

newsletter
on
intellectual
freedom



IFC ALA

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

ISSN 0028-9485

November
~~September~~ 1996 □ Volume XLV □ No. 6

On September 2, People for the American Way released its 14th annual report on school censorship, Attacks on the Freedom to Learn. The following is the report's Executive Summary.

This 1995-96 edition of *Attacks on the Freedom to Learn* is People For the American Way's 14th annual survey of censorship and related challenges to public education. Our primary source of information in compiling these incidents was the people who experienced them: the teachers, librarians, school officials, parents and students who either responded to our mailed questionnaires or who contacted our researchers individually. In addition, we gathered information from news reports and various forms of outreach to parents, activists and education professionals.

The report is divided into two sections. In Section One, we report and analyze the various trends that emerged from our research. These findings and analysis are also summarized briefly in this executive summary. Section Two is our state-by-state accounting of attacks on the freedom to learn, in which we present short descriptions of each individual incident we have documented. These case studies illustrate in some detail how incidents have played out in communities across the country. Finally, a series of appendices are included at the end of this report, providing lists of most frequently challenged books, materials, and authors, as well as a list of states with the most documented assaults on public education.

What is documented here surely does not represent every challenge to educational materials or school programs during the recently concluded 1995-96 school year. We could hardly hope to monitor and investigate every effort to impede academic freedom in each of more than 15,000 school districts and more than 80,000 public schools in the United States. Indeed, past experience confirms that a large amount of activity goes unreported. The American Library Association has estimated, for example, that for every censorship incident that is reported, four or five go unreported. Therefore, the information provided here is best understood as a representative snapshot of controversies taking place, not a comprehensive accounting.

This Report Finds:

While attacks on public education occurred with increasing frequency, actual censorship and attempts to censor have given way to broader assaults on the public
(continued on page 192)

**attacks on
the freedom
to learn**

*Published by the ALA Intellectual Freedom Committee,
Ann K. Symons, Chairperson.*

in this issue

attacks on the freedom to learnp. 187

FCC requires time for childrenp. 189

Gwinnett survey resultsp. 189

church leaders oppose prayer amendmentp. 189

another church boycotts Disneyp. 190

in review: *Eyes Right!*p. 190
Giving Offensep. 191
Protecting the Right to Readp. 191

copyright dateline: libraries, schools, student press, films, recording, Internet, art, foreignp. 193

from the bench: Internet, school, student press, college, newspapers, liability, obscenity and pornography, commercial speech, parodyp. 203

is it legal?: library, church and state, university, harmful matter, prison, solicitationp. 207

success stories: libraries, schools, university, artp. 211

targets of the censor

books

The Adventures of Huckleberry Finnp. 198, 199

Bad Boyp. 211

Bastard Out of Carolinap. 196

Beach Housep. 211

The Beans of Egypt, Mainep. 212

Benziger Family Lifep. 195

Biology: Concepts and Applicationsp. 198

The Catcher in the Ryep. 212

The Chocolate Warp. 198

Draw Me a Starp. 212

Female Perversionsp. 194

Growing Up Gayp. 190

Health Care Ethicsp. 212

Historic, Literary and Erotic Aspects of of Lesbianismp. 194

Hit Manp. 205

I Know Why the Caged Bird Singsp. 197

Jackp. 193

The Joy Luck Clubp. 199

Love Between Menp. 194

Making Lovep. 194

Miss Americap. 194

Moby Dickp. 199

Ordinary Peoplep. 197

Psychologyp. 196

The Scarlet Letterp. 199

Souderp. 212

Texas and Texansp. 199

To Kill a Mockingbirdp. 196, 199

White Ninjap. 211

The Wild Girls Clubp. 194

Women on Topp. 194

periodicals

Atlanta Journal-Constitutionp. 205

Hustlerp. 209

The Jet [Everest H.S.]p. 199

Sentinel [Centreville H.S.]p. 204

films and videos

Antonia's Line [Philippines]p. 202

The Miracle of Lifep. 195

Priestp. 190

Pulp Fictionp. 193

Salop. 205

Stripteasep. 200

Trainspottingp. 200

Views of contributors to the **Newsletter on Intellectual Freedom** are not necessarily those of the editors, the Intellectual Freedom Committee, or the American Library Association.

(ISSN 0028-9485)

Newsletter on Intellectual Freedom is published bimonthly (Jan., March, May, July, Sept., Nov.) by the American Library Association, 50 E. Huron St., Chicago, Illinois 60611. Subscriptions: \$40 per year (includes annual index), back issues \$8 each from Subscription Department, American Library Association. Editorial mail should be addressed to the Office for Intellectual Freedom, 50 E. Huron St., Chicago, Illinois 60611. Periodical postage paid at Chicago, Illinois at additional mailing offices. POSTMASTER: send address changes to *Newsletter on Intellectual Freedom*, 50 E. Huron St., Chicago, Illinois 60611.

FCC requires three hours for children

Ending a three-year fight, the Federal Communications Commission (FCC) on August 8 approved guidelines requiring television stations to provide three hours per week of educational children's programming beginning next year. The guidelines, which broadcasters had opposed until pressured by Congress and President Clinton, were the first public-interest requirements passed by the FCC in two decades.

"Our vote today is the most important vote for children and education ever cast at the commission," declared FCC chair Reed Hundt, who said the regulatory agency had received 20,000 letters and e-mail messages in the past year from people in favor of the standard.

According to the new rules, the three hours of programming must be "specifically designed to meet the educational needs of children under the age of 16," with education being "a significant purpose" of the shows. The programs must air between 7 a.m. and 10 p.m.

It will be up to broadcasters to determine which of their shows are educational and to label them on the air and in listings information. Stations also must cite them as part of their application for renewal of their federal operating license and will be subject to scrutiny by the FCC and community groups. Labeling of educational programs is to begin in January, but stations will have until September, 1997, to meet the three-hour-per-week requirement.

The FCC had been deadlocked over the three-hour guideline in recent months until the Clinton administration helped broker an agreement with the National Association of Broadcasters on July 29, the day of a White House "summit" on children's television. More than two hundred members of Congress earlier had voiced support for the proposal.

FCC Commissioner James Quello, who had objected to Hundt's earlier plan as "over-regulatory," joined the chairman and two other commissioners in voting unanimously for the three-hour guidelines brokered by the administration, although he said he still had concerns that the measure could establish a precedent for "future First Amendment incursions" on free speech.

In 1992, stations told the FCC they had met the educational and information needs of children as required by a 1990 law by airing such shows as "The Jetsons" and "Leave It to Beaver" reruns.

Hundt disagreed and proposed making broadcasters air three hours a week of educational shows. But he couldn't get a majority of the commission to support his plan until Clinton intervened. The resulting compromise still left the definition of "educational TV" indefinite. According to both Greg Simon, the White House negotiator on the issue, and the National Association of Broadcasters President Edward Fritts, some comedies like

"The Cosby Show" might qualify. It will be up to the commission to apply the guidelines, however. Reported in: *Newark Star-Ledger*, July 30, August 9. □

Gwinnett survey shows division over children's access

A survey performed recently for the Gwinnett County (Georgia) Public Library, the scene of several major censorship battles in recent years, showed that a slight majority of respondents believe parents should not have to provide written consent for their children to use the adult section.

The poll of four hundred Gwinnett residents also showed that most library customers rate service higher than that of other local government services, a vast majority would be more inclined to use the library if information could be accessed via computer modem, and most would like the county to fund Sunday library hours.

Residents polled were almost evenly divided about whether parents should be required to provide written consent before their children may gain access to the adult section, with 49.75 percent against such a measure and 47.5 percent favoring it. Among residents with minor children, 50.45 percent said they were against such a rule, while 47.73 percent would approve it.

For more than a year, critics have tried to persuade the library board to restrict the access of children to sexually explicit material through the creation of an "adults only" section. The board has refused to do so. Reported in: *Gwinnett Daily Post*, September 11. □

church leaders oppose prayer amendment

Church leaders from a dozen denominations stood outside the Supreme Court July 22 to oppose a constitutional amendment allowing organized prayer in public schools.

"I am a born-again, Bible-bred, Texas-born Baptist preacher," said the Rev. James M. Dunn, executive director of the Baptist Joint Committee on Public Affairs. "That's precisely why I oppose any government meddling in religion."

The proposal, added Mark J. Pelavin of the Religious Action Center of Reform Judaism, "demeans religion, threatens our most precious rights and distracts America from addressing its most pressing problems."

The House Judiciary subcommittee on the Constitution held a hearing the same day on a new school prayer amendment proposed by House Majority Leader Dick Armey (R-TX). Armey's resolution proposed a change to the First Amendment "to further protect religious

freedom, including the right of students in public schools to pray without government sponsorship or compulsion."

It also prohibited the federal and state governments from denying anyone "equal access to a benefit, or otherwise discriminate against any person, on account of religious belief, expression, or exercise."

"The Arney amendment is a wolf in sheep's clothing," asserted the Rev. David Ramage, Jr., a Presbyterian and president-emeritus of McCormick Theological Seminary. "In the name of religious freedom, it would undermine religious liberty for all Americans. It invokes freedom of conscience to justify an attack on the First Amendment, the greatest guarantor of freedom of conscience the world has ever known." Reported in: *St. Petersburg Times*, July 23. □

another church boycotts Disney

The Walt Disney Co. took another hit from a Christian group August 14 when the Assemblies of God said it was urging its 1.4 million members to stop buying Disney products or visiting its theme parks.

"In recent years, we have watched with dismay the productions of the Disney corporation abandoning the commitment to strong moral values, and have noticed this moral shift in a number of Disney-sponsored films and events," the church's General Presbytery wrote.

Specifically, the 250-member panel criticized *Growing Up Gay*, a book for teenagers published by Disney-owned Hyperion Press, and Disney's acquisition of Miramax Films, which distributed the movie *Priest*, a film about a homosexual cleric. The church called the movie "totally outside the reputation and image" of the company.

The resolution represented a change for the Assemblies and its relationship with Disney. For more than twenty-five years, the church has been a promoter of Disney parks, offering free discount membership cards to employees, missionaries, or anyone related to its 11,800 churches or seventeen colleges. That program was discontinued in May.

The church said its national and district publications would encourage its members to refrain "from purchasing and supporting Disney products or attending their parks."

It also criticized Walt Disney World, which has been the site of a Gay and Lesbian Day for several years. Although Disney does not sponsor the event at the Orlando theme park, the church said it should have warned families of the "Gay Day."

The General Presbytery adopted the anti-Disney resolution August 6 during its annual meeting in Springfield, Missouri. In June, the Southern Baptist Convention also voted to have its sixteen million members boycott Disney because the company extends benefits to companions of

gay employees and releases R-rated movies. In April, the Roman Catholic group Knights of Columbus sold \$3 million of Disney stock in protest over *Priest*. Reported in: *Miami Herald*, August 15; *Orlando Sentinel*, August 15. □

in review

Eyes Right! Edited by Chip Berlet. South End Press, 1995. 398 pp. \$17.00.

This book is must reading not only for those individuals who are devoted to the protection of First Amendment rights, but for anyone who wants to better understand the political forces fighting for control of the United States.

Political discourse in American society has taken on a sharp edge in recent years. The debate, accurately described as acrimonious, is frequently explained as being between the forces of the Right and the forces of the Left. This collection of essays is devoted to explaining which groups constitute the forces of the Right. Going further, the authors use quotations from the leaders of the various groups, as well as excerpts from their publications, to make quite clear what the organizations are committed to achieving. While there are differences in the individual agendas of these organizations, they are nearly unanimously committed to policies of non-tolerance and non-inclusion. Their leadership spans the spectrum from the rabidly anti-Semitic to the pseudo-populist, from the immigrant-bashers to the Christian vigilantes.

A sampling of the titles of the essays which make up the book will give an idea of the broad range of organizations covered: "Christian Reconstructionism", "Constructing Homophobia", "The Wise Use Movement", "Theocracy and White Supremacy", "Pulling Up the Ladder", "The Roots of the IQ Debate", "The Rise of Militias", "Guns, Ammo & Talk Radio", "Race, Religion & the Right".

One of the major contributions the book makes is the effort devoted to identifying the distinctions between the groups discussed in its various chapters. For instance, in a section devoted to the "Theocratic Right," the authors draw clear distinctions among such diverse groups as the Promise Keepers, the Christian Reconstructionists and the better known groups such as the Christian Coalition, the American Family Movement, Operation Rescue, etc.

