing

### San Francisco, California

U.S. District Court Judge Marilyn Patel ruled that computer language is entitled to the same First Amendment rights as any other forms of speech. "This court can find no meaningful difference between computer language and German or French," Patel wrote. The suit, brought by University of Illinois at Chicago assistant professor Daniel Bernstein, seeks to overturn the federal government's prohibition against exporting strong encryption techniques. Bernstein posted source codes for his encryption program on the Internet and got into trouble with the government. He claims the government violated his right to free speech. Reported in: *Computer Industry Daily*, April 19.

## airport

### Tampa, Florida

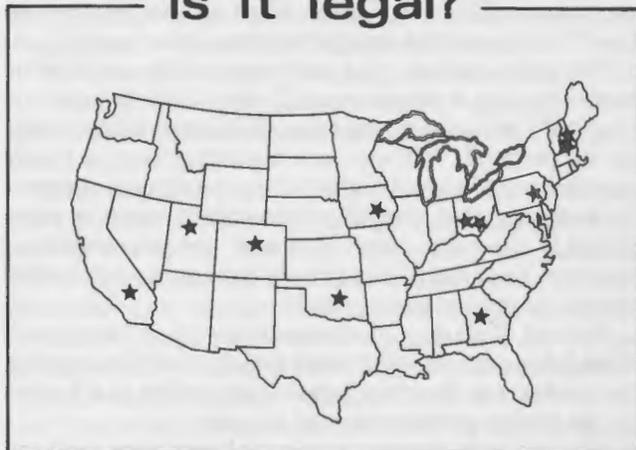
Airport officials have won the battle over leafletting at Tampa International Airport, but a religious group promised a legal war over the policy. U.S. District Court Judge Elizabeth Kovachevich dismissed a lawsuit filed last August by Jews for Jesus challenging the airport's ban on distribution of literature as an unconstitutional interference with free speech. A month after the suit was filed, however, the airport approved new rules allowing limited distribution.

In her order, Kovachevich found that since the new rules allowed Jews for Jesus to hand out pamphlets, the matter was basically moot.

Jews for Jesus had pressed on in the case because it sought a specific ruling that the airport acted unconstitutionally in the past, and an order prohibiting it from doing so again. But Kovachevich accepted the airport's

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## is it legal?



### libraries

#### Glendale, California

A soft-spoken man in his late 40s, with salt-and-pepper hair and a quiet demeanor, Ralph Oppenheim has been a part-time city librarian since 1984. He has also been waging an aggressive, months-long battle against City Hall to clear his name. The charge against him: telling a Central Library reference desk caller that Glendale was once home to the American Nazi Party.

In what Oppenheim calls a case of blatant censorship and image control, the city contends he violated customer service policies in the phone call last September. Oppenheim, who previously received two verbal warnings for his behavior, appealed the reprimand to the City Manager's Office and won. But the Library Department renewed its complaint against him.

Oppenheim's problem began September 13, 1995. A woman called and asked for interesting facts about Glendale. He said he told her: "Until the '50s or '60s, the city was the site of the headquarters of the American Nazi Party." Oppenheim told a fellow reference librarian about the exchange, and forgot about it — until two months later when a supervisor handed him a written reprimand. The complaint that led to the reprimand came from the coworker who Oppenheim told about the caller.

Oppenheim's comment was "an inappropriate use of the public's trust in our agency, injurious to both the city and to the library and is a misrepresentation of the city of Glendale," the reprimand said. It also said he violated customer service policy, but did not specify which policy.

"I violated their policy by not making the city look good," Oppenheim said. "It's not my job to make the city look good. It's my job to provide information. They've been monstrosly hypocritical." It wasn't until after Oppenheim wrote a letter calling the reprimand a suppression of intellectual freedom that Public Services Administrator Cindy Cleary said Oppenheim was at fault for not consulting a reference source before giving any information about Glendale to the caller.

In December, Oppenheim appealed the reprimand; library officials upheld it. But Assistant City Manager Robert McFall overturned it. McFall said he overturned the reprimand because the original letter "more dealt with content, that we may or may not agree with, but it did not deal with specific policy violations. It was not clear what policy violations, if any, had occurred."

McFall also left library officials the option of refiling the reprimand as long as they specifically identified the policy violations. Oppenheim didn't have long to savor his victory. He received another letter in early April saying the reprimand had been reinstated. Reported in: *Glendale News-Press*, April 13.

### schools

#### Denver, Colorado

Million Man March organizers sued Denver Public Schools in federal district court April 2, claiming the district's refusal to rent the group space at George Washington High School was unconstitutional. The district denied the group's rental application the day before, acting under orders from Superintendent Irv Moskowitz and the school board. The suit was filed by David Rees, a volunteer attorney for the ACLU.

Board president Aaron Gray labeled some people affiliated with the Million Man March group "separatists," and he and Moskowitz charged that they manipulated 150 George Washington students into walking out of school in March.

The lawsuit claimed the school district's facilities use policy violated the First, Fifth, and Fourteenth Amendments to the U.S. Constitution because it "fails to contain standards which can be applied in a constitutional manner." It also says denial of a permit amounted to prior restraint on speech.

Moskowitz said the district denied the permit based on the actions of certain members of the march group, not on the content of their speech. "Members of this group that signed the request have been involved in walking kids away from school," he said. "That is not the kind of action that would bring credibility to people who like to stand in front of our kids and talk about school issues." Reported in: *Denver Post*, April 3.

### **Merrimack, New Hampshire**

They've debated creationism and fought fiercely over prayer in schools. Yet nothing has so divided neighbors in this modest riverside community as a federal lawsuit challenging what its critics call "the most antigay public school policy in the nation."

Titled "Prohibition of Alternative Lifestyle Instruction," the policy bans instruction or counseling that has "the purpose or effect" of "encouraging or supporting homosexuality as a positive lifestyle alternative."

Plaintiffs say the suit, filed by a coalition of parents, students and teachers in February (see *Newsletter*, May 1996, p. 96), is the first constitutional challenge to a national wave of antigay public school curriculum policies and is intended as "an important reminder that First Amendment freedoms apply in our nation's classrooms."

