

newsletter  
on  
**intellectual**  
**freedom**



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## cyberbanned in Boston

Responding to complaints from some patrons and members of the Boston City Council as well as unsubstantiated media reports, Boston Mayor Thomas Menino mandated February 13 that filtering software be installed in all city computers to block access for minors and adults to sexually explicit materials. The mayor's order included all computer terminals in public libraries that have Internet access.

"We're stopping it," the mayor said. "If people want to see these things at home it's their business. But I'm saying that the city will not allow access on its computers or its systems."

The Board of Trustees of the Boston Public Library supported the mayor's action despite vocal resistance from Acting Director Liam Kelly. Incoming Library Director Bernard Margolis said he supported the mayor's decision to place restrictions on children but was reviewing the legal implications of the mandate's restriction of adult access.

The move to restrict access was condemned by civil liberties groups. "This is really overkill and it's very dangerous," said John Roberts, Executive Director of the Boston Chapter of the ACLU. "It's like going back to the days when we had a city censor who screened books and plays in Boston. How is government in a position to decide what is decent or what is offensive?"

Michael Hernon, Boston's Chief Information Officer, disagreed. "It's strictly the right and responsibility of the city to decide how city owned equipment will be used," he said. "This is not a First Amendment issue." Hernon said he had ordered 250 Cyber Patrol filters for city computers in response to the mayor's order. While the software was being installed, he ordered city employees to monitor children's access to the Internet at all times. Although Menino's order explicitly barred use of city funds to allow adults access to explicit Internet sites, Hernon said the filters being purchased would allow library staff to override blocks so adults could view material.

"The override function is a very simple procedure," Hernon contended. "It is not really going to take any amount of significant training for librarians and I don't think it will take substantial effort on the part of the library staff to enforce the mayor's directive."

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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.

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## IFC report to ALA Council

*Following is the text of the ALA Intellectual Freedom Committee's report to the ALA Council delivered by IFC chair Ann K. Symons at the ALA Midwinter Meeting February 19 in Washington, D.C.*

As chair of the ALA Intellectual Freedom Committee, I am pleased to report on the Committee's activities at this Midwinter Meeting.

### Resolution on Challenged Books Week

At the 1996 Annual Conference, Council referred to the Intellectual Freedom Committee a resolution to change the name of Banned Books Week — Celebrating the Freedom to Read to "Challenged Books Week." OIF, at the request of the Chair, spent time before Midwinter gathering facts and figures about the 15 year-old Banned Books Week program. At this meeting, we addressed the question of changing the name of the celebration.

Banned Books Week is a partnership of several organizations, including the American Booksellers Association and the Association of American Publishers. The name Banned Books Week originated with the American Booksellers Association. In letters to the Committee, both organizations wrote that they were not interested in changing the name of the program. ALA has few options. We can pull out; however, since two of the co-sponsors have expressed their desire to continue under the same name, the program will continue.

Most importantly, the annual attack against Banned Books Week has been orchestrated by a national organization with a very clear political agenda. If ALA were to withdraw from Banned Books Week it would send the chilling message that we can be pressured into abandoning a successful program merely by launching a public attack. It would be both a political and public relations disaster for ALA.

Librarians, teachers and booksellers across the nation find the annual celebration of Banned Books Week to be a useful and worthwhile activity, and are anxious that it be continued.

### IFC and Committee on Legislation — Cooperative Efforts

The chairs of the two committees, Ann Symons and Pat Schuman, met in Washington in the late fall with Carol Henderson of the ALA Washington Office and Judith Krug of the Office for Intellectual Freedom. We discussed ways in which IFC and COL could work together cooperatively on legislation with intellectual freedom implications. As a result of this meeting, the committees agreed to a joint working document for the 105th Congress so that ALA can respond quickly to emerging issues on the hill. The two committees are working on a plan to train members in each state to educate

decision makers about legislative issues. The committees also are planning a joint program for the 1998 Annual Conference. Leslie Harris, the Washington Office's new consultant on intellectual freedom, was introduced to the assembled committees. We are looking forward to a partnership with the Committee on Legislation and the Washington Office.