A very important section of the volume is devoted to outlining strategies for combating these various organizations. Topics in this section include: how to combat the campus Right, how to respond to the anti-immigration

groups, soundbites against homophobia, responding to hate groups. Finally, the editor provides an important list of resources: where to connect, who to contact, who to challenge, and what to read.—Reviewed by Joseph A. Boisse, University Librarian, Davidson Library, University of California, Santa Barbara, California. □

Giving Offense: Essays on Censorship. By J.M. Coetzee. University of Chicago Press, 1996. 294pp. \$24.95.

All but two of the chapters in this book by the well-known South African writer have been published previously. The earliest was published in 1988; the most recent in 1993.

The book is not intended to constitute any kind of history of censorship. Nor does it focus primarily on South Africa. The author states that the book represents "an attempt to understand a passion with which I have no intuitive sympathy" and also "to understand, historically and sociologically, why it is that I have no sympathy with that passion." It is clear from these statements and from reading the book that the author is being deeply introspective in this work, that he is attempting to understand himself and his own position on the issue of censorship.

The book deals with very difficult concepts. A fascinating section (in chapter two) explains the relationship which the author believes develops between the censor and those being censored. He argues that one of the bases for censorship by the state is grounded in paranoia, and that paranoia is, in a sense, contagious. The writers who are censored develop a paranoia and the two paranoias play off each other. He believes that the paranoia becomes an intrinsic part of their language and their thinking. In addition to citing passages from Reynaldo Arenas, George Mangakis, and Danilo Kis to support his contention, he declares that his own writing contains the same pathology.

To illustrate his various ideas, Coetzee chooses examples from various cultures: Erasmus, D.H. Lawrence (*Lady Chatterley's Lover*), the Russian poet Osip Mandelstam, Solzhenitsyn, and South African writers Ande Brink and Breyten Breytenbach.

This book is not recommended for those who are merely interested in a history of censorship. It is aimed at the thoughtful individual who truly wants to try to understand the roots of censorship and how it affects those who are censored. While it is not an easy read, those who undertake it will come away with a new understanding of the pernicious effect that censorship has on people and on society.—Reviewed by Joseph A. Boisse, University Librarian, University of California, Santa Barbara, California. □

Protecting the Right to Read: A How-To-Do-It Manual for School and Public Librarians. Ann K. Symons and Charles Harmon. Neal-Shuman Publishers, Inc., 1995. 211 p.

The title of this book describes, albeit not completely, its contents. The book covers the philosophical basis for intellectual freedom, as well as the real-life details of dealing with a censorship challenge - not only the "how" of dealing with a censorship challenge, but also the "why". The authors cover the material in a way that enables one to read the entire text or to use it as a consultation tool.

The authors are well qualified to address the topic of intellectual freedom. Ann Symons is a high school librarian, and Charles Harmon is editor of *The Bottom Line: Managing Library Finances*. Both authors have been active for many years in the American Library Association.

Several physical features of the book enhance its usefulness: a descriptive table of contents; a well organized index; a synopsis of the chapter content at the beginning of each chapter; generous left margins allowing note-making.

In 135 pages of text and ten chapters, the authors convey both philosophy and specific advice in a style that is unambiguous. Symons and Harmon succeed in defining potentially confusing library jargon. This will be an asset when sharing this resource with school administrators, teachers, school board members, or beginning library students.

Some of the topics covered are: principles of intellectual freedom; library policies relating to intellectual freedom; public library considerations; school library considerations; intellectual freedom on the Internet; the reconsideration process; the librarian's role in a censorship challenge; and an overview of the history of intellectual freedom with current and possible future trends. Particularly timely is the chapter dealing with intellectual freedom on the Internet. The final chapter unifies the specifics of the other chapters. The summary reminds the reader that censorship challenges are a part of living in a functioning democracy. Challenges can be an opportunity for community building and education. A valuable and important part of this work is the respect demonstrated throughout for the persons involved on all sides of a censorship challenge.

The text is supplemented by three appendices ("Interpretations of the Library Bill of Rights and Associated Guidelines", "Daddy's Roommate Documents", "Sample Policies and Statements from Other Organizations") and a general bibliography. The references at the end of each chapter and the general bibliography document the research that is the basis for the book and will be an excellent starting point for further research. *Protecting the Right to Read* will also be a starting point for discus-

sions in all types of libraries of selection policies, reconsideration policies, and principles of intellectual freedom.

The importance of being prepared for a censorship challenge before it happens is emphasized. A battle of personalities can be avoided if the policies to deal with a challenge are in place and approved by a governing body before a challenge is made. The importance of preparation is illustrated by a scenario of a library without policies for the protection of the right to read and a chronology of a censorship, which one of the authors, experienced.

This work will benefit not only school and public librarians, but also library school students, librarians in other settings (academic, government, etc.), school board members and school administrators. It is a reminder of the need for all librarians to revisit or create policies which should exist in all library settings to preserve the patrons' right to read.—Reviewed by Sue Williams, Reference Librarian and Science Bibliographer, Augustana College. □

(attacks . . . from page 187)

education programs, student newspapers and literary magazines, field trips, plays, school reform efforts, optional counseling services and more. At the same time, anti-education groups and individuals have broadened their focus to include voucher legislation, attempts to inject prayer and religion into the public schools, personal attacks on teachers and administrators, and a renewed fight to add Creationism to science classes. Overall, censorship continues to threaten America's schoolchildren, but its destructive impact is being matched by a new wave of ideological assaults on public education.

Attacks overall are on the rise: During the 1995-96 school year, there were more attempts to remove or restrict educational materials, censor school programs, stifle student expression, pass harmful, anti-public education legislation and inject coercive religious doctrine into the official school day than ever before in the 14-year history of this report. Researchers confirmed 475 incidents in 44 states in all regions of the country. Those 475 incidents include both outright attempts to censor materials, as well as efforts to impose an ideological or sectarian agenda through other means. States with the highest number of incidents were California, Pennsylvania and Florida. No incidents, however, were reported in Arkansas, Delaware, Hawaii, North Dakota, Vermont, West Virginia or Wyoming.

Censorship and its success rate: Censorship continues to be a serious problem in the public schools and remains the single most common practice of opponents of public education in their efforts to impose ideological, political

or religious agendas on the nation's classrooms. While the number of reported censorship attempts has decreased, reaching 300 during the 1995-96 school year, censorship is only one tactic among many employed by those seeking to control the public schools. In a positive development, the success rate of would-be censors decreased somewhat this year, dropping to 41 percent, still disturbingly high, but lower than last year's record high of 50 percent.

Scope of challenges continues to widen: In what is the most alarming finding of the report this year, the number of broad-based challenges to public education increased by 46 percent, rising from last year's record level of 120 to 175 this year. These complaints include campaigns to inject state-coerced school prayer or other religious activity into the official school day, attempts to include Creationism in biology classes, challenges to school reform, and efforts to enact a school voucher plan or pass so-called parental rights legislation that will effectively undermine the quality of public education. In many communities, Religious Right political groups are either spearheading or supporting these efforts as an extension of their censorship activity.

No area of public education was left unaffected: Virtually no aspect of the curriculum is safe from attempted censorship, from student newspapers to science classes, from library collections to kindergarten picture books.

Library materials were frequent targets: Thirty-seven percent of all censorship attempts were leveled at school library materials, books no child is required to read. Even more disturbing are the number of incidents in which no particular titles were challenged, but instead objectors simply sought to "cleanse" whole collections of books that discuss sex or contain otherwise offensive material.

African-American women authors under siege: A disproportionate number of books written by African-American women were attacked this year, with Maya Angelou's *I Know Why the Caged Bird Sings* being the mostly frequently challenged book in the country. These assaults reflect a broader attack on multicultural education and efforts to make history and English curricula more accurate and complete by including contributions of women and minorities.

Religious Right political groups lead the charge: Sixteen percent of the incidents reported directly involved national, state or local Religious Right political organizations. An additional 16 percent appeared to be coordinated or inspired by these same extremist groups. Religious Right political leaders have long targeted public education, and the movement is at the forefront of censorship attempts and other assaults on public education

(continued on page 202)

— censorship dateline —



libraries

Lompoc, California

Officials at the Lompoc Library have agreed to take another look at a decision to keep R-rated movies off the shelves. Some patrons complained about the policy after R-rated videos were pulled from the Buellton branch because they violated a policy passed in 1987.

Library Board President Larry Walsh said the decision to ban R-rated films was not an attempt at censorship, but an effort to avoid competing with local video rental outlets. "We've really followed a policy of anti-censorship," said Walsh. "It's not the library's position to tell people what to read or what to check out."

From time to time, patrons have donated R-rated films to the library and its branches. In Buellton, the library staff was unaware of the ban, and placed the films in the collection. When the movies were pulled from the shelves, the library got letters objecting to the policy. In July, therefore, the library board agreed to form a committee to come up with a new policy that's more consistent with what other libraries in the area allow.

"I don't want to say exactly how it will be changed," Walsh said. "But I think they'll come up with a policy that seems to be more in harmony with what the other libraries are doing." Reported in: *Santa Barbara News-Press*, July 11.

Clearwater, Florida

Pam Wyatt was stunned when her 15-year-old son confessed that he had seen the R-rated video *Pulp Fiction*. But the real surprise came when she discovered that he had checked it out of the Clearwater Library's Countryside branch.

Wyatt said her son should not have been able to borrow an R-rated tape. The library, she said, is "the place in the community you think of as having such high standards."

"We at the library feel that it's the parents' responsibility to govern what their kids are reading and watching," Clearwater Library director Arlita Hallam said. She acknowledged that it was "certainly doable" to have a policy preventing minors from renting R-rated videos, but the public had not clamored for such a change. In four years, Hallam said, Wyatt's was only the second complaint she received about the video policy. Reported in: *St. Petersburg Times*, August 22.

Seabrook, Massachusetts

The cancellation of library programs involving numerology and tarot cards was branded as censorship September 4 by several residents who complained to town selectmen. The residents were circulating a petition to protest the August cancellation by the Board of Library Trustees of all special programs until a policy is developed. The cancellation followed protests by religious groups, who called the programs satanic.

The issue is censorship not satanism, said Terry Amato. "Libraries should provide materials on all points of view," she told the selectmen. "It was a religious organization that stopped it. That's where I'm opposed to it. Some of us would have liked to have access to that program and other programs."

Selectmen advised the residents to take their case to the library trustees, who govern library programming. Reported in: *Newburyport Daily News*, September 5.

Spindale, North Carolina

After lengthy and spirited debate, the Board of Education agreed August 20 to a committee recommendation to leave restrictions on a protested library book. At issue was the novel *Jack*, which parent Elizabeth Blanton said she didn't find "proper to be in the library due to the language."

Blanton had made her protest in December, 1995, after her daughter was assigned to do a book report and chose *Jack*. After the initial complaint, the book was reviewed by a school committee in January, which recommended that the book be placed on the library's reserve shelf. This meant parental permission was required for a student to check it out.

A county committee later reviewed the book and upheld that decision. The issue then came before the

board. Board member Carl Parton supported Blanton's request to remove the book, but others disagreed. Board member Roger Jolly spoke for the majority: "It is just as wrong to remove it from the shelf as it would be to leave it open on the shelf," he said. "I wouldn't be the parent to sign to let my child read it, but, as a board member, I couldn't vote to say that others couldn't." The vote to uphold the restriction, decision was 4-1, with Parton dissenting. Reported in: *Forest City Daily Courier*, August 21.

Charlestown, Pennsylvania

A county resident wanted the Chester County Library to remove from its shelves several books that he called "pornographic" and "smutty." Physicist Jerry Moore from Charlestown told the library board September 17 that the library should create an "adults only" section for books like *Women on Top: How Real Life Has Changed Women's Fantasies and Love Between Men*.

"Any child or teenager can walk into the library, go to this one section and take any book they like," Moore said. "A lot of kids know exactly where to go to find these books. Other kids may be looking for something entirely different and stumble upon it. It's not right."

Moore himself stumbled onto the books, he said, while looking for Hillary Clinton's *It Takes a Village*. In the same section he found Nancy Friday's *Women on Top*. "It's all about women's sexual fantasies and is very graphic," Moore said. "I shudder to think that a child could just as easily have pulled that book down."

As Moore addressed the library board, a brown shopping bag filled with close to twenty "inappropriate" library books sat on a chair next to him. The titles included: *Making Love: An Erotic Odyssey*, *The Wild Girls Club: Tales from Below the Belt*, *Female Perversions*, and *The Historic, Literary, and Erotic Aspects of Lesbianism*.

Moore acknowledged that the titles of some of the books sounded "worse" than they actually are, but many of them went into graphic details about sex acts and fantasies surrounding them. The board listened to his complaint and told him they would discuss it at a later date.