Proponents say the board policy, adopted by a 3-2 vote last summer, protects Merrimack from such "liberal experiments" as one where tenth graders in Framingham, Massachusetts, were asked how they knew they wouldn't prefer sleeping with someone of the same sex if they hadn't tried it.

Sparked by concern over the publication of a gender-identity hotline in Merrimack's high school newspaper last year, the controversy has swelled, drawing in national organizations. Some residents resent the participation of some of the opponents — the ACLU, People for the American Way, and Gay and Lesbian Advocates and Defenders — whom they view as outsiders.

Some teachers and others opposed to the policy say it hamstring intellectual freedom in this district of five schools and 4,700 students. Rather than risk discipline or dismissal, teachers have reshaped and in some cases eliminated parts of the curriculum that deal with Walt Whitman, Tennessee Williams, AIDS prevention, teen suicide, and even Shakespeare's *Twelfth Night*, because a woman impersonates a male page in a comedy based on gender ambiguity.

The controversy has spawned a bomb threat, verbal threats against a board member who opposes the policy, protests by students wearing black armbands and pink buttons emblazoned "straight but not narrow," and name-calling at public meetings.

Opponents of the policy contend it was inspired by Christian Coalition activists bent on using community school boards as bully pulpits for their conservative views. Board chair and author of the policy Christopher Ager, however, says he got the language from a copy of the Congressional Record supplied by the office of Sen. Robert C. Smith (R-NH) and that the Christian Coalition had "zero input."

"We used to fight about school taxes, but people remained civil," said board member and policy opponent Ken Coleman. But once religious and social issues hit the agenda, "the debate was cast in terms of good and evil

and people ended up hating each other. They'll say this isn't about Christian values. Then in the next breath they'll say that God says homosexuality is a sin."

The policy makes "the only permissible mention of homosexuality a negative one," said Mary Bonauto of Gay and Lesbian Advocates and Defenders, lead counsel for the plaintiffs. "If you can't instruct or counsel in any way that would have the effect of encouraging or supporting homosexuality, then all you have left is negative viewpoints," she said. Ager dismissed her interpretation, however, declaring, "We already have policy safeguards against harassing any group."

Richard Walker, a guidance counselor at Merrimack High School for nineteen years and a plaintiff along with his ninth-grade daughter, regards the policy as a barrier to the ethical performance of his job.

"Say a student comes to me complaining that someone called him a faggot. And in conversation it comes out that he's gay or struggling with his sexual identity. I could not refer him to a gay and lesbian support group because they might say positive things," Walker said.

Thomas Gotsill, an English teacher for thirty years, thirteen at Merrimack High, said the policy has led to censorship. Teachers nip off discussions abruptly. Students preface remarks with "I know you can't talk about this," then stifle themselves or simply let their voices trail off, he said. In the past, Gotsill said, he showed his American literature classes a video on Walt Whitman from the PBS series *Voices and Visions*. The tape addresses Whitman's homosexuality. It also highlights the poet's exuberance and love of his fellow man. Ironically, said Gotsill, that's why he felt he couldn't show it anymore.

In an attempt to neutralize such criticism, the school board in mid-April allowed to take effect without a vote new guidelines for implementing the policy that were meant to give teachers more leeway. The guidelines maintained the ban on positive mention of gays in class and barred teachers from answering students' questions about their sexual identity or the morality of homosexuality. But inside the classroom, the guidelines gave teachers freedom to discuss homosexuality from a factual point of view or in the context of the curriculum.

The changes were dismissed as cosmetic by policy opponents. School board member Coleman called them a ploy and "gross political manipulation. As long as the policy supersedes the procedures," he said, "you can take no comfort from the fact that the procedures are more lenient." Said Sue Ruggeri, head of the teachers' union: "The lawsuit is still in effect." Reported in: *Philadelphia Inquirer*, March 25; *Boston Globe*, April 21.

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

The case of Penny Culliton, the English teacher who was fired after using books with homosexual characters,

could drag on beyond the beginning of next school year. But Dennis Murphy, lobbyist for the National Education Association, vowed that Culliton will prevail.

"In the end, Penny will win and the school district will do nothing more than accrue liability," he said. "How much needless waste of taxpayers' money will the school board engage in?"

Culliton lost her job at Mascenic Regional High School last fall after teaching books with homosexual themes. Among the books, obtained through a grant aimed at promoting tolerance, was *Maurice*, by E.M. Forster. Arbitrator Gary Altman ruled in April that she can return to work in September without a year's back pay. While he agreed with the board that Culliton had been insubordinate, he said he could understand "her level of frustration" and ruled that her actions did not warrant dismissal.

Culliton was allowed to use the books at least until January, 1995. She had obtained the grant and gone through the "proper channels." Authorities had approved the books. But when the school board changed its policy, she was told there was "some error" over the books' funding and requests for more explanation went unanswered, the arbitrator concluded.

But the Mascenic Regional School Board continued to accuse Culliton of "willful insubordination" and vowed to appeal in court. The NEA retaliated with an unfair labor practice charge against the board with the Public Employee Labor Relations Board. Reported in: *Boston Sunday Globe*, April 21.

### **Arlington, Ohio**

The four Carver sisters were back in class March 19, silver nose rings glinting from their left nostrils, after their mother threatened school officials with a lawsuit. The sisters had been suspended for twelve days because school officials said the jewelry violated the Arlington Local School District's dress code.

But the district agreed to reinstate the girls with no penalties after lawyers sent a letter threatening a suit in federal court. The girls' absences will be excused and they will be allowed to make up their school work.

The controversy began shortly after the girls all had their noses pierced. On March 1, Principal Rodney Russell told them they could not come back until the jewelry was removed. The girls' mother, Robin Parish, explained that the rings had to stay in for at least two weeks, preferably a month, to allow the holes to heal, and could only be removed by a professional. She said she explained the situation to Russell, but he said the girls would have to stay out of school until the rings were removed. Ms. Parish asked for a hearing, but got no response until she went to an attorney. Reported in: *Toledo Blade*, March 20.