### Freedom to View Statement

As the IFC reported to you in New York, the American Film and Video Association, the sponsoring organization for the *Freedom to View* statement, went out of existence several years ago, leaving the statement without a home. This anti-censorship statement is included in many libraries' intellectual freedom policies and Dr. Ron Sigler suggested that ALA would be the appropriate home for the policy.

The Intellectual Freedom Committee made minor changes to the document and circulated it for review and comment to the ALA Council and all divisions, committees and round tables. Simultaneously, we received a letter from Councilor Don Sager suggesting that, as we move toward the 21st century, the time may have come for the IFC and the ALA to consider the development of a new policy that will serve as a framework, unifying our position in regard to a variety of intellectual freedom concerns. We plan to spend a substantial amount of time at our spring meeting developing this idea further, and we will report our plans to you in San Francisco.

### Questions and Answers about Access to Electronic Resources

This document was first presented to Council in New York. Since then, it has been circulated to the appropriate bodies of the Association for comment. As we approached Midwinter, I sent an e-mail message to the division presidents asking for comments from their units. It resulted in many comments! We were pleased and, in fact, received so many comments that we are substantially redrafting the document to take into account the concerns expressed. Nevertheless, we want to stress that this is an implementation document, not a policy. It, therefore, can be easily changed when appropriate or necessary, due to advancing technology. The Committee is working on redrafting the Q&A electronically and will put it on the Council listserv and other appropriate listservs, as well as the ALA Website, prior to the San Francisco Conference. If, at some later date, any ALA member believes the document can or should be reworked, the Intellectual Freedom Committee urges you to bring your comments and concerns to us.

*(continued on page 82)*



## FTRF report to ALA Council

Following is the text of the Freedom to Read Foundation's report to the ALA Council delivered by FTRF chair June Pinnell-Stephens at the ALA Midwinter Meeting February 18 in Washington, D.C.

As president of the Freedom to Read Foundation, I am pleased to report on the Foundation's activities at this Midwinter Meeting.

### Litigation

The current focal point of the Foundation's work continues to be the challenge to the Communications Decency Act of 1996 (CDA). The United States Supreme Court has set March 19, 1997, as the date for the oral argument in this litigation, *American Library Association v. United States Department of Justice*, now consolidated with and cited as *Reno v. ACLU* (see page 69). It is expected that the Supreme Court will rule on this matter in June or July—just in time for ALA's Annual Conference!

The CDA was Congress's attempt to ban minors' access to "indecent" materials on the Internet. In a resounding victory, due in great measure to the work of the library community, a special three-judge federal panel declared the Act violative of the First Amendment last June.

The government filed its initial brief in the Supreme Court on December 29, 1996. In addition, three organizations filed "friend-of-the-court" (*amicus*) briefs in support of the government's position: Enough is Enough, run by Dee Jepsen and Donna Rice Hughes; Morality in Media; and a group of members of Congress led by former Senator James Exon (D-Neb.), who sponsored the CDA. The ALA and ACLU answering briefs will be filed on February 20. The government's reply brief is due on March 7.

In its appeal to the Supreme Court, the government is not only seeking unprecedented powers to criminalize speech on the Internet but, for the first time, is also setting forth the outrageous claim that it is "protecting" the First Amendment by censoring the Internet. Their reasoning is that the fear of encountering "indecent" on the Internet (though constitutionally protected) could deter potential users from getting on-line, denying them their First Amendment right to participate in this new medium. The government's arguments, if adopted, would justify censorship not only on the Internet, but also in libraries and bookstores as well. That is why the Foundation, ALA, and the other plaintiffs are seeking a decision from the Supreme Court on this important free speech issue.

In a related matter, the Foundation joined ALA in a lawsuit filed on January 14, 1997, seeking a preliminary injunction against a New York Statute that makes it a crime to disseminate materials that are "harmful to minors" through computer communications (see page

76). ALA's suit, *American Library Association v. Pataki*, challenges the statute, which became law on November 1, 1996. We believe that the law is an unconstitutional, content-based restriction on free speech that would reduce adult communication to levels acceptable for a six-year-old child. The law also fails to distinguish between material that may be "harmful" to very young minors and material that may be "harmful" to teenagers.