Library director Barbara Webb said it was the first time in her two years on the job that a resident had taken a complaint to the library board. The library occasionally gets complaints from people when they return books. Sometimes they take the time to fill out a complaint form. "Usually when we explain that we carry materials on a broad range of topics and interests, people understand. They don't always agree, but they understand," she said. Reported in: *West Chester Daily Local News*, September 18.

Prince William County, Virginia

Two newly appointed members of the Prince William County Library Board have begun pushing to limit young people's access to books they consider inappropriate, either by removing them from the collection or by creating an "adults-only" section of the library.

The board members, Stephanie Chartrand and Dennis Daugherty, who also is president of the county Christian Coalition, have failed thus far, including an unsuccessful effort September 26 to remove radio personality Howard Stern's *Miss America* from the collection. But they say they will continue their efforts and that they hope the board will soften in its reluctance to impose what they consider sensible restrictions.

"I would hope there would be an openness at some point to reviewing the adequacy of the collection management policy," Daugherty said.

Chartrand and Daugherty want a review of the library's guidelines for buying books, and they favor requiring borrowers younger than eighteen to get a parent's permission to check out any book from an adult section. A majority of board members, however, have opposed such restrictions, saying they could ultimately result in censorship and inhibition of free speech.

"Restricting access has never been an option for us before," said fourteen-year board chair Joyce Phillips. "Usually someone asks to have a book taken out of the collection. If you persisted in this," she added, "you could end up with the whole adult fiction [section] put behind the desk."

In August, the board voted 7-2 to keep another book, *White Ninja*, by Eric Van Lustbader, in its collection (see page 211). After the board voted to retain *White Ninja*, it voted 6-3 to put off for a year any deliberations on restricting access. Reported in: *Washington Post*, September 28.

Rock Springs, Maryland

"Live Through This," a compact disk by Hole, the rock group featuring Courtney Love, widow of "grunge" rock star Kurt Cobain, was removed from circulation in July pending resolution by the Sweetwater County Library Board of a request for removal by an unnamed library patron. The library also received verbal complaints about "Life Through This" and two recordings by Tori Amos, "Under the Pink" and "Little Earthquakes."

Library Director Helen Higby said the patron complained that the recording is vulgar and "not uplifting," but did not pinpoint any specific lyrics. "Most of it isn't intelligible to me," Higby said, "but I've certainly heard much more offensive music lyrics. My recommendation to the board will be not to withdraw the recording, but the board will make the final decision." Reported in: *Rock Springs Daily Rocket-Miner*, July 30; *Casper Star-Tribune*, August 2.

schools

Jefferson County, Colorado

Withdrawing a science videotape from Jefferson County classrooms because a student complained that it treats evolution as fact is "just like book burning," an executive of the Nova science series charged August 1. The videotape, "The Miracle of Life," was produced for television by Nova in 1983 and is used throughout the country. Officials in Colorado's largest school district withdrew it after a review committee agreed with 15-year-old Canny Phillips of Wheat Ridge High School that comments in its introduction "are poorly stated and scientifically refutable."

Phillips complained when the video was shown in his sophomore biology class. He said that by claiming that evolution is a scientific fact rather than a theory, the video violated his beliefs as a fundamentalist Christian.

The video is about reproduction but the introductory comments are about evolution, stating that life began evolving millions of years ago from a single-celled organism in a primordial soup. Those comments were not central to the film, and the committee recommended that they be edited out. But WGBH-TV in Boston, which owns the copyright, rejected that request. Reported in: *Denver Post*, August 2.

Fort Lauderdale, Florida

A church school's fifth grade sex education class uses an explicit textbook that introduces genital relations to young children and destroys their innocence, a lawsuit filed by parents of two ten-year-olds charged. Circuit Judge Arthur Birken refused August 14 to dismiss the suit against St. Bartholomew Catholic School.

The description and explanation of such things as foreskin, erection, masturbation, sexual intercourse, ejaculation and nocturnal emissions are included in what is described as a religious book, according to the lawsuit. The school also forced pupils to take the course and "compelled the students to assess their parents and bring to school intimate observations from home," the suit charged.

The textbook, *Benziger Family Life*, is used in more than fifty Catholic schools in Dade, Broward, and Monroe counties, said officials of the Archdiocese of South Florida.

The book doesn't appeal to intellect, but to emotions and feelings and "is a systematic destruction of innocence," the lawsuit claimed. Such material should be taught later in school, the suit suggests, without indicating a specific grade. "Imposing premature sex education on children shatters their emotional and education development and disturbs the moral life of the child," the suit said. Reported in: *Tampa Tribune*, August 15.

Clayton County, Georgia

Clayton County students returned to school at the end of August and found an anti-evolution disclaimer pasted in every science textbook. Hal Banke, science chairman at Morrow High School, said he strongly disagreed with the disclaimer, which was approved unanimously by the board in May. But he said he was unwilling to defy an August 9 memo requiring teachers to peel-and-paste the statement on the first page of the books.

"As far as I know, the school board has absolute power when it comes to insubordination," Banke said, adding that he was unwilling to take a stand for academic freedom since he did not have another job available.

The thirteen-sentence disclaimer said that among several meanings of the word evolution is the "unproven belief that random, undirected forces produced a world of living things." It further declares that since "no human was present when life first appeared on earth," then "any statement about life's origins should be considered as theory, not fact."

"As a practicing Catholic, I find this offensive," said Teresa Nelson, director of the ACLU of Georgia. "It's not just a slap at evolution; it's also a slap at those whose religion has accepted evolution, including mainstream Protestants, Jewish people, and Catholics."

Georgia has no law or policy regarding the teaching of evolution. High school biology textbooks cover the subject, and the state curriculum requires an understanding of how life forms change. Science education leaders say that many Georgia science teachers skim over evolution because of their religious beliefs or fear of controversy. The disclaimer, which closely follows the wording of a statement inserted into Alabama high school biology books last year, does not mention religion, the Bible or creationism, an idea that federal courts have found to be tantamount to religious doctrine.

Banke called the disclaimer a "cleverly worded" attempt to circumvent court decisions striking down policies that limit or "balance" the teaching of evolution. He said the disclaimer also undermines education at a time when students are not being well prepared for college science. "When you have a [government]-imposed statement intended to cast doubt on something you're trying to teach, how can you blame a kid for not believing it's as important as you say it is?" Reported in: *Atlanta Journal-Constitution*, August 30.

Gwinnett County, Georgia

A high school psychology textbook that gave a too-graphic description of sexual deviancy was scheduled to be replaced by two new textbooks with less sensational descriptions of human sexuality. The Gwinnett school board voted August 8 to adopt the two new texts for a regular and advanced placement psychology course.

The parents of a high school student challenged the treatment of sexual deviance in the old text, *Psychology*, by Spencer A. Rathus. The college-level textbook was used for both courses. After reviewing it, members of a 14-member committee agreed the material was not appropriate.

"There were a lot of sexual connotations in the book that were not necessary," said Mary Teague Mason, assistant principal of Trickum Middle School and the former county social studies coordinator.

A selection committee chose the two next textbooks, *Understanding Psychology* and *Psychology: An Introduction*, with the assistance of public review. The committee rejected another book proposed for the AP course, Harcourt Brace's *Psychology*, because some people objected that "homosexuality is treated in a neutral manner, not as an illegal practice."

Also found objectionable were the book's treatment of "cross-cultural perspectives on how smell affects sexual activity," as well as coverage of "dreams, meditation, biofeedback, hypnosis" and "masturbation, sexual response cycle, sexual dysfunction and sex therapy, AIDS prevention." Reported in: *Atlanta Constitution*, August 8.

Draffenville, Kentucky

A Kentucky school superintendent confiscated hundreds of science books so he could have school personnel glue together two pages that deal with the big bang theory. Marshall County Superintendent Kenneth Shadowen objected that there was no mention of the biblical account of the universe's creation in Genesis in the book.

"We're not going to teach one theory and not teach another theory," Shadowen told the *Courier-Journal* of Louisville in an interview August 22. "We're in a conservative area and a conservative county, and we want to maintain the relationship with our local churches and community. It has nothing to do with censorship."

But that was exactly how several parents of fifth- and sixth-grade students described the superintendent's action. "I'm outraged, disappointed and embarrassed," said Terrie Hall, a mother whose sixth-grader attends the school.

"It's unusual," said Lisa Gross of the Kentucky Department of Education about the action. "But we are not going to send curriculum police down there to unglue the pages." Reported in: *Lawrence Journal-World*, August 24.

Kingfield, Maine

Directors in School Administrative District 58 agreed in September to ask a court to throw out an independent arbiter's decision regarding use of a controversial book in a Mt. Abram High School English class. The arbiter

ruled that restrictions the board placed on the teaching of the novel *Bastard Out of Carolina*, by Dorothy Allison, would have the effect of banning it from the curriculum.

The board also questioned whether a grievance filed with the Maine Education Association was legitimately filed by English teacher Stuart Hardy.

"Our challenge is on two points," said board member Jack McKee. "We feel the board has the authority to determine instructional policy and the arbitrator's decision takes that away. This is a principle that we have to stand on."

In addition, he said, Hardy doesn't have the standing to present the grievance. "The book was taught last year to a sophomore English class and [Hardy] is teaching senior English. The book was not on his reading list for this year and it wouldn't affect his ability to teach." The book had been assigned to a sophomore class by Molly Sinclair, whose contract was not renewed.

Last winter, a parent objected to the book and filed a complaint with the board, sparking extensive public debate. The discussion led to the board's adoption of a set of conditions a teacher would need to follow before using the book in class. Hardy claimed the conditions restricted teaching methods for a work of literature and filed a grievance.

Arbitrator John D. Alfano upheld a portion of Hardy's grievance: that it would be impossible to design a lesson plan for which all students would remain in the classroom during book discussions. Alfano said the conditions would be "an undue burden given the unknown degree of each student's discomfort with the subject. The condition, in effect, bans the book from the curriculum, which would have a chilling effect on the free exchange of ideas." Reported in: *Waterville Sentinel*, September 13; *Lewiston Sun-Journal*, September 13.

Moss Point, Mississippi

The Superintendent of the Moss Point School District said July 16 that the novel *To Kill a Mockingbird*, by Harper Lee, would be reviewed by a committee of parents, educators and community members in response to a complaint by a minister. "If we think it's inappropriate for our community, we'll remove it. If we think it's appropriate, we'll keep it," said James Easton.

Easton's comments followed a request by a Baptist minister that the Moss Point School Board pull the book from classrooms because it contains a racial epithet. The Rev. Greg Foster said the book includes language that is improper for young readers. "This is college reading . . . to read about a rape scene and to hear the word 'niger,'" said Foster.

Foster met with the school board and also requested more parental involvement in the selection of sex educa-

tion materials. Easton said the district would form a committee to review the book. Reported in: *Biloxi Sun-Herald*, July 17.

Bedford, New Hampshire

Nina Phillips says she's the quiet type. The Bedford mother of three also says the school board faces a "thunder yet unheard" from parents opposed to its decision in early September to stop a gynecologist who also performs abortions from lecturing to students on sex education. Already signs demanding the impeachment of board members were surfacing in this prosperous southern New Hampshire town.

The fight began when several residents complained to school officials that Dr. Wayne Goldner was an "abortionist" who graphically portrayed sex acts and showed photographs of diseased genitalia to students at McKelvie Middle School. Goldner had volunteered to lecture the students about pregnancy and venereal disease twice a year.

Goldner said he had never strayed from the school-approved curriculum during his five years as a volunteer lecturer. "I teach for two reasons: I love teaching, and I'm tired of delivering [teenagers' babies]," said Goldner, adding that he does show students pictures of people suffering from sexually transmitted diseases, but no graphic portrayals of sex acts.

Still, after a raucous 4½-hour meeting September 5, the Bedford School Board voted 4-1 to remove Goldner, ostensibly because he wrote a bulletproof vest to McKelvie without telling officials that he believed his life had been threatened. The board's conservative members told a jeering crowd of about 350 that the ban had nothing to do with abortion or sex education.

Goldner's supporters accused his opponents of scare tactics. The board's lone dissenter, Paul Brock, said his colleagues were succumbing to "terrorism of the minority."

"If Wayne Goldner had been an African-American and he were threatened by the KKK would you have dismissed a black educator to appease the Klan?" asked Larry Siegel, a Bedford parent.

Controversy had been simmering in Bedford. In 1994, a conservative school board member pressured a volunteer in an after school self-esteem program for seventh-graders to resign because she was affiliated with Planned Parenthood. Last year, voters rejected a call for a "moment of silence" in schools after a lengthy battle.