### **Cincinnati, Ohio**

A hearing officer upheld the suspension of a high school student who cursed in class even though the boy's mother said his constitutional rights were violated. Freshman Jeremy Goodman, 16, was suspended for two days for violating a ban on cursing after saying "Jesus Christ!" in class. His mother, Karen Goodman, said she would seek help from the ACLU to challenge the suspension. Describing herself as a non-Christian, she told the hearing officer: "We do not consider saying 'Jesus Christ' any more of a curse word than saying 'red sneakers.'" Reported in: *Orlando Sentinel*, April 19.

### **Salt Lake City, Utah**

Utah's Legislature voted April 18 to ban high school clubs for gay and lesbian students. The bill cleared the Senate by a vote of 21-7 and the House 47-21. It is the only law of its kind in the nation. Republicans control both houses of the Legislature and Gov. Mike Leavitt, a Republican, was expected to sign the legislation.

The issue of gay clubs in high schools erupted last year when students at East High School in Salt Lake City formed a gay-straight alliance. The Salt Lake School Board reacted by banning all school-sponsored extracurricular organizations, believing it had no choice under a 1984 federal law that prevents schools from discriminating against clubs because of the beliefs they espouse (see *Newsletter*, May 1996, p. 96).

Supporters of the new law believe it skirts those prohibitions. It requires schools to deny access to clubs encouraging criminal or delinquent conduct, promoting bigotry, or involving human sexuality. The ACLU said a legal challenge was certain. Reported in: *St. Petersburg Times*, April 19.

## **university**

### **Iowa City, Iowa**

The Iowa State Board of Regents voted in December to remove a policy mandating that instructors warn students in advance about "unusual or unexpected course content." The policy, which was imposed following a handful of student complaints about gay-related course materials, had been the subject of a two-year battle by students and faculty at the University of Iowa.

Policy opponents argued that a tiny number of objections to films did not justify the imposition of a statewide policy that created a chilling effect, sanctioned homophobia, and imposed prior restraints on classroom speech. Reported in: *Washington Times*, April 29.

## Internet

### Atlanta, Georgia

Gov. Zell Miller has signed a Cobb County legislator's bill which marks one of the first efforts by a state legislature to regulate information on the Internet. House Bill 1620, signed by Gov. Miller April 18, makes misrepresentations on an Internet home page a misdemeanor.

The bill was authorized by Republican Rep. Don Parsons, who said he came up with the idea when he learned there were no laws preventing someone from creating a homepage and misrepresenting it as that of another person or business. The bill created a nasty floor fight when another Cobb Republican, Mitchell Kaye, launched a campaign to kill it. He charged it would unnecessarily censor free speech.

The bill passed, however, with the support of the House Democratic leadership, who wanted to use it to target a home page by Rep. Kaye, which both Republicans and Democrats have blasted for the kind of misrepresentation at which the bill is aimed. Critics charge Rep. Kaye's page, called the "House of Representatives Home Page," looks like the official page of the House when it really is a product of the right-wing Conservative Policy Caucus. Reported in: *Marietta Daily Journal*, April 19.

### Norman, Oklahoma

A professor has sued the University of Oklahoma for blocking access on campus computers to sexually explicit newsgroups on the Internet. He said the action was arbitrary and violated his free speech rights.

In April the university stopped making available on its network about a hundred groups that feature sex-related images and discussions. The groups are in the alt.sex area of Usenet, a collection of bulletin boards available through the Internet. University officials said they acted after a state legislator warned that the institution was violating state obscenity laws by providing access to the forums.

Bill Loving, an assistant professor of journalism and an adjunct professor of law, sued in early May in U.S. District Court to have the action declared unconstitutional and the newsgroups restored. He said Oklahoma's administrators should not be the judges of whether material on the Internet is obscene. He also said the university inadvertently had blocked legal material, including at least one group devoted to discussion among victims of sexual assault. "They've taken a meat-cleaver approach," he said.

University President David Boren disagreed. "We took a scalpel approach, not a meat-cleaver approach." Officials reviewed each group before deciding whether

to restrict access to it, he said, adding that their motto was, "when in doubt, do not block." Boren acknowledged, however, that a group discussing sexual assault had been accidentally removed for a brief period.

Boren said the University was required to act after State Rep. Fred Perry (R-Tulsa) notified them of potentially illegal material on the campus's computers. Oklahoma law forbids anyone to knowingly "publish, offer to publish, or otherwise distribute, display, or exhibit" obscene material.

Loving said the university's approach demonstrated a willingness to restrict Constitutional rights without determining that the material being blocked was illegal. "To me, that's a prior restraint," he said. "They're throwing out the baby with the bath water." Reported in: *Chronicle of Higher Education*, May 10.

## prison

### Philadelphia, Pennsylvania

Death row inmate Mumia Abu-Jamal filed a \$2 million suit March 26 against National Public Radio for refusing to broadcast his commentaries about life in a maximum-security prison. NPR pulled the commentaries from the evening news program "All Things Considered," on May 16, 1994, hours before the first commentary was to air. Abu-Jamal charged the action violated his First Amendment rights. NPR said it refused to air the tapes because of Abu-Jamal's role at the time as "the focal point of a highly polarized and politicized controversy." The network initially agreed to broadcast the commentaries and pay Abu-Jamal \$150 for each one. Reported in: *St. Louis Post-Dispatch*, March 27. □

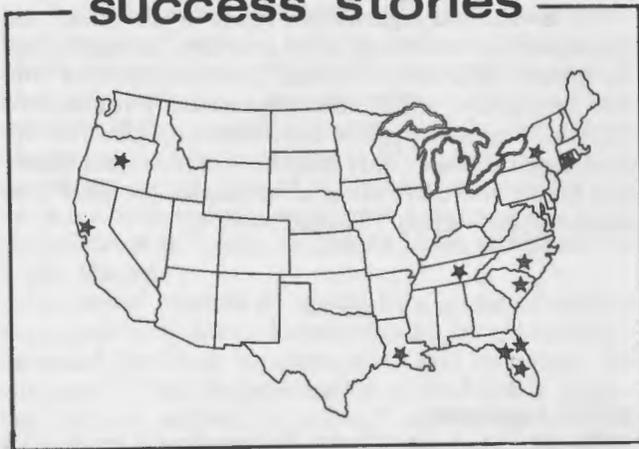
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(from the bench . . . from page 128)

promise that it would not suspend its latest rules and wrote that if it did, "the court's door is always open to constitutional controversies."

Matt Staver, the Orlando attorney representing Jews for Jesus, said he planned to be knocking again soon. "The airport did ultimately change its policy as a result of us suing," Staver said, but the new rules allow distribution only as a token. The new rules require a group such as Jews for Jesus to apply for a permit, submit their literature for review by airport officials and distribute it only from two designated spots near the center escalators of the ticketing level. Since the airport adopted the rules last September, neither Jews for Jesus nor any other group has requested a permit to distribute literature. Reported in: *St. Petersburg Times*, March 28. □

## success stories



### libraries

#### Colchester, Connecticut

The Cragin Memorial Library staff will not restrict access to any material based on the age of the borrower. Despite a complaint from a parent, the library Board of Trustees voted unanimously April 3 to keep a seven-year-old policy to that effect in place. "Any attempt to deny access puts us on a slippery slope," said trustee Ronald Goldstein.

The reaffirmation of policy was prompted by a phone call to co-director Siobhan Grogan from resident Jeanne Kowalsky. Kowalsky, whose 11-year-old son had brought home the R-rated movie *True Lies*, had believed that libraries enforced the MPAA rating system.

"The MPAA rating system is a private, voluntary system, not a law," Grogan noted. "A child of any age who has a library card is entitled to access any information." Reported in: *Colchester Regional Standard*, April 6.

#### Fort Walton Beach, Florida

Two review panels have refused to ban a book of black-written poetry from middle schools after a parent contended it promotes violence and complained about expletives and a reference to abortion. Steve Powers of Valparaiso said he would carry his fight to the Okaloosa County School Board after a second panel turned down his request May 7 to pull *Poetry of Black America* from school libraries.

A seven-member district committee concluded that the 1973 book is a valuable resource that should remain on

the shelves, where it has gathered more dust than readers for more than two decades. The panel included a school board member. Earlier, a committee at Lewis Middle School, where Powers's daughter is a student, refused to ban the book.

"I did not find it to be so offensive that I would want to say that the people at Lewis had gone too far," said board member Bert Moore, who served on the district panel.

Powers agreed that the book, taken as a whole, has value and may be suitable for older students, but maintained that it is inappropriate for younger children. The poems he complained about focus on the civil rights struggles of the 1950s and 1960s. Powers sought support for his effort by passing out copies of passages that he considered objectionable at local churches. Reported in: *Panama City News-Herald*, May 9.

#### Lake Oswego, Oregon

Before a crowd of more than 85 people, the Lake Oswego Library Advisory Board heard testimony regarding the library's decision to add *Playboy* to its collection. After two hours of testimony, board members voted unanimously to accept a report from three city librarians, chosen at random from the library's staff, who said Library Director Carole Dickerson followed proper procedures when she decided to include the magazine. The report was forwarded to the City Council. Local residents who opposed *Playboy* collected more than 700 signatures of people who said they want the magazine removed (see *Newsletter*, May 1996, p. 83).

"The review committee finds that *Playboy* meets all the selection criteria," the report said. "Our collection of 430 periodicals and newspapers reflects diverse viewpoints: from the *National Review* to the *New Republic*, from the *American Spectator* to *The Socialist*, even though such materials are probably objectionable to some readers. The library acknowledges the rights of parents and guardians to determine the selection choices of their own minor children. Current shelving practices for *Playboy* and other frequently vandalized periodicals protect against unwilling or unexpected contact by our patrons. The Collection Review Committee believes this is an appropriate accommodation to our readers' needs for diverse materials in the library and the concerns of parents over the access by minors to these materials."

Opponents of *Playboy* threatened to file suit if the magazine stays in the library. Any suit filed will cost the city tax dollars in court costs, and *Playboy* opponents pledged to withdraw support from city tax measures and fight a library expansion plan unless the *Playboy* issue goes their way. Reported in: *Lake Oswego Review*, March 28.

## **schools**

### **Bay County, Florida**

The *Goosebumps* series of horror novels for young readers, by R.L. Stine, will not be removed from Bay County elementary schools. The Bay County School Board on May 2 unanimously approved a three-part recommendation by Superintendent Stefanie Gail and a committee convened to review the series to keep the books in school media centers, allow teachers to retain the right to choose books to read to their classes, and give parents the right to request alternate assignments.

"[The school system] can't be a parent. It's the parent who makes the difference," Gail said. "We can't be all things to all people. There are things on the shelves that I don't like. I'm not thrilled with the *Goosebumps* series."

Coordinator of Media Technology Loretta Hughhins chaired the committee that reviewed the forty-three titles in the series. While the books weren't considered "high quality literature," she said, they were "high interest, low-reading-level" books that inspired "a lot of students" to begin reading on a regular basis.

The decision to retain the books followed emotional appeals from Kip and Lisa Clinton, a Lynn Haven couple who requested in March that the books be banned after a teacher at Hiland Park Elementary School read one of them to their daughter's third grade class.

In their complaint the Clintons specifically cite pages and passages in five of Stine's books: *The Barking Ghost*, for satanic symbolism and gestures, possession and descriptions of dogs as menacing and attacking; *Night of the Living Dummy II*, for spells or chants, violence and vandalism; *The Haunted Mask*, for a graphic description of the ugly mask, demonic possession, violence, disturbing scenes and dialogue; *The Scarecrow Walks at Midnight*, for satanic acts and symbolism, and disturbing scenes; and *Say Cheese and Die!*, for promoting mischief, demonic possession, a reference to Satan and his goals, a disturbing scene describing a death, and a scene that tells of a child disappearing from a birthday party. They also asked that all titles in the *Goosebumps* series "presently in print and all forthcoming issues" be banned from all county elementary schools. Reported in: *Panama City News-Herald*, April 2, May 9.