Then last spring, Elizabeth Breuder, a Bedford mother of nine, began picketing the junior high, demanding Goldner's ouster. Breuder, vice president of New Hampshire Right to Life, also demonstrated outside Goldner's office. Breuder said she collected 329 signatures on a petition that attacked Goldner for showing students "graphic slides of diseased genitalia" and called for his removal

from the classroom. Then came the threat against the doctor's life, which Breuder claimed was fabricated.

Breuder praised the board for banning the "abortionist." But for Nina Phillips and other parents, it was only the start of a fight to unseat conservative board members next spring.

"We're wasting time on a lot of absurd issues," she said. "This was an awakening to many parents that their vote counts. It sends the wrong message to our children that a small group of people can make a lot of noise and get what they want." Reported in: *Boston Sunday Globe*, September 11.

Buffalo, New York

Controversy over the book *Ordinary People*, by Judith Guest, led the superintendent of the Lancaster school district to consider assembling a committee to examine the acceptability of using the dictionary — vulgar language and all — in classrooms.

The school board voted June 24, at the urging of Superintendent Joseph L. Girardi and against the recommendation of a review committee, to ban *Ordinary People* from the curriculum, citing inappropriate language and content (see *Newsletter*, September 1996, p. 155). Nicholas Janiga, a 1996 graduate of Lancaster High School and the son of a school trustee, then wrote a letter to Girardi noting that the same objectionable language used in *Ordinary People* also appears in *Webster's New Collegiate Dictionary*, which is used in every English classroom at the high school.

Girardi informed the younger Janiga that he had initiated proper procedures in light of his objection to the dictionary. Thus, Girardi was prepared to form a committee to review the acceptability of the dictionary. On July 18, however, Janiga wrote back, noting that his point had been missed. Janiga said he did not want the dictionary banned. Rather, he opposed the banning of any material based on personal beliefs and values.

"I felt it necessary to inform the board that material, specifically vulgarity, that was deemed unacceptable by a Board of Education vote is being used on a far wider basis than with one book in only one honors English class," Janiga wrote. Reported in: *Buffalo News*, July 23.

Cincinnati, Ohio

A widely read but frequently challenged book that vividly describes the rape of an eight-year-old girl has been pulled from the reading list at Lakota High School because of parents' claims that it is too graphic. Sharp criticism of Maya Angelou's 1969 autobiography, *I Know Why the Caged Bird Sings*, spurred the Lakota Board of Education September 23 to order a review of an estimated one hundred books used by teachers. Angelou's book has been required reading each spring for students in Lakota's tenth grade college preparatory English classes.

The board's 3-2 vote meant that any book with questionable content — sex-related or otherwise — will not be assigned to students until it is reviewed by Superintendent Kathleen Klink. Until her review is complete, all ordering of books was halted.

"I don't think Angelou's book needs to be reviewed; it needs to be pulled," said Union Township parent Kathy Davin. "It's too much for kids. It's adult material."

It was the second time in ten months that Lakota was asked to review a book that parents were upset by. In November, 1995, parents questioned the grade level at which students read the Newberry medal winning *The Giver*, by Lois Lowry. Board members reviewed the book and determined that it should be used only in grades 9 and above.

"I'm enraged," said Patty Thomas, a Union Township parent whose daughter is taking the class in which Angelou's book was used. "Once again, this is a sign of the Christian Coalition taking over the Lakota School Board. It's their agenda that's taking over what our children read." Thomas said if the book is not assigned to her daughter next spring, she will choose to have her child read the book in place of whatever book is assigned to the class. Reported in: *Cincinnati Enquirer*, September 27.

Bedford, Pennsylvania

Bedford school officials agreed to review the textbook used in the district's ninth-grade human sexuality course after a district resident complained that it took a neutral stand on morality. Rev. Richard Lang told the school board September 11 that he felt the book "desensitizes" human sexuality by not making a strong statement about moral principles.

"The material sent home about this class talked about it being an abstinence-based course, but the textbook sends mixed signals. It should present the best approach, not just an array of approaches or choices," Lang said.

Superintendent Pat Crawford said the textbook is "morally neutral, which is how most of these books are written unless they are put out by a group that leans one way or another." He said the book is coupled with teaching abstinence. Reported in: *Bedford Gazette*, September 12.

East Stroudsburg, Pennsylvania

The East Stroudsburg school board approved, by an 8-0 vote July 15, a high school English curriculum that takes a controversial novel off the ninth-grade reading list. *The Chocolate War*, by Robert Cormier, was one of several books to be dropped next year, said Rachel Heath, assistant superintendent for curriculum. But she said the book was eliminated because of scheduling con-

flicts and not because of the stir it caused during the previous school year.

Last January, Sandy Magnes, an English teacher who taught *The Chocolate War* for several years said the district would be taking the book off the list but it would remain on a suggested list. However, Heath said the book is not on either list. "It will not be offered as mandatory reading or as an elective for a whole class," Heath said.

After complaints about the novel's language and content, the district formed a committee to study it. In September, 1995, the board voted 5-4 to keep the book, but reversed its decision by the same slim margin the following January. The book remained in the curriculum, however, because a two-thirds vote was needed to override Superintendent John Grogan's recommendation to keep the book.

The Chocolate War had been on the English reading list for more than a decade. Reported in: *Pocono Record*, July 16.

Hempfield, Pennsylvania

Two chapters in a new tenth grade biology textbook were not included in the lesson plan for the year, but Hempfield administrators agreed to have the publisher omit them after one district parent lodged objections to certain passages and illustrations.

The 1997 edition of *Biology: Concepts and Applications*, by Cecie Starr, published by Wadsworth Publishing, included brief overviews of topics ranging from in-vitro fertilization to abortion in the chapters which parent Barbara Stoltenberg said are inappropriate for the targeted age group.

In June, the board tentatively approved the text, but postponed ordering it for its required Environmental Biology course, pending a formal consideration of Stoltenberg's views. The district's text review panel, which included the biology department chair, science teachers, union representatives, and administrators, all agreed that no harm would result if both chapters were omitted. Based on that decision, the board approved the text's purchase, minus the two chapters on human genetics and basic animal and human reproduction.

"It was not going to be taught anyhow, so we agreed with the individual," Superintendent C. Richard Nichols said. Although the contents Stoltenberg wanted stricken were on but a few pages, removing only those portions was impractical. Instead, the publisher agreed to remove the entire chapters. Reported in: *Irwin Standard-Observer*, August 23.

Upper Dublin, Pennsylvania

The Adventures of Huckleberry Finn, by Mark Twain, will not be required reading for students at the Upper Dublin High School this year. Superintendent Dr. Clair G. Brown, Jr., told eighty people at a July school board

meeting that the book would be dropped from the mandatory list as an administrative action, not by a school board vote.

Black parents and students had protested the book because the word "nigger" is used more than two hundred times, making black children uncomfortable. They charged that discussions of the book in ninth grade classes were not handled with sensitivity.

In June, the school board's curriculum committee presented recommendations from a community panel which called for retaining the book as required reading but moving it to eleventh grade and reassessing how the classic is treated in class (see *Newsletter*, September 1996, p. 157). Parents at that meeting persisted in opposing use of the book on grounds that reading it makes black children uncomfortable and the school board couldn't justify its educational value.

The school board committee had planned to hold more meetings, but it abruptly deferred to the superintendent in deciding what to do with the book. "After the confrontation," Brown said, the committee wouldn't go further and deferred to him. The superintendent pointed to "a paradox" in which the book is "cited as one of the outstanding pieces of literature." However, he said, "it is tremendously confrontational." Brown said he withdrew the book "because of the offensive nature of the language and the offensive stereotypes and the reaction." Reported in: *Doylestown Intelligencer-Record*, July 21; *Ambler Gazette*, July 17.

Arlington, Texas

Members of a committee charged with finding ways to present a balanced portrayal of slavery in a seventh-grade history book were divided July 25 over whether to tear out a page that some African-Americans found offensive. After a three-hour discussion, the 23-member committee agreed only to meet again.

At issue was a passage that quotes a nineteenth century Methodist minister, who said: "Slavery is not only innocent but scriptural and right and . . . it is our imperative duty to protect and perpetuate this institution as a blessing to both races . . . a state of bondage is the normal state of the African race."

The textbook, *Texas and Texans*, upset the Rev. Dwight McKissic, pastor of the Cornerstone Baptist Church. He charged the textbook with portraying slavery in a positive light. In June, McKissic and about fifty supporters attended a school board meeting, where they held a prayer vigil before demanding that the district remove the book.

Superintendent Lynn Hale said the pages were "gross inaccuracies" and recommended that they simply be torn from the books. But parent Sherry Wilson, representing

a group of six to ten parents and teachers, compared the move to censorship and book burning. She said the problem could be resolved by using supplemental materials.

Texas and Texans was approved for use by the Texas Education Agency in 1991 and is one of three books that public schools in the state may use to teach Texas history. Nearly 700 districts use it in their seventh-grade classrooms. Reported in: *Arlington Morning News*, July 26.

Lindale, Texas

The school board in the small east Texas town of Lindale voted unanimously July 8 to ban thirty-two books on an advanced placement English reading list because a trustee said the books "conflicted with the values of the community."

The Lindale Independent School District board voted to ban, among other titles, *The Adventures of Huckleberry Finn*, by Mark Twain; *To Kill a Mockingbird*, by Harper Lee; *The Scarlet Letter*, by Nathaniel Hawthorne; *The Joy Luck Club*, by Amy Tan; and *Moby Dick*, by Herman Melville.

The decision followed recommendations from a recently formed book committee of parents and teachers. Trustee Gary Camp said many of the books were especially unsuited for boys 15 and 16 years of age. "We're turning our young men into ticking time bombs," he said.

Added Lindale High School Principal Jim Bernard: "You have to remember we're in the heart of the Bible belt and this is a very conservative community that is supportive of the school system and our district has to answer to them and listen to their concerns." Reported in: *Winnsboro News*, July 11; *Baytown Sun*, July 9.

student press

Schofield, Wisconsin

Despite indications that the column was meant as a joke, D.C. Everest High School principal Tom Johansen confiscated all 1,700 copies of *The Jet*, the school's student newspaper, because of a sentence that suggested a romantic fantasy involving a vice principal. Johansen then suspended the column's author, junior Chris Taber, for one day and reprimanded teacher-adviser Scott Blanchard for poor judgment. Blanchard, who had run the paper for twelve years, was later removed as *The Jet's* adviser.

To further emphasize his distrust of the paper, Johansen decided to enact his right to prior review of future editions — something never before done at Everest.

"Anyway you look at this incident, you have to admit that the administration overreacted," said Mark

Goodman, director of the Student Press Law Center in Arlington, Virginia. "To sacrifice free press over one mistake is irresponsible." Reported in: *Monroe Times*, August 2.

films

Hollywood, California

Miramax Films acknowledged July 18 that in order to win an R rating, it had to edit two scenes in the British film *Trainspotting*, a story about young heroin addicts. Miramax is prohibited by its parent company, Walt Disney, from distributing movies with an adults-only NC-17 rating, which the picture would have received from the MPAA. The cuts were made to a sex scene and to a vivid image of a heroin addict shooting up. Reported in: *Petersburg Times*, July 20.

Clovis, New Mexico

An Air Force commander's decision to ban the movie *Striptease* from the base theater prompted complaints of censorship and action by senior Air Force officials to prevent repetition.

Col. Michael Koerner, commander of the 27th Fighter Wing at Cannon Air Force Base in Clovis, canceled two showings of the R-rated movie on August 16. The Army and Air Force Exchange Service (AAFES) manages the base theater and booked the film.

The move brought praise from a conservative family advocacy group and criticism from rights organizations. Opinions were split at Cannon, where an e-mail letter from thirteen officers raising concern about the movie contributed to Koerner's decision.

Officials at Air Combat Command headquarters at Langley Air Force Base in Virginia, which oversees Cannon, initially said banning the movie was within Koerner's authority. But Gen. Richard Hawley, who heads the command, on August 28 told his commanders to "use the established system to resolve such constitutionally sensitive issues in the future."

"We regret the actions that were taken at Cannon and that our movie patrons were not given the opportunity to view the film and make their own decisions about its suitability," AAFES officials said. They added that they could recall no other instances when a commander had restricted the showing of a film. AAFES theaters do not show movies rated X or NC-17 but do show R-rated movies. The theaters are not funded by tax revenue.

"The whole purpose of the military is to fight for people's rights, and I don't think this kind of censorship on base is right," said Wayland Rogers, the spouse of a Cannon officer who planned to see the film. "I understand these people's beliefs and I don't dismiss them, but I don't think [those beliefs] should be forced on me."

Speaking for Koerner, Capt. Claudia Foss said the commander was already considering canceling the movie when he received the e-mail. "In his opinion, the movie was counter to Air Force and family values, and good order and discipline and readiness of the command," she said. "He felt that the message of the film is inconsistent with the 27th Fighter Wing's zero-tolerance policy for sexual harassment and Wing's emphasis on the values of teamwork and mutual respect." Reported in: *Air Force Times*, September 9.

recording

Little Rock, Arkansas

In her new record album, singer Sheryl Crow sparked a war of words with a song that says kids are killing each other with guns they bought at Wal-Mart. The verse prompted the Arkansas-based retailer to announce September 9 that it won't sell Crow's album at any of its 2,265 stores.

"Wal-Mart believes this is an unfair, untrue and totally irresponsible comment, and [it] is particularly offensive to our associates who work hard each year helping their communities with the needs of our youth," the company said. Wal-Mart calls its employees "associates."

Crow's label, A&M Records, fired back with a statement calling Wal-Mart's move "de facto censorship."

"In their decision not to carry Sheryl Crow's latest release, Wal-Mart is choosing guns over music," A&M chairman Al Cafaro said.

Although Wal-Mart sells guns at most of its stores, it has strict policies prohibiting sales to minors, a company representative said. In 1994, it stopped selling handguns in its stores, making them available only through catalogs. That came after the company was sued by relatives of a Texas man who allegedly killed his parents with a gun brought at a Wal-Mart, even though he had indicated on a federal form that he had been treated for mental problems. Reported in: *Long Island Newsday*, September 11.

Internet

Tulsa, Oklahoma

One or more computer hackers, using racist and other hate terms, erased tens of thousands of messages used by a wide variety of political discussion groups on the Internet, exposing new concerns about the security of the worldwide computer system. At least one Internet user in Oklahoma has been blamed for some of the more than 30,000 destroyed messages and was dropped by his service provider.

"Obviously, the individual responsible is no longer around here," said William Brunton, president of

Internet Connection of Tulsa, one of several service providers of Usenet news groups that were victimized over the September 21-22 weekend. Brunton said he had turned over information to federal authorities. Among other Internet service providers victimized were industry giants Netcom of San Jose, California, and UU Net Technologies of Falls Church, Virginia.

The messages were deleted from system discussion sites used by gays, Jewish groups, Muslims, feminists and other politically oriented groups. The perpetrator or perpetrators used so-called "cancelbot," or forged cancel message, software programs labeled with such phrases as "fagcancel" and "kikecancel."

The software was originally designed so that someone who put a message on the Internet, then had second thoughts about it, could withdraw it. Two years ago, when some immigration lawyers "spammed the net" — electronically plastering news groups throughout the Internet with a single message — some users figured out they could cancel those messages. Since then, phony cancelbots have appeared with some frequency. In one of the better-known cases, the Church of Scientology used cancelbots to erase messages from news groups used by some of its members with whom the church was engaged in a legal battle. Reported in: *San Francisco Examiner*, September 27.

art

Albany, California

In a move that caused as much embarrassment as anything else, city staff in August removed part of a Community Center art exhibit containing photographs of nude statues and, amid cries of censorship, put it right back up again. The removal did not bring Albany the kind of recognition it desired and was immediately condemned by City Administrator Daren Fields.

"A mistake was made and the mistake was corrected," Fields said, citing the move as one taken unilaterally by Bill Jones, Albany's director of recreation and community services.

The issue stemmed from a small art exhibit in a corner of the center, which also contains the city's library, by 16-year-old Albany resident Robin Solit. The exhibit, Solit's first public showing, contained busts and figures, some nude, as well as photographs of larger works which would not fit in the display area.

According to Solit, all was well when she first put up the display, slides of which had been reviewed by Jones. She then went out of town, as did Jones. Upon her return, Solit said she was informed by staff that "someone" on the Albany Arts Committee had complained about the nudity, which was allegedly causing children to giggle. She was told to remove the offending photographs. "I

didn't know what to make of that," she said. "I didn't know what to do."

Before she could decide, though, the photographs were removed without her knowledge, prompting a call to the *San Francisco Chronicle* and some negative publicity for the city. Strangely, other nude statues in the display case were not removed.

Solit then met with Jones, who, after a two-hour discussion, relented and allowed her to return the photographs to the display.

According to Fields, the original complaint came from Albany resident Dorothy Caya, a sculptor who displayed her work in the same space in 1995. Caya, who also has done nudes, said her complaint centered around her understanding that "under no circumstances" was nudity allowed in the display area. "The community center is not an art museum," Caya said. "I feel they have a right to say no." Reported in: *El Cerrito Journal*, August 15.

foreign

Beijing, China

In the most sweeping example on record of government Internet censorship, China has blocked access to hundreds of politically sensitive Web sites, including those of human rights groups, foreign media outlets, Tibetan independence networks, and Taiwanese and Hong Kong democratic political organizations.

Although the government declined to comment officially on the blocks it imposed in early September, which also affected many sexually oriented Web sites, the crackdown appeared to be part of a campaign against "spiritual pollution" orchestrated by the regime.

Western diplomats described the action as the latest effort by the Chinese leadership to control the free flow of information. "It's another example of China taking a step backward in the information age," said one diplomat.

Three years ago, the government banned private ownership of satellite dishes, killing what then was a booming market. In January, Beijing imposed orders that foreign-owned economic news services be distributed through the official New China News Agency, which would have ultimate control over their content.

After Internet use began to spread in China last year, primarily among university students, the government signaled that a crackdown on the World Wide Web was in the works. Previously independent Net servers were required last spring to register with the government and sign pledges to limit politically and sexually sensitive materials.

American Web experts say China designed its Internet communications system to pass through a few key "choke points," making censorship relatively easy. Although a

reasonably competent programmer could get around the barriers by connecting directly to an American service provider, for example, such methods are costly and cumbersome and therefore out of reach for most Chinese users.

Although other governments — notably those of Germany, Singapore, and Vietnam — have tried to restrict Internet access, no other government action has been as sweeping nor as politically selective as the Chinese. For example, access was blocked to several U.S.-based sites catering to Chinese overseas and domestic university students.

Prominent among the sites cut off were those dealing with human rights issues, including the web sites of Amnesty International, the New York-based Human Rights in China and Human Rights Watch/Asia. Also blocked were most sites related to reports on conditions in Tibet and Web sites for several leading American newspapers, including the *Los Angeles Times*, the *Wall Street Journal*, the *New York Times*, and the *Washington Post*. Cable News Network was also blocked. Reported in: *San Francisco Chronicle*, September 6.

Manila, Philippines

Philippine censors have prohibited distribution of *Antonia's Line*, the fifth Academy Award-winning movie banned in the country in three years. The film, a comedy about the life of a rural Dutch woman and her female descendants, won an Oscar this year as best foreign language film. The Philippine movie review board gave the film an X rating — effectively banning it from public showing — because of numerous “objectionable sex scenes.” Reported in: *Biloxi Sun Herald*, July 12.

Singapore

An Internet provider has been ordered to block a news group posting that criticized some Singapore lawyers in a test of the city-state's new laws for policing the global computer network. The Singapore Broadcasting Authority acted on a complaint by the firm, which said the contents of the anonymous posting defamed some of its lawyers.

It was the first action by the broadcasting agency under screening regulations that came into effect July 15. The government now requires Singapore's three Internet service providers to remove material that it finds objectionable. Reported in: *Seattle Times*, July 19.

Harare, Zimbabwe

The government banned a gay rights exhibit from Zimbabwe's annual book fair July 24, citing the “moral repulsiveness and deep distaste” with which Zimbabweans view homosexuality. Government representative Bornwell Chakaodza said his government reacted with “dismay and consternation” to a decision by

organizers of the five-day Harare International Book Fair to allow the small Gay and Lesbian Association to participate. A similar exhibit was banned at last year's event. Reported in: *New London Day*, July 25. □

(attacks . . . from page 192)

in America's schools. This year, the Christian Coalition and its activists have been particularly active in their anti-education efforts, often from seats on school boards, and they have been at the center of controversies ranging from the censorship of public citizens during the public comment period of school board meetings to objecting to sexuality education materials.

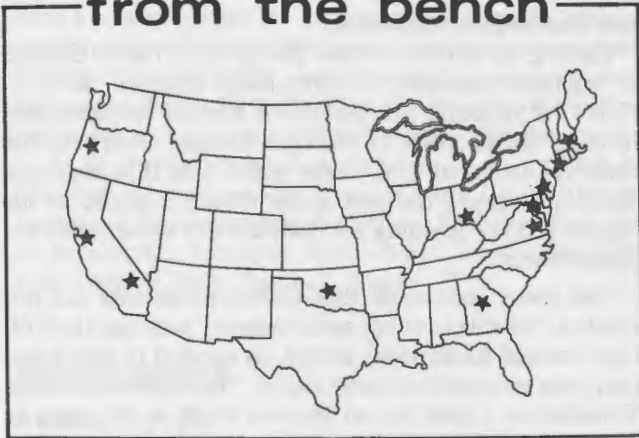
Objections based on sexual content, objectionable language and religion most frequent: The most frequent complaint lodged against challenged materials was that the treatment of sexuality was found to be offensive. That charge was leveled against 131 challenged materials, a full 44 percent of all censorship complaints. This unprecedented figure marks a significant increase over last year's figure of 32 percent. Second most common were challenges in which materials were deemed to be profane or to contain otherwise objectionable language. The third most common were those in which materials were perceived to be at odds with the objector's religious beliefs.

Anti-gay objections on the rise: For the second year in a row, challenges involving claims that educators were attempting to “promote” homosexuality reached record numbers. Eighteen percent of all challenges, 85 in all, up from nearly 16 percent last year, stemmed from such accusations.

Sex education controversies: Sex education controversies continued to soar during the 1995-96 school year. Controversies occurred in 92 communities across the nation, up from 62 similar incidents last year.

Student newspapers, school plays and magazines continued to be a prime target: These challenges to student expression are particularly disturbing, in that they represent an attempt to halt students' creativity and critical thinking about the world around them. □

from the bench



Internet

New York, New York

Adding emphasis to an earlier decision that affirmed First Amendment rights in cyberspace (see *Newsletter*, September 1996, p. 141), a panel of three federal judges in New York ruled unanimously July 29 that the government's attempts to halt indecent material on the Internet were unconstitutionally broad.

The U.S. District Court in Manhattan granted a temporary injunction against the enforcement of the Communications Decency Act, which was passed overwhelmingly by the Congress as part of the omnibus Telecommunications Reform Act of 1996, and signed by President Clinton February 8. The act made it a felony to transmit indecent or patently offensive material over computer networks where children might see it.

The ruling came in *Shea v. Reno*, a case brought by a small newspaper that publishes exclusively on the Internet. It will have little practical effect, as it followed an injunction granted in June by a three-judge panel in Philadelphia. The Justice Department has already said it would appeal the Philadelphia decision to the Supreme Court.

Opponents of the Communications Decency Act hailed the decision nonetheless, saying it reinforced the First Amendment rights of free speech on the Internet and on commercial on-line information services. The case was brought by a lone plaintiff, Joe Shea of *The American Reporter*, based in California.

The decision, by U.S. Circuit Judge Jose A. Cabranes and District Judges Leonard B. Sand and Denise Cote, found that the language of the law was substantially too broad and banned constitutionally protected speech along with illegal materials. The judges ruled further that current technology provided Internet and on-line service operators with no practical way to comply with the law, exposing them to liability. Reported in: *New York Times*, July 30.

Philadelphia, Pennsylvania

A federal judge has ordered America Online to stop blocking up to 1.8 million "junk" e-mails from flooding subscribers' electronic mailboxes daily from a Philadelphia market firm. America Online, the nation's largest provider of online services, announced September 4 that it had blocked five sites serving as clearinghouses for unsolicited commercial mailings.

The next day, U.S. District Court Judge Charles R. Weiner ordered AOL to lift the block on Cyber Promotions, Inc.'s, mailings pending a November 12 trial on a lawsuit the company filed in March accusing AOL of trying to drive it out of business.

Cyber Promotions controls three of the five sites blocked by AOL. The others, one that distributed software to create bulk e-mail lists and another that sent out ads for Internet video pornography, were not affected by Weiner's order.

"We feel that America Online has violated the civil rights of their members and has violated our rights to send e-mail through the Internet, which AOL does not own," said Cyber Promotions President Sanford A. Wallace. "In the post office, this would be considered a federal offense."

Many computer users have fought to keep advertising off the Internet, complaining that it is unwanted clutter that jams their computers and raises their telephone bills. Reported in: *Camden Courier-Post*, September 7.

school

South Hadley, Massachusetts

Chief Justice Paul Liacos of the Massachusetts Supreme Judicial Court ruled July 25 that "Coed Naked" T-shirts worn by two brothers at South Hadley High School are part of students' guaranteed right to freedom of expression and can't be banned because they don't disrupt the school.