### **Jacksonville, Florida**

Seven families and Planned Parenthood announced April 8 that they would seek dismissal of a lawsuit they filed in 1992 against a controversial, abstinence-based sex education program. The action was the result of a unanimous vote April 2 in which the Duval County School Board approved a sex education plan that met approval of both Planned Parenthood and the Christian

Coalition.

The lawsuit had argued that the conservative Teen Aid curriculum for seventh-graders provided inaccurate and incomplete information on fetal development, abortion, teen pregnancy, AIDS and other sexually transmitted diseases, feminine hygiene and contraception. The suit also alleged Duval County lacked a comprehensive health-and-family life curriculum as mandated by state law. Reported in: *Tampa Tribune*, April 9.

### **Slidell, Louisiana**

The St. Tammany Parish School Board on April 1 ended a four-year-old attempt to ban the book *Voodoo and Hoodoo*, by Jim Haskins, from a junior high school library. The ACLU announced the settlement at its New Orleans office.

"Students carry their right to freedom of expression and access to the written word through the schoolyard gate," ACLU executive director Joe Cook said. "This whole controversy could have been avoided if the School Board had listened to its own committee instead of pursuing what was obviously a religious agenda."

The book, which contains information about the history of voodoo and a collection of voodoo spells, was returned to the Clearwood Junior High library in Slidell April 1. Under the agreement, it will be available only with written parental permission to students in eighth grade or above. The board's insurer also agreed to pay the ACLU attorney's fees and costs related to the case.

The settlement avoided a trial that was set for April 22 and ended a long battle. The board voted to ban the book in June, 1992, after a parent complained that it contained recipes for doing good and evil, calling for human excrement and dead animals, among other ingredients.

The school's library review committee recommended the compromise agreed to in the settlement, but the board voted 12-2 to ban the book, calling it dangerous and without educational value. The ACLU filed suit on behalf of the families who said the ban violated their First Amendment rights.

U.S. District Court Judge Patrick Carr first ruled in October, 1993, that the case should have a trial, but later reversed himself and ordered the book returned to the school. The board appealed and the case was sent back to Carr for trial.

Momentum for a settlement was building on the board after two conservative members who fought to ban the book left the board in 1994. Additionally, the board's insurer indicated that it might not foot the bill if the board continued to fight the suit. Reported in: *New Orleans Times-Picayune*, April 2.

### **Binghamton, New York**

The Maine-Endwell Board of Education voted unanimously March 28 to keep using a controversial health textbook that some parents said was too explicit and biased in favor of homosexuality. A standing room crowd of about a hundred people filled the high school library for the board meeting at which the board voted to confirm the decision of Superintendent Dennis Ford and a textbook review committee to keep using the book, *An Invitation to Health*, by Dianna Hales, in high school health classes.

The board rejected an appeal by a group of parents to stop using the book. Before the vote, board members defended the book as appropriate and important for students. "I feel the information in the book is important for our students to know," said board member Cynthia Elinoff. "It's not bad to expose our kids to a different point of view."

The board voted to keep the book in the classroom through the rest of the year and form a new textbook selection committee. The committee will review the book along with others to determine which is the best book for long-term use.

*An Invitation to Health* contains sections on fitness, nutrition and drug abuse. But what upset some parents was the section on sexual identity and behavior. The section contains a picture of a lesbian couple and references to bias against homosexuality and "gay bashing."

The message is that homosexuality is acceptable behavior, said Karen Pascucci, a parent who opposed the book. She called the board's decision "disappointing." Other opponents argued that the book is written at a college level that makes it inappropriate for high school students. Reported in: *Binghamton Press & Sun-Bulletin*, March 29.

### **Spartanburg, South Carolina**

Two sex education videotapes that some parents charged violate state law will remain in Spartanburg School District 7 classrooms. A citizens' committee assigned to review the videos voted April 17 to keep them in the curriculum for some junior high school students. The vote outraged opponents, who said the videos depict sexual acts and encourage teenagers to have intercourse.

State Board of Education member Brenda Vernon called the decision "reprehensible," and said she and a parent would seek the state attorney general's help. School board members had unanimously approved sex education guidelines for seventh- and eighth-graders on April 3, including the two videotapes.

The first video, *Human Growth III*, informs seventh-graders about changes in their bodies during adolescence. The committee voted 9-0 to keep it. The second video, *VD: More Bugs, More Problems*, tells eighth-graders

about AIDS and other sexually transmitted diseases. The committee voted 8-1 to retain it. Reported in: *Spartanburg Herald-Journal*, April 18.

### **Nashville, Tennessee**

The Tennessee Senate voted March 28 to kill a bill that would have let school boards fire teachers who tell students evolution is fact. The bill, which dredged up memories of the infamous Scopes "Monkey Trial" of 1925, would have made the teaching of evolution as fact a form of insubordination. It would have allowed, but not required, school boards to fire the offenders. "This bill is not worth five minutes of our time. The Senate is shaming the conscience of Tennessee," said Sen. John Ford (D-Memphis). Reported in: *Orlando Sentinel*, March 29.

## **theater**

### **Charlotte, North Carolina**

The curtain rose on *Angels in America* without risk of Charlotte authorities stopping the performance, forcing changes, or arresting the actor who strips nude during a hospital scene. A last-minute court order March 20 secured opening night for the cast and crew of the Pulitzer Prize-winning drama, which played without protest in city after city until it reached Charlotte. A group of Christian conservatives tried blocking the show over scenes with nudity, profanity, and simulated sex.

Even after the legal victory, some expected an outburst during the nude scene opening night, but when actor Alan Poindexter dropped his pants for seven seconds and faced the audience, no one said or did a thing.

In the hours leading up to the show, Charlotte Repertory Theatre and a cadre of lawyers scrambled to sue a long list of people with the power to interfere with the long-awaited performance at the North Carolina Blumenthal Performing Arts Center.

The temporary restraining order signed by Superior Court Judge Marvin Gray prevented interference from Charlotte-Mecklenberg County police, the district attorney, the sheriff, state alcohol commissioners and others, including the Performing Arts Center, which is Charlotte Repertory's landlord and whose threats triggered the lawsuit.

The Performing Arts Center said it would not allow the play to go on unless the theater promised not to violate the state's indecent exposure law — or unless it obtained a court order barring authorities from enforcing the law.

Citing U.S. Supreme Court decisions that nudity in an artistic setting is protected by the First Amendment, Gray wrote: "The play is an artistic presentation. Nudity in the play appears to constitute artistic expression." Reported in: *Charlotte Observer*, March 21.

## art

### Mill Valley, California

Nude art shows may return to Mill Valley City Hall now that City Manager Douglas Dawson has withdrawn his controversial ban, acknowledging that it stood on shaky legal ground. "I responded quickly from an employer point of view," he said. Dawson issued the no-nudes rule last year after several city employees said they were uncomfortable working near nude paintings in previous shows (see *Newsletter*, May 1996, p. 106).

Dawson's request prompted the Art Commission to cancel a January show by Mill Valley artist Juliana Jensen and sparked a community controversy. City Attorney Craig Labadie said that, in light of the First Amendment, the ban "was ill advised from a constitutional perspective." A protest by the ACLU had spurred the City Council to ask Labadie to review the matter.

Labadie's opinion concluded that the city had two choices: to stop showing all art exhibits or move workers who are offended by nudes. The city is under no obligation to host art shows, he reported, but once it does so it must abide by constitutional protections of free expression.

Dawson's ban followed a series of sexual harassment seminars for city employees. The sessions were held in the City Hall council chambers, where several nudes hung in an art show, and several workers told Dawson that the paintings made them uncomfortable. Reported in: *Marin Independent Journal*, March 28. □

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(censorship dateline . . . from page 126)

"We knew that, because of the issue the artists were dealing with, it [the exhibit] would create a dialogue among patrons visiting the museum," said museum director Jim Ballinger. "It has created quite a charge." Indeed, Ballinger noted, the protests were themselves "very much the spirit of what this exhibition is about."

Rep. Robin Shaw (R-East Phoenix) declined to sign the letter, declaring that the statute invoked by the signatories infringed on First Amendment rights. The exhibit, she said, "is not illegal, and this [statute] is clearly unconstitutional. This is America, and we do have to protect our First Amendment rights. That's something we have to remember when we're dealing with issues we're very emotionally driven by." Shaw also noted that, despite claims by Bundgaard to the contrary, the project received no city, state or federal funds.

Protests against the exhibit extended to Washington, where House Speaker Newt Gingrich (R-GA) called April 1 for the museum to close the exhibit. When Ballinger invited Gingrich to view the exhibit before passing judg-

ment, the Representative said, "I think it's a sign of just how much they don't get it, that they think looking at it will make us happier. It will just make us angrier. The fact is they ought to close the exhibit. I don't have to look at a U.S. flag in the toilet to know it's wrong."

The traveling exhibit, assembled by curator David Rubin several years ago, includes some eighty works that use the image of the flag. It begins with an historic overview, leading visitors from local examples of flag art to some of the most opinionated and controversial works. Reported in: *Arizona Republic*, March 23, 27; *Los Angeles Times*, April 3.

### Martinez, California

A septuagenarian artist and great-nephew of the last Russian tsar had the shortest show of his career after his work was hung at the Martinez Civic Arts Gallery, where he encountered more resistance than he had at shows in Russia. A collection of twenty-five pieces by Andrew Romanoff of Inverness went on display March 18, set to run for a month. The gallery's third show ever was closed March 20, however, after unspecified complaints about the acrylic-on-plastic sketches.

"There were some pieces in the show that were found to be objectionable," said curator Jerry Leisure. "I was just informed by the chairman of the Arts Commission that there was a problem with about five of the pieces." Leisure said he wasn't told what the complaints were, or which pieces were problematic. When he relayed the sketchy information to Romanoff, the artist opted to close the show.

"It was the first time in all this time that he has been, let's say, censored," Leisure said. "This was kind of a shock to him."

"Some of the content of the show material may not have been exactly appropriate," explained City Manager Jim Jakel. "The art itself was nicely executed." Adjacent to the gallery are city recreation offices frequented by parents with children, and some of the art "wasn't really geared for children, especially some double-entendres." The Police Activities League, which involves youth, is based in the building too, Jakel said.

"I don't think there were any citizen complaints at all," the City Manager added. "There would have been complaints had children seen [the exhibit]." Reported in: *Contra Costa Times*, March 22.

### Miami, Florida

Police and elected authorities in Dade County do not protect freedom of expression and tolerate violent tactics by Cuban exiles to inhibit free expression by others, a group of artists and their supporters charged May 5. The group, meeting in Miami Beach, decried attacks by Cuban exile protesters at an April 10 concert by Cuban pianist Gonzalo Rubalcaba at the Gusman Center. City

Manager "Cesar Odio didn't care less," said Carlos M. Luis, former director of the local Cuban Museum, which was bombed twice by exile extremists in the 1980s.

"Other members of the County Commission and the state legislature, they tolerate this kind of behavior in order to win the anti-Castro vote," Luis said. "The very people responsible for enforcing the law are active to the contrary."

The participating academics, museum directors, and artists were also sharply critical of the Center for Fine Arts (CFA), which just days after the Rubalcaba incident canceled the appearance of Cuban art critic Gerardo Mosquera. "It was fear that compelled her to do what she did," said Luis, referring to CFA director Suzanne Delehanty, who decided on the cancellation.

Denise Gerson, associate director of the Lowe Art Museum at the University of Miami, questioned whether the county manager's office and the County Commission might have been involved in canceling Mosquera since CFA receives funds from the county. Attorney John de Leon of the ACLU condemned the position taken by David Lawrence, Jr., chair of the CFA board and publisher of the *Miami Herald*. Lawrence publicly backed the decision to cancel Mosquera's appearance.