The case originated in 1993, when Jeffrey Pyle, then a senior at South Hadley was sent home for wearing a "Coed Naked Band — Do it to the rhythm" T-shirt given to him by his mother. School officials considered it vulgar. Pyle, the son of a constitutional law professor, took the school to court and his younger brother con-

tinued the fight after Jeffrey graduated. After a three-year battle, the Pyles won.

State law, the court ruled, gives students the right to wear anything they want, as long as they don't violate "reasonable standards of health, safety, and cleanliness." However, a bill in the Massachusetts Legislature would rewrite the law to give school committees more power over what students wear by dictating a dress code.

Pyle's case represented the first challenge under the state free expression law, which became mandatory for all schools in 1988. The law says: "The right of students to freedom of expression in the public schools of the commonwealth shall not be abridged, provided that such right shall not cause any disruption or disorder within the school."

After a defeat in U.S. District Court, the Pyles took their case to the court of appeals, which deferred to the state judicial court. The case must now return to the court of appeals, where advocates of student rights are confident the high court's decision will be upheld. Reported in: *North Shore Sunday*, August 18; *SPLC Report*, Fall 1996.

student press

Fairfax County, Virginia

The Supreme Court of Virginia on September 13 upheld a May, 1995, circuit court decision denying the student newspaper at Centreville High School in Fairfax County access to the results of student government elections at the school. It is currently the policy of every high school in the county to name only the winners in elections.

The controversy began when *Sentinel* editors requested the vote totals for the April 26, 1994, elections. A compromise was reached which included a promise of full access to the 1995 results. That promise was broken, however, by the adviser to the Student Government Association, who secured the principal's permission to keep the election vote totals secret. The editors had voted overwhelmingly to seek access to the results at all costs. Lucas Wahl, then editor-in-chief of the *Sentinel*, was named as plaintiff.

Judge Gerald Lee ruled against the paper, ruling the vote totals were "official records," subject to the Virginia Freedom of Information Act, but were exempt from mandatory release as "scholastic records." After a petition for reconsideration and rehearing was denied by Judge Lee, Wall appealed to the Supreme Court of Virginia, which upheld the lower court rulings. Reported in: Student Press Law Center press release, September 21.

college

San Bernardino, California

Calling the actions of San Bernardino Valley College a "legalistic ambush," a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit unanimously reversed the decision of the U.S. District Court for the Central District of California, which held that imposing discipline upon Professor Dean Cohen because of his "unorthodox" teaching methods did not violate the First Amendment.

The court concluded that Cohen's methods did not create a "hostile learning environment" and that the College's sexual harassment policy, as applied to this situation, was unconstitutionally vague. The Freedom to Read Foundation joined in an *amicus* brief in the case in November, 1995. Other *amici* included the American Association of University Professors and the Thomas Jefferson Center for the Protection of Free Expression.

Professor Cohen, a tenured professor at the College, was disciplined after a student in a remedial English class complained that Cohen's repeated focus on topics of a sexual nature (including pornography, obscenity, cannibalism, and consensual sex with children — topics discussed in a "devil's advocate" style) were directed at her and other females in the class. After a formal complaint was filed by the student under the College's recently adopted sexual harassment policy, the Grievance Committee held a hearing and determined that Professor Cohen had violated the College's policy against sexual harassment by creating a hostile learning environment. This determination was reaffirmed by the President of the College.

Both decisions were appealed to the College Board of Trustees, which upheld the decisions and ordered Cohen to provide a syllabus concerning his teaching style, purpose, content, and method to his students at the beginning of the class and to the department chair by certain deadlines; attend a sexual harassment seminar within ninety days; undergo a formal evaluation procedure in accordance with the collective bargaining agreement; become sensitive to the particular needs and backgrounds of his students; and to modify his teaching strategy when it becomes apparent that his techniques create a climate which impedes the students' ability to learn.

Cohen filed suit against the College in 1994, alleging, among other arguments, that his rights to free speech and academic freedom were violated and that the policy gave him insufficient notice that his conduct was prohibited.

The court found the policy too vague as applied to Cohen and, moreover, that his speech did not constitute sexual harassment under it. In fact, "officials of the College on an entirely *ad hoc* basis, applied the Policy's nebulous outer reaches to punish teaching methods that Cohen had used for many years. . . . Cohen was simply

without any notice that the Policy would be applied in such a way to punish his long-standing teaching style — a style which, until the College imposed punishment upon Cohen under the Policy, had apparently been considered pedagogically sound and within the bounds of teaching methodology permitted at the College,” said the opinion by U.S. District Judge Robert Merhige, Jr., sitting by designation. Joining the opinion were Circuit Judges Ferdinand Fernandez and A. Wallace Tashima. Reported in: *Intellectual Freedom Action News*, September 1996; *Los Angeles Daily Journal*, August 20.

newspapers

Atlanta, Georgia

A federal judge has ordered the city of Atlanta to stop enforcing its policy regulating newspaper racks at the airport for at least ninety days. The *Atlanta Journal-Constitution* had filed a federal lawsuit over the policy, contending it violated the First Amendment. The policy required the newspaper to lease racks from Hartsfield International Airport at \$20 per month per rack, and allowed the city to dictate the number and location of racks at the airport.

U.S. District Court Judge Willis Hunt imposed the 90-day moratorium July 10 and said the restrictions “do not appear, at this time, to be reasonable.” Steve Baker, deputy general manager of the Atlanta Department of Aviation, ordered publishers to remove their news racks from the airport July 1 so they could be replaced by city-owned racks. The policy is part of the airport’s revised concession contracts. The city-owned racks have Coca-Cola advertisements. At a court hearing, attorney Peter Canfield said the newspapers do not want people to think they endorse the soft drink. Reported in: *Marietta Daily Journal*, July 12.

liability

Greenbelt, Maryland

Books cannot kill, even “morally repugnant” ones such as the manual on how to be a hit man that a killer read before murdering three people in Silver Spring, Maryland, a federal judge ruled August 30 in what he termed an “unprecedented” First Amendment lawsuit.

The book in question, *Hit Man: A Technical Manual for Independent Contractors*, by an anonymous author, indeed “teaches what must be done to implement a professional hit,” U.S. District Court Judge Alexander Williams, Jr., wrote. But in setting aside a civil lawsuit against the book’s publisher, he continued: “First Amendment protection is not eliminated simply because publication of an idea creates a potential hazard.”

The case came about after James Edward Perry read

the book and apparently followed its instructions to carry out the murders of eight-year-old Trevor Horn, his mother, Mildred Horn, and Trevor’s nurse on behalf of Lawrence Horn, Trevor’s father (see *Newsletter*, September 1996, p. 166). The victims’ families sued Paladin Press, the book’s publisher.

“While the books have proven to contain information which, when it makes its way into the wrong hands, can be fatal, First Amendment protection is not eliminated simply because publication of an idea creates a potential hazard,” Judge Williams wrote. “It is simply not acceptable to a free and democratic society to limit and restrict creativity in order to avoid dissemination of ideas in artistic speech which may adversely affect emotionally troubled individuals.” Reported in: *Washington Post*, August 31; *Washington Times*, August 1.

obscenity and pornography

Cincinnati, Ohio

A plea agreement has ended a two-year-old obscenity case against a Cincinnati bookstore for renting a film about fascism to undercover vice officers. The plea, which came just three days before the start of what could have been a contentious, drawn-out trial, capped years of legal maneuvering that took the case from municipal court to the court of appeals to the Ohio Supreme Court.

In the same Hamilton County courtroom where their trial was to be held, the owners of the Pink Pyramid admitted to attempting to pander obscene material. The store was fined \$500 and can place the film, which the city must return, on the rental shelves again.

The plea stemmed from a comment a customer, who later became an employee, made two years ago to an undercover officer. The officer was returning a video when he asked for a more explicit move. Stephen Austin recommended the 1975 Italian film *Salò*, directed by Pier Paolo Pasolini, which he touted as a film “with everything in it.”

These words, coupled with the violent nature of the film, which uses a sadistic orgy as a metaphor for the decadence of fascism and depicts sexual torture, were enough for prosecutors to file charges charges of pandering obscenity against the store and three employees.

Both H. Louis Sirkin, the store’s attorney and a nationally recognized First Amendment lawyer, and city prosecutors claimed victory. In exchange for the plea, the city dismissed charges against the three store employees.

“We decided to take responsibility for a customer who was in the store and made a statement,” said George Vanover, co-owner of the Pink Pyramid. “We did not stop him from making the statement. We believe our principles to be very strong, and we consider the film to be of artistic, historical and political value.”

Sirkin said the agreement stemmed from concern for "the intellectual integrity of the film and maintaining that." He noted that the plea involved no "admission about the film and would not prohibit the film from being distributed in the city." Had a jury declared the film obscene, however, it would have been a crime for any establishment to rent or sell it.

"Our contention all along was that we need not prove that the film is actually obscene to prove pandering," said city prosecutor Terence Cosgrove. "If the film wasn't obscene, you still needed to look at how it was presented. Basically, we got what we wanted." Reported in: *Cincinnati Enquirer*, August 3.

Portland, Oregon

The Oregon Supreme Court ruled July 18 that the purchase of child pornography can be banned without running afoul of free speech protections of the Oregon Constitution. The 5-1 ruling helped quell concerns that Oregon authorities were handcuffed in attempts to fight child pornography.

In 1991, a Malheur County judge halted the prosecution of Idaho resident Michael Stoneman, who had rented a post office box in Oregon to buy and receive child sex videotapes and other materials through what turned out to be a U.S. Postal Service sting.

The judge ruled, in a decision upheld by the Oregon Court of Appeals, that a 1987 law banning the purchase of child pornography violated the broad rights to free speech in the state constitution. That appellate decision made it difficult for district attorneys to pursue many child pornography cases.

The 1995 legislature drafted a new law banning sale and possession of child pornography by describing it as a crime of "encouraging sexual abuse." The Oregon Supreme Court ruling followed the same line by saying that protecting speech "does not require the state to tolerate sexual abuse of children."

The ruling by Justice W. Michael Gillette said the "state's authority to forbid direct harm to children includes the authority to destroy the incentives for causing that harm." Justice Robert D. Durham cast the sole dissenting vote. He said the 1987 law was overly broad because it also banned child pornography that showed "simulated" sexual conduct.

While the Supreme Court decision didn't directly deal with the 1995 law, legal experts said it appeared clear that the new statute fit comfortably within the guidelines laid down by the court. Reported in: *Portland Oregonian*, July 19.

commercial speech

San Jose, California

Santa Clara County's ban on gun sales at its fairgrounds likely violates the First Amendment, the U.S. District Court for the Northern District of California held July 8, preliminarily enjoining enforcement of the ban. The court said the ban infringes commercial speech because it doesn't directly advance the county's interest in curtailing gun possession.

The county argued that its policy doesn't regulate speech but only the unprotected conduct of selling guns. But the court said that "some type of speech is necessarily involved in the sale of any gun." Analogizing to the "tupperware parties" held to involve protected commercial speech in a 1989 U.S. Supreme Court decision, the court applied the usual commercial speech analysis.

The speech involved in the gun sales is lawful and not misleading, the court found. But the county failed to establish that it has a substantial governmental interest in curtailing gun sales at the fairgrounds. Although the county "may act in the absence of empirical evidence when it rationally perceives a threat to the health, welfare, and benefits of its citizens," the court said no evidence of any problems which such sales or of related unlawful activity had been presented.

Finally, the court said the ban does not directly advance the county's asserted interest because the county allows guns to be sold down the street. Nor is the ban narrowly tailored to advance gun curtailment because the exchange of guns sold at the fairgrounds actually takes place much later at other locations, the court added. Reported in: *U.S. Law Week*, August 6.

parody

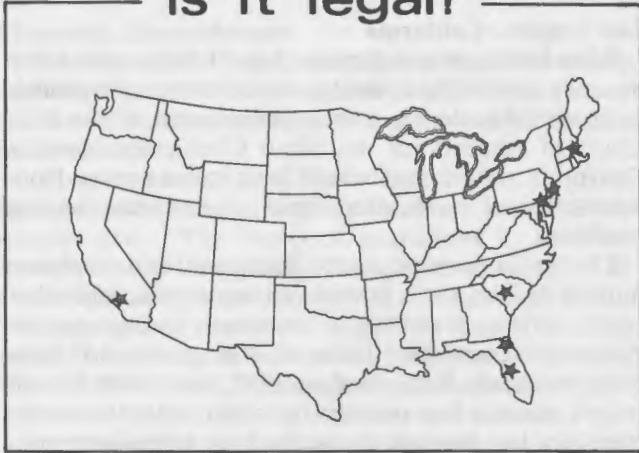
Oklahoma City, Oklahoma

The Major League Baseball Players Association (MLBPA) went down swinging in an attempt to protect its members' right of publicity when the U.S. Court of Appeals for the Tenth Circuit ruled that parody trading cards of active players are protected by the First Amendment and, therefore, are not vulnerable to Oklahoma's statutory protection of publicity rights.