Stephen Malagodi, a radio producer, said CFA should be asked to produce guidelines for who can participate at its facility and who can't. "Is there a political test for being able to participate at the center?" he asked. "Do you have to denounce Castro? Deny you have guidelines or show me the guidelines. One way or the other." Reported in: *Miami Herald*, May 7.

### Athens, Georgia

At the April 13 opening of the University of Georgia's Performing and Visual Arts Complex, art students Jim Wade and Charlie Harris and alumnus Phil Goulding covered their displayed sculptures with blue tarps to protest censorship of art in America. But Wade said they were influenced by discussion of Terry Glispin's nine-foot cast aluminum sculpture of a sperm.

Glispin, a graduate student in sculpture from Summerville, South Carolina, was asked to display his sculpture April 11. But then Evan Firestone, director of the School of Art, was told by two officials responsible for the weekend's events that the art might offend some major donors. Firestone said the officials did not ask Glispin to remove his work involuntarily, but he asked him to do so. "I told [Glispin] it was his decision, and that if there was any flak, I'd be responsible," Firestone said.

"I didn't feel that I was in the position to put my superior in a situation where he would have to take flak for me," Glispin said. "I felt there was an amount of pressure."

Wade said that after he and the other sculptors heard about Glispin's situation they considered removing their

art. "We decided not to because this would be the same as the move against Terry," he said. Instead, they decided to cover their art after people heard Robert Hughes's lecture, which briefly addressed the issue of censorship.

The artists removed the tarps about five hours after they placed them over the sculptures. Wade put up laminated signs over the pieces that said "Think," "Support Freedom of Expression," and "Beware the Rumor Mill."

"I hope in retrospect, the administration and people who give money to the University will have empathy and respect for artists," Glispin said. Reported in: *Red and Black*, April 15.

### Iowa City, Iowa

Two University of Iowa art students said it was ironic that a forty-foot-long mural they painted depicting censorship was torn down by University staff less than three hours after they had erected it. Graduate students Cedar Nordbye and Ben Rubin painted the mural, which was located on a plywood construction wall, to protest denial of permission to paint construction barriers near the Art Building last summer.

Rubin said the fact that math students were officially allowed in March to paint the side of a construction wall with math formulas, equations, and diagrams, showed how little respect University administrators had for art students.

"The goal was to start a discussion, or forum, on why we got censored and they did not," Rubin said. "The art students asked to do a mural and they said 'no way.' That the math students were allowed seems very odd. To emphasize the lack of funding and respect the art department gets at the University we put our mural up right next to the math one."

The mural, which Rubin described as a political statement against the censorship of art and the lack of respect for artists on campus, including a nude male, figures forming words in sign language, and several comments on censorship. University Director of Planning and Administrative Services Dick Gibson said removal of the image was not censorship. He said he noticed something had been added to the wall, but he did not look closely at it. He said the image was probably removed by physical plant staff members, who frequently clean initials and logos from University property.

"That is graffiti as far as I'm concerned," Gibson said. "We typically remove graffiti. It had nothing to do with censorship."

Nordbye said he was amazed at how rapidly the mural was removed. "It felt Orwellian," he said. "It was like there was a really efficient machine at work to make sure nothing out of the ordinary happened." Reported in: *Daily Iowan*, April 25.

## Norman, Oklahoma

A graduate student's nude photographs were removed April 25 from the University of Oklahoma, said Tom Toperzer, director of the Fred Jones, Jr., Museum of Art. Calling it "big and bad" photography, Toperzer ordered graduate student Kevin Eccles's exhibit of framed nude self-portraits removed from the lower level galleries. He said he decided the sixteen works displayed as part of Eccles's graduate student thesis should be removed, not because of complaints of nudity, but because of the exhibit's quality.

"The museum has a reputation for showing the best and most professional work," he said. "This work was very poor. They were not good photographs. I have shown hundreds of nude photographs and paintings over twenty-five years." However, Toperzer acknowledged that with four hundred fourth-graders due to visit the exhibit, "I just did not want to defend this thing." Indeed, he first decided that a sign warning viewers of the nudity should be placed in the museum.

The exhibit, "Study of Man from the Myth of Osiris," was Eccles's response to censorship, including the removal of Internet newsgroups under the alt.sex address from the University server. In March, University President David Boren, a former U.S. Senator from Oklahoma, ordered the newsgroups blocked after receiving complaints from a state lawmaker and an Oklahoma group opposing what they considered Internet pornography (see page 132). In one of Eccles's photographs, the nude man is holding a copy of the campus newspaper with a headline about Boren's decision to block the newsgroups.

A statement from Boren's office said the administration was uninvolved in the decision to remove the exhibit. "As a general matter, it is not appropriate for the president or the administration to second-guess professional decisions of the staff of the art gallery," the statement said. "The museum staff decides what works are artistically worthy of being hung."

Toperzer said he had not received any complaints about the exhibit. Boren's press secretary Josh Galper, however, said the administration did receive some complaints by telephone.

"I thought it was ironic that an exhibit on censorship was suddenly taken down," commented Student Congress vice-chair Jason Glidewell. "The question I had, and I guess I still have, is, 'Why was it put up in the first place?'" Reported in: *Daily Oklahoman*, April 26; *Oklahoma Daily*, April 26.

## advertising

### Atlanta, Georgia

At least three movie chains, including Columbus-based Carmike Cinemas, declined to run the Atlanta-based

Coca Cola Co.'s new ad campaign for its Fruitopia drinks. "We weren't totally happy with the way it looked on our screens," said Fred Van Noy, vice president and general manager of Carmike, which has 2,500 screens in 33 states.

Coke's representative Scott Jacobson said about a third of the proposed ad buy had declined to run the ad. He said it shows a hotel maid walking in on three pairs of fruit in bed "rubbing against each other."

"There's a banana and an apple, a lemon and an orange, and a pineapple and something," Jacobson said. "It's all about what people drink Fruitopia for — unique combinations of fruit flavor," he said. Reported in: *Augusta Chronicle*, April 6.

### Savannah, Georgia

California Tan suntan lotion's billboards, depicting two women and a man basking in the sun, were yanked from their five Savannah locations after a successful letter-writing and phone call campaign in March. The models on the billboard were posed close together and appeared to be unclothed.