The right of publicity recognizes a person's property interest in controlling the commercial use of his identity. An Oklahoma company that produces parody trading cards featuring caricatures of active major league baseball players on the front and humorous commentary about their careers on the back asked for a declaration that its cards do not infringe the publicity rights of the MLBPA, which polices the publicity rights of its members through a licensing program.

(continued on page 209)

is it legal?



library

Greenville, South Carolina

A man has sued the Greenville County Library and its board of trustees, alleging they censored comments he posted on one of their electronic public forums. But the library said it has the right to "reasonably control the use of its system, which was provided for limited purposes as defined in the agreements and policies of the library."

In 1995, the library started an electronic library network known as the Greenville Metropolitan Library and Information Network, or GreMLIN. During January, 1996, the suit alleges, the system operator removed a message that plaintiff Charles Mosteller posted to a public forum. The message questioned the standards and basis for the library to censor public postings, the suit alleges. Two other postings with similar content also were removed from the forum and Mosteller's system status was changed from patron to user, which barred his access to the public discussion groups.

GreMLIN's policies were unconstitutional because they failed to define what material is considered objectionable, Mosteller's suit charges. The library responded that the issue is moot anyway, since the GreMLIN system was discontinued in Spring 1996, for reasons unrelated to the lawsuit. Reported in: *Greenville News*, July 18.

church and state

Jacksonville, Florida

A spiritual message written and delivered by students at high school graduation: free speech or government imposition of religion?

That was the question before a three-judge panel of the U.S. Court of Appeals for the Eleventh Circuit August 14 in a challenge to a Duval County School Board policy giving graduating senior classes two minutes for an uncensored message delivered by a student chosen by majority vote.

Jacksonville attorney Bill Sheppard, representing the ACLU as well as students and parents opposed to the policy, said the term "message" is just another word for prayer, violating the establishment clause of the First Amendment.

"Clearly, this is an establishment of religion," Sheppard told the judges. He said the policy was clearly labeled "Graduation Prayer." The school board, supported by the Orlando-based Liberty Counsel, claimed the policy is neutral. Reported in: *St. Petersburg Times*, August 15.

Jersey City, New Jersey

Attorneys representing Jersey City and the ACLU squared off in Philadelphia August 7 as the U.S. Court of Appeals for the Third Circuit heard arguments on whether the city should be allowed to display a creche and menorah on the lawn of City Hall and whether the display must include a secular seasonal holiday symbol like Frosty the Snowman.

In 1994, the ACLU sued the city and Mayor Bret Schundler, claiming the City Hall menorah and creche display it had put up since 1965 violated the U.S. Constitution by endorsing a particular religion. U.S. District Court Judge Dickenson R. Debevoise agreed and ordered the city to remove the display.

The city then dragged out a plastic Santa, a mismatched wooden sled and propped a plastic smiling snowman against a tree, and filed an appeal. Three weeks later, Debevoise ruled the secular elements had sufficiently diluted the scene's religious connotations and "demystified the holy" to pass constitutional muster.

Neither side was satisfied.

The city appealed, claiming the original display was simply a celebration of cultural and religious diversity and the original ruling discriminated against religion. "The Constitution doesn't require the city to be tacky to celebrate Christmas," said Keven J. Hasson of the Becket Fund for Religious Liberty, which is representing Schundler. "Religion is part of culture. You can't weed religion out of the culture without uprooting the culture in the process."

The ACLU also appealed, arguing that the display constitutes an endorsement of two particular religions by the city government. "If I put a menorah in my window or a mezuzah on my door I send the message there are Jews living here," said ACLU attorney David Roach. "That's not the message that City Hall should be sending." Reported in: *Jersey Journal*, August 8.

university

Princeton, New Jersey

Princeton University says it needs to outlaw political e-mail or partisan Internet home pages from its computer network to retain its tax-exempt status with the Internal Revenue Service. Critics say the university is stifling political speech in a presidential election year.

Princeton officials said use of the university's computer systems for political purposes is akin to using the school's stationery, but free-speech advocates say electioneering on the Internet is no different than holding a rally on campus.

The debate was the result of a July 19 memorandum addressed to students and faculty members. The memo reiterated Princeton's three-year-old policy against use of its computer network for political purposes. The memo came in response to a June incident when campaign literature for congressional candidate Rush Holt, the assistant director of the Princeton Plasma Physics Laboratory, was sent over the university's computer network to students and faculty members by an unidentified person. Holt lost his bid.

"We are a tax-exempt entity and as such we are banned by the IRS from engaging in any political activity for or against any candidate or having something for one candidate to the exclusion of another," said Princeton representative Mary Caffrey. "If students or faculty use our computer system for political purposes, it can be taken that the university is involved in partisan politics."

Princeton's ban, Caffrey stressed, is aimed at organized political activity and is not meant to prevent students from sending e-mail to other students about the upcoming presidential election or other political topics.

Princeton's official Web site includes a page for the Princeton University College Republicans. That page says the group's primary aim is to support the campaigns of Republican candidates. The site has no page for any university Democratic organization.

Free speech advocates have charged that Princeton is engaging in censorship.

"We rarely see anything this blatant or stupid," said Mike Godwin, an attorney for the Electronic Frontier Foundation. "Freedom of speech is guaranteed by the U.S. Constitution and Princeton University cannot abridge that. How can a university that supposedly is so smart, be so dumb as to tell students and faculty they cannot use the Internet or electronic mail for political speech?"

The policy also was criticized by the ACLU, which wrote to university President Harold Shapiro challenging the ban. Reported in: *Trenton Times*, August 19.

harmful matter

Los Angeles, California

After hearing oral arguments July 11 that included one attorney contending a state law would ban constitutionally protected material, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit considered a California statute that would keep minors away from adult-oriented publications sold at curbside vending machines.

The law in question was to become effective eighteen months earlier, but a lawsuit, an injunction, and other court action, including a contempt ruling against Attorney General Dan Lungren, has prevented it from being enforced. In November, 1995, two Ninth Circuit judges placed a stay on a district court order that determined the law does not violate the First Amendment protections given to publishers.

Attorney Stanley Fleishman argued July 11 that the law, which makes it a crime to sell "harmful matter" from a coin-operated vending machine unless it is supervised by an adult, is a "massive intrusion into First Amendment rights."

Fleishman said the state defendants failed to show that the law is the least restrictive means for meeting the state's interest. Furthermore, he contended, the state failed to demonstrate a compelling need to restrict sale of these publications, pointing to a trial record that showed only adult males purchase the sexually oriented tabloids typically sold for a dollar from machines.

Deputy Attorney General Christopher C. Foley disputed several of Fleishman's key claims. Foley noted that far from a total ban, the statute left the publishers thousands of outlets, as U.S. District Court Judge Manuel L. Real noted. While prohibiting the sale of adult magazines in coin-operated vending machines, the law does not ban sales in adult-only venues.

But the publishers of *The Sun*, *Hollywood Playdates*, *Swinger*, and *Kinky*, as well as other magazines, contended that the law effectively puts them out of business for two reasons: no retail establishment was willing to sell the periodicals and it was simply too expensive to monitor sales made through vending machines.

"The evil being addressed by this statute is children's exposure to it," Foley said. But the judges responded that the Legislature had never commissioned any study to determine if children were indeed being exposed to the magazines. "How can there be a compelling state interest if there is no purchase?" asked Judge A. Wallace Tashima. Reported in: *San Francisco Daily Journal*, July 15.

prison

Plymouth, Massachusetts

The Plymouth County sheriff has banned sexually explicit magazines from inmates at the Plymouth County correction facility as a measure to reduce sexual assaults and harassment.

"I could be wrong, but I don't think the first Congress had visions of inmates reading *Hustler*," Sheriff Peter Forman said. "The free press guaranteed by the First Amendment is one thing. Permitting convicts to sit around perusing smut is something altogether different. We are prepared to argue in court that there is no place or need for pornography in prison." The ban, which took effect in late August, applies to all publications containing "nude or partially nude photos and pictures."

Forman said such magazines may have encouraged sexual activity, which is prohibited in the all-male 1,200-inmate prison. The material has also offended prison employees, particularly women.

John Reinstein, an attorney for the ACLU, called the policy a "stretch" and said that censorship of material allowed on newsstands violates prisoners' rights. "This is not a seminary or a private boys school," Reinstein said. "It is a penal institution run by the government. Any attempt to censor leaves it up to someone to decide what someone else will read." Reported in: *Boston Globe*, September 11.

solicitation

Orlando, Florida

At Orlando International Airport, solicitors seeking donations for everything from religious groups to charities may soon be out of business. The Greater Orlando Aviation Authority began August 21 to consider a proposal expected to be the first step toward much tighter regulation of and possibly an outright ban on soliciting money at the airport.

The proposed changes stem from a new Florida law that went into effect October 1 giving officials much more control over how donations are solicited in airport terminals. Airport officials may choose to prohibit fundraising, or to require solicitors to remain inside a kiosk or booth rather than approach passengers.

Previously, Florida law required airports to issue permits to anyone who wanted to solicit donations. Airport officials can tell the solicitors where they can operate and airports keep track of complaints. But the solicitors haven't been required to tell the airport what they do with the money they collect.

The change in the state law, based on a recent U.S. Supreme Court decision and sought by Florida airports, no longer requires airports to allow solicitations. Reported in: *Orlando Sentinel*, August 21. □

SUPPORT

THE

FREEDOM

TO READ

(bench . . . from page 206)

Although the MLBPA demonstrated that the cards infringe its right of publicity under Oklahoma law, the court held that the cards are entitled to fill First Amendment protection because they provide humorous social commentary on public figures. The court rejected the MLBPA argument that this protection was diminished because the cards are either commercial merchandise or commercial speech. There is no principled distinction between speech and merchandise in this context, the court said. Moreover, the parody cards aren't commercial speech because they aren't advertisements, it said.

The use of player identities is essential to the cards' expression because the cards lampoon not just the sport but also the players, the court said. It noted that parody is a vital commodity in the marketplace of ideas. In order to effectively criticize society, parodists need access to meaningful images. Furthermore, it said, celebrity parodies are a valuable communicative resource, and restricting the use of celebrity identities restricts the communication of ideas. Without First Amendment protection, it added, the cards and their irreverent commentary cannot be freely distributed to the public. Reported in: *U.S. Law Week*, September 17.



Help Preserve Your Freedom

Subscribe to
***The Newsletter on
Intellectual Freedom***

The most complete source on current censorship controversies and efforts to defend First Amendment rights.

The Newsletter includes summaries of attempts to ban books, magazines, films, and artworks; reports on recent court decisions affecting free expression; book reviews; and an intellectual freedom bibliography which will help you locate books and articles from all points of view on censorship and First Amendment rights.

Stay alert. Stay aware. Subscribe.

Newsletter on Intellectual Freedom
American Library Association
50 East Huron Street
Chicago, IL 60611
Bimonthly 1-800-545-2433,
\$40 per yr. ext. 4223



Help Fight Censorship

Join the
**Freedom to Read
Foundation**

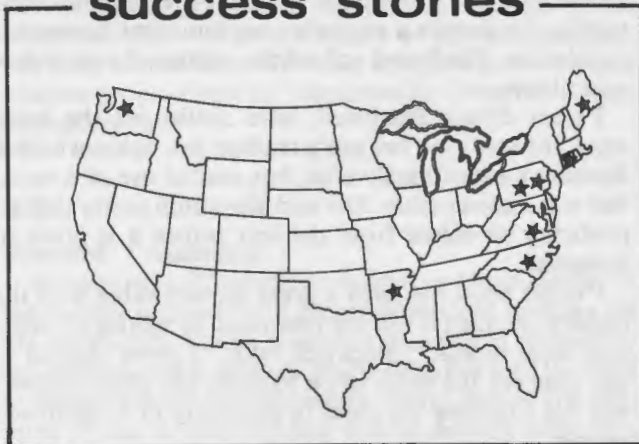
The Freedom to Read Foundation fights censorship. Defends the First Amendment. Provides legal and financial help to libraries and librarians, authors, publishers, booksellers, and artists besieged by efforts to limit free expression.

\$10 Student Member
\$35 Regular Member
\$50 Contributing Member
\$100 Sponsor
\$500 Patron
\$1000 Benefactor

Don't let censorship close the books on you. Join the Freedom to Read Foundation today.

Freedom to Read Foundation
American Library Association
50 East Huron Street
Chicago, IL 60611
1-800-545-2433,
ext. 4223

— success stories —



libraries

Little Rock, Arkansas

The Little Rock School Board voted unanimously July 25 against removing a mystery thriller by R.L. Stine from the Pulaski Heights Elementary School library during a rare, if not unprecedented, board hearing on a book.

Dee Norton, whose eight-year-old son checked out the novel *Beach House*, asked for the board hearing after a district committee of educators and a parent rejected her request that the book and similar Stine titles be removed from the shelves.

The book, part of the "Fear Street" series, includes graphic descriptions of boys intimidating and killing girls, Norton said. She described passages, including one where a teenage boy slashes a girl and leaves her to be eaten by sharks.

"These books are not worth the tax dollars we spend on them," said Norton. "Censorship is a choice that must be made every day. Adults censor themselves, but children must have these important choices made for them. By not making the choice, we are providing tacit approval. Are we in America going to support an industry that makes millions of dollars by selling stories of torture, terrorism and murder directed at little girls?" she asked.

John Burnett, a lawyer and the parent who sat on the district committee that reviewed the book, urged the board not to remove the book from the library. He said that would violate district policies as well as constitutional protections of speech and expression.

"In the judgment of the committee, it is an educationally suitable book," Burnett said. "It is a catalyst to encourage reading by providing an entertaining read to older elementary students who, like many people, are fascinated by mysteries. It is an enticing, recreational read, and it is a book to get reluctant students into the library, where the whole world awaits them."

School board attorney Andy Turner told the board that on the basis of district policies it would be easier in court to defend retaining than removing the book. Reported in: *Arkansas Democrat-Gazette*, July 26.

State College, Pennsylvania

Seven of the nine members of the State College Area School Board voted September 9 to keep the controversial novel *Bad Boy*, by Diane Wieler, on the shelves of area middle school libraries. A committee of teachers, PTA members, librarians, and principals had recommended unanimously that the book be retained.

In June, three parents had requested the book's removal, charging that it was full of profanity and portrayed underage drinking and other problems. "We should be vigilant not to look at this as a book banning," said parent Dr. Edward Read. Instead, he said it should be considered a correction of an error in allowing the book in the library in the first place. Read urged the board to appoint a new review committee. Reported in: *Daily Collegian*, September 10; *Centre Daily Times*, August 27, September 9.

Prince William County, Virginia

Little did the Prince William County Library know when the thriller *White Ninja*, by Eric Van Lustbader, was purchased that the book and audiotope would provoke so much attention. On August 22, at the prompting of Woodbridge resident Nancy Haenlein — the third county resident to complain about the book — the Library Board discussed its policy of allowing anyone who holds a library card to borrow any book or tape in its collection, even if the borrower is a minor and the book depicts rape, torture and murder, as in *White Ninja*.

The board voted 6-3 to maintain its current open access policy and also voted 7-2 to keep the controversial book and tape in its collection. Library director Dick Murphy said the board believes it is the parents' "right and responsibility to monitor their children's reading." Reported in: *Washington Post*, August 29.

Lynwood, Washington

A children's book illustrated with highly stylized representations of a naked woman and man will remain

in elementary school libraries in the Edmonds School District. The school board on August 21 unanimously rejected a parent's request to remove *Draw Me a Star*, by Eric Carle. The drawings of the naked couple — whose genitals are suggested by geometric shapes and varied patterns — appear alongside the words, "Draw me a woman and a man. And the artist drew a handsome couple."

"I feel this kind of material desensitizes our children to nudity," said parent Bernadette Somers, who first saw the book when her five-year-old daughter brought it home from Lynndale Elementary School. In May, Somers requested that the book be removed. A review committee concluded that it should stay and Superintendent Brian Benzel agreed. Somers appealed to the board. Reported in: *Portland Oregonian*, August 23.

schools

Paris, Maine

The SAD 17 Board of Education gave approval September 16 to the continued teaching of the novels *The Catcher in the Rye*, by J.D. Salinger, and *The Beans of Egypt, Maine*, by Carolyn Chute, at Oxford Hills High School, provided procedures to inform parents of the books their children will read be developed and implemented.

The 21-1 vote came after an emotional clash over values and censorship among the more than sixty audience members who turned out for the board's final ruling in the case. Oxford parent Gary Frechette had challenged the English Department's teaching of the two books. The vote endorsed a recommendation made the previous week by the board's Curriculum Committee.

In comments to the board, Frechette reiterated his view that teachers are not qualified to explore the issues of rape, incest, suicide and mental illness contained in Chute's novel. He had earlier objected to the use of "the 'F' word" in Salinger's book. "Ninety percent of the people I spoke to can't believe these books are being used," he said.

English Department head Tom Harvey, whose teaching of Salinger's always controversial book initially sparked the controversy, said the ultimate message of the book was that "Holden discovered that children cannot be shielded and that there are no catchers in the rye." Reported in: *Lewiston Sun-Journal*, September 17; *Norway Advertiser-Democrat*, August 29.

Eden, North Carolina

Moss Street Elementary School will continue to use the Newbery Award-winning novel *Sounder*, by William H. Armstrong, as reading material for fifth-grade students, despite its use of offensive language. By a 7-1 vote, the Rockingham County Consolidated Board of Education

decided July 11 to keep the book on the recommended reading list despite a parent's complaint that it contains racial slurs. The board upheld the rulings of two review committees.

Parent Elinor Blackwell, who challenged the book when she saw it on her son's reading list, acknowledged *Sounder's* educational value, but said its use of a racial slur was unacceptable. She said she would prefer that all profanity be edited from the text before it is given to students.

"If the book has such a great literary value with the racial slurs, then it will not lose value by editing or omitting those words," Blackwell said. "I never desired at any time for the book to be banned. My main concern was not exposing my child to profanity in a classroom setting."

Herman Hines, the board's only black member was also the only member to side with Blackwell by voting to ban the book because of its language. "That kind of garbage is not in my heart and not in my mind," he said. "I don't believe our kids should be exposed to that." Reported in: *Greensboro News & Record*, July 12; *Madison Messenger*, July 12.

university

Scranton, Pennsylvania

The University of Scranton will continue using a medical ethics textbook that describes how people, in certain situations, justify having and performing abortions. The book, *Health Care Ethics: Principles and Problems*, co-written by two university instructors and a former professor, has been the subject of a simmering controversy for nearly two years.

The book has come under strident criticism from the leadership of Pennsylvanians for Human Life, an anti-abortion group that has demanded the university to stop using the book. The University of Scranton is affiliated with the Roman Catholic church, which opposes abortion.

Rev. J.A. Panuska, S.J., university president, said that church teaching against abortion and the sensitivities of anti-abortion groups must accommodate the realities of academia. "[The university] cannot be Catholic before it is a university," Panuska said. "We are a better Catholic institution if we remain a university. We are very conscious of being Catholic."

Panuska called the book a "provocative textbook" and said, "It's one part of a way of raising questions." He said acquiescing to PHL's demand to cease using the book would shackle freedom of thought.

"I would emphatically deny that we are teaching abortion," he continued. "The Pennsylvanians for Human

Life is taking something out of the context of the classroom. There is no difference of opinion abortion, but there would be a difference of opinion on how you educate people about it." Reported in: *Scranton Times*, September 1.

art

Hartford, Connecticut

A University of Hartford art student whose display in the display windows of a vacant downtown building set off a censorship battle basked in the thrill of having her exhibit restored in August. Marlo Marrero won the right to display her work unaltered for thirty days in the windows of the G. Fox building after a meeting between a lawyer for the Connecticut Civil Liberties Union and Mayor Michael P. Peters.

The 26-year-old graduate student had removed her four-piece exhibit, called "Everything in Moderation," from the former department store in June after part of

it was covered over when some people complained that it was offensive. Marrero had submitted slides of some of her work in advance for approval.

The screened sections included a photograph of a clothed woman seated on the lap of a man whose hand is touching her breast. The other was a cloth and photographic work that some said was suggestive of female genitalia.

Marrero acknowledged that she wanted her exhibit to provoke thought and discussion. Still, she said she was shocked to find that others found it offensive.

Paul Shipman, an assistant to Mayor Peters, said discussions were under way to see that future selections hung in the windows are more moderate. "The mayor supports art and he wants to continue the displays," he said. "But hopefully they will not be so suggestive. We want art people can appreciate, that is pleasing or is effective for a wide audience." Reported in: *Hartford Courant*, August 7. □

intellectual freedom bibliography

Compiled by Cynthia M. Robinson, Office for Intellectual Freedom.

- Berman, Sandy. "Three Kinds of Censorship that Librarians (Mostly) Don't Talk About." *Minnesota Library Association Newsletter*, vol. 3, no. 7, p. 1.
- Biskupic, Joan. "Erasing Lines of Distinction." *The Washington Post National Weekly Edition*, vol., no., July 15-21, 1996, p. 32.
- Budlong, Tom. "The Georgia First Amendment Foundation: A New Ally for Georgia Libraries." *The Georgia Librarian*, vol. 32, nos. 2,3,4, Summer/Winter 1995.
- Caywood, Carolyn. "YA Confidential." *School Library Journal*, vol. 42, no. 8, August 1996, p. 41.
- Chepesiuk, Ron. "Librarians as Cyberspace Guerrillas: An Interview with John Perry Barlow." *American Libraries*, vol. 27, no. 8, September 1996, p. 49.
- DeLoughry, Thomas J. "Court's Ruling Against Internet-Indecency Law Will Be Appealed by U.S." *The Chronicle of Higher Education*, vol. 42, no. 44, July 12, 1996, p. A23.
- "Editor's Firm Stand on Principle Earns Victory for H.S. Journalists." *Student Press Law Center Report*, vol. 17, no. 3, Fall 1996, p. 37.
- Epps, Garrett. "The Supremes Find a Theme." *The Washington Post National Weekly Edition*, vol., no., July 15-21, 1996, p. 23.
- Fuentes, Annette. "Who Opened Their E-mail?" *The Village Voice*, vol. 41, no. 31, July 30, 1996, p.
- Goodwin, Mike. "Dancing in the Streets: Why the Philly CDA Decision Really Matters." *Wired*, vol. 4, no. 9, September 1996, p. 92.
- _____. "An Ill-Defined Act." *Internet World*, vol. 7, no. 6, June 1996, p. 90.
- Harwit, Martin. *An Exhibit Denied: Lobbying the History of Enola Gay*. New York: Copernicus, 1996.
- Heilemann, John. "Big Brother Bill." *Wired*, vol. 4, no. 10, October 1996, p. 53.
- Hernandez, Debra Gersh. "CDA Declared Unconstitutional." *Editor and Publisher*, June 22, 1996, p. 50.
- _____. "Tobacco Ad Debate Rages." *Editor and Publisher*, September 7, 1996, p. 24.
- _____. "Journalism Groups Join 'Hit Man' Case." *Editor and Publisher*, July 20, 1996, p. 24.
- Mauro, Tony. "First Amendment Community Cyber-Celebrates." *First Amendment News*, vol. 2, no. 6, July 1996, p. 1.
- Mazer, Norma Fox. "Silent Censorship." *School Library Journal*, vol. 42, no. 8, August 1996, p. 42.
- McGee, Jim. "Uncle Sam May Be Listening." *The Washington Post National Weekly Edition*, July 15-21, 1996, p. 31.
- Oder, Norman and Sean Hill. "Should Bookstores Sell Hate Books?" *Editor and Publisher*, April 29, 1996, p. 23.
- Palgi, Rebecca D. "Rules of the Road: Why You Need an Acceptable Use Policy." *School Library Journal*, vol. 42, no. 8, August 1996, p. 32.
- Smith, Robert Ellis. "The True Terror is in the Card." *The New York Times Magazine*, September 8, 1996, p. 58.
- Sorensen, Mark W. "Censorship and the Public Librarian." *Illinois Libraries*, vol. 78, no. 3, Summer 1996, p. 120.
- Sprain, Mara. "Confidentiality in Libraries." *Colorado Libraries*, vol. 22, no. 1, Spring 1996, p. 9.
- Vidal, Gore. "The End of History." *The Nation*, vol. 263, no. 9, September 30, 1996, p. 11.
- Winters, Michael Sean. "Father Knows Best" [Book Review]. *The New Republic*, vol. 215, no. 11, September 9, 1996, p. 47.
- Wirth, Eileen. "The State of Censorship." *American Libraries*, vol. 27, no. 8, September 1996, p. 44. □

NEWSLETTER ON INTELLECTUAL FREEDOM
50 East Huron Street • Chicago, Illinois 60611