"They're in a seductive-type pose," said Chris DiSilvestro, general manager and vice president of Lamar Outdoor Advertising of Savannah, which erected the signs. "You can't see anything, but you can't see any clothes either."

Lamar canceled its contract with the Los Angeles company after receiving dozens of complaints about the picture. "I've been here about four years, and nothing is comparable to this," DiSilvestro said. "This is the peoples' input. We listened to them; we heard them."

"Although we firmly believe in freedom of speech, we also believe in advertising in good taste and advertising that is useful and not harmful to the general public," DiSilvestro wrote in a letter to the editor of the *Savannah News-Press*.

California Tan publicist Mandy Kisthardt said the company could not understand why the picture caused controversy. "We're trying to portray the feeling you get when the sun is finally shining after two weeks of rain," she said. The billboards were part of a national campaign. Kisthardt said sixteen cities, including Savannah, had canceled the ads. "It's really disturbing to us," she said. "The billboards were the meat of our \$6 million campaign." Reported in: *Gwinnett Daily Post*, March 30. □

(most censored stories . . . from page 111)

nation's health system every year and, even worse, no one has any way of finding out how much.

**9. Chemical Industry Fights for Toxic Ozone-Killing Pesticide.** The chemical industry is fighting to prevent the proposed ban of methyl bromide, a pesticide that is at least 50 times more destructive to the ozone layer than chlorofluorocarbons and toxic to humans.

**10. NAFTA's Broken Promises.** NAFTA's promises to U.S. and Mexican workers and communities have already been broken by USA\*NAFTA members.

The other 15 under-reported stories of 1995 were: Giant Oil Companies Owe U.S. More Than \$1.5 Billion; 180,000 Patients Die Annually from Treatment in Hospitals; Congress Wants to Take the Money and Run; The Gulf War Syndrome Cover-Up; Rebirth of Slavery in the Sudan; Fiberglass—A Deadly Carcinogen that is Everywhere; Small Arms Wreak Major Worldwide Havoc; Scientific Support for Needle Exchange Programs Suppressed; Solving the Nuclear Industry's Waste Problem with Taxpayers' Dollars; ABC Spikes New Tobacco Expose; New 3R's: Reading, Writing, and Reloading; Cures in the Rain Forest; Dioxin: Still Deadly; U.S. Trails in Maternal Health; E. Coli Kills 500 Annually.

The judges who selected the top ten under-reported news stories were Donna Allen, founding editor of *Media Report to Women*; Ben Bagdikian, professor emeritus, Graduate School of Journalism, University of California, Berkeley; Richard Barnett, Senior Fellow, Institute for Policy Studies; Jeffrey A. Chester, executive director, The Center for Media Education; Susan Faludi, journalist/author; George Gerbner, professor of communication and dean emeritus, Annenberg School of Communications, University of Pennsylvania; Sut Jhally, professor of communications and executive director, The Media Education Foundation, University of Massachusetts; Nicholas Johnson, professor, College of Law, University of Iowa; Rhoda H. Karpatkin, president, Consumer Union, non-profit publisher of *Consumer Reports*; Charles L. Klotzer, editor, *St. Louis Journalism Review*; Judith Krug, director, Office for Intellectual Freedom, American Library Association; Frances Moore Lappe, co-founder and co-director, Center for Living Democracy; William Lutz, professor, English, Rutgers University; Julianne Malveaux, Ph.D., economist and columnist, King Features and Pacifica radio; Jack L. Nelson, professor, Graduate School of Education, Rutgers University; Michael Parenti, Ph.D., author and lecturer; Herbert I. Schiller, professor emeritus of communication, University of California, San Diego; and Sheila Rabb Weidenfeld, president, D.C. Productions.

The SSU PROJECT CENSORED researchers, who reviewed and evaluated more than than 700 "censored"

nominations from throughout the world, were Greg Downing, Tina Duccini, Marcie Goyer, Kristi Hogue, Brad Hood, Stephanie Horner, Dylan Humphrey, Doug Huston, Pia C. Jensen, Vanessa Mann, Jon Merwitzer, Amy Niesen, Stephanie Prather, Fritz Rollins, Mary Jo Thayer, Mike Thomas, Justin Twergo, Tami Ward, Nikki Washburn, Lysa Wayne, Mark Lowenthal, associate director of Project Censored, and Amy S. Cohen, Project Censored research associate.

"CENSORED: The News That Didn't Make the News and Why," the 1995 Censored Yearbook, published by Seven Stories Press, New York, is available in bookstores or by calling 1-800-596-7437. To receive a free pamphlet listing the top 25 stories, send a self-addressed, stamped envelope to PROJECT CENSORED, Sonoma State University, Rohnert Park, CA 94928-3609. □

## teacher receives PEN/Newman's Own Award

PEN American Center, the American branch of the international organization of writers that defends freedom of expression, announced April 22 that the PEN/Newman's Own First Amendment award for 1995 would be presented to Missouri teacher Cissy Lacks, who was fired for her "failure to censor" her students' creative writing, and has since been engaged in a lawsuit against the school district that fired her.

"Cissy Lacks deserves recognition for her courage in defending her young writers' right to self-expression at great risk to herself," said PEN member and novelist Julia Alvarez, one of the five judges who selected Lacks for the award. "She's turned a difficult occasion into an opportunity to further educate her students, future teachers and others about the importance of self-expression, particularly in public education. She has taken her situation from the private arena and made it an educational opportunity for all involved."

Lacks, an award-winning teacher, encouraged her students to write from their own experiences. In October, 1994, in the Ferguson Forissant school district, Lacks's eleventh-grade students, all African-Americans, acted out drama exercises they had written. Many scenes dealt with such issues as sex, teenage pregnancy, drugs, and gangs and contained street jargon and vernacular, including words like "bitch" and "nigger." The principal, on hearing a tape of this exercise three months later, summoned Lacks to a meeting with district officials, who suspended her immediately for allowing profanity in her classroom. After five nights of public hearings, Lacks was fired. □

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