While a Supreme Court decision striking down the CDA would not necessarily prevent other states from passing Internet censorship laws, because the CDA and the New York law are similar it is believed that the New York law could not stand if the Court strikes down the federal legislation. More importantly, this will be a test case for the substantial number of state on-line "decency" statutes that have passed or are pending. Unlike the CDA, this legislation uses the "harmful to minors" standard. While this standard is more palatable than the "indecent" standard, the effect on library service is similar to the CDA and, therefore, detrimental. Also, this may well be the standard employed by Congress when the CDA is revisited after the Supreme Court decision. Accordingly, it is important for both the Foundation and ALA to be up front in a case which tests yet another attempt to restrict the Internet.

Last year, the Foundation joined a challenge to another portion of the Telecommunications Reform Act of 1996, one which restricts "indecent" programming on certain cable access channels by blocking or scrambling the programming. In November, 1996, a special three judge federal panel denied a motion for a preliminary injunction by the lead plaintiff, Playboy Enterprises, Inc., and terminated the existing temporary restraining order against government enforcement of the section granted in March, 1996. The Foundation had filed an *amicus* brief in this case and, due to the similarity in issues between this case and the challenge to the CDA, is considering joining Playboy if this case is accepted by the United States Supreme Court.

In a victory for the Foundation, a United States District Court Judge reaffirmed his decision that a county prosecutor's directive constituted prior restraint, violating the First Amendment. The case, *Playboy v. Deters*, involved an attempt by local law enforcement officials to remove *Playboy* and four other constitutionally protected magazines from a Barnes & Noble bookstore in Cincinnati.

In *Rice v. Paladin Press*, a United States District Court judge dismissed the plaintiff's action in its entirety by granting the defendant's motion for summary judgement. In short, the judge found that a book, *Hit Man: A Technical Manual for Independent Contractors*, is protected speech under the First Amendment. The book's publisher was sued by the victims' family, who alleged that the book, and therefore its publisher, was an

accomplice to the crime. This was due to the fact that the man who perpetrated the crime (a triple murder) had purchased the book some 14 months earlier. While the Foundation most often participates in litigation at the appellate level, we filed this *amicus* brief at the trial court level due to the serious First Amendment issue involved—holding publishers responsible for actions that supposedly result from reading their publications. The plaintiffs have appealed their case to the United States Court of Appeals for the Fourth Circuit. Oral arguments are expected sometime during the late spring or summer, 1997.

The Military Honor and Decency Act of 1996 was declared unconstitutional in January (see page 73). The Act was signed into law by President Clinton on September 23, 1996, and had been scheduled to take effect on December 22, 1996. The Act would have prohibited the sale or rental of sexually explicit material on property controlled by the Defense Department, including commissaries and ship stores. The plaintiffs sued, alleging that the Act violated their First Amendment rights to disseminate constitutionally protected periodicals, audio, and visual recordings. They argued that the military can restrict materials covered by the First Amendment only when its goal is to protect its ability to carry out missions and to maintain loyalty, discipline, and morale in the armed forces. The government argued that the law's purpose is to promote military core values and improve the public perception of the military.

Judge Scheindlin, in holding the Act unconstitutional, stated, "In the context of our long and rich First Amendment tradition, it becomes clear that sexually explicit material cannot be banned from sale or rental at military exchanges merely because it is offensive. . . . While the majority of Americans may wish to ban pornography, in the final analysis, society is better served by protecting our cherished right to free speech." The judge went on to state that a plain reading of the Act was an attempt by Congress to limit non-obscene speech that is found offensive. An appeal by the government is expected shortly.

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## library critic to join Gwinnett board

With the addition of a library critic to the Gwinnett County (GA) Library Board, board members hope the move will help resolve a two-year-old controversy over children's access to sexually explicit materials. The county board of commissioners voted January 28 to approve Commissioner Kevin Kenerly's appointment of Jennifer Toombs to the library board.

## Other Matters

The Foundation and ALA launched a special CDA fundraising campaign over the last several months to recoup some of the outstanding legal expenses in this case—which have reached \$1.1 million. The response to the campaign was very gratifying and showed to us that our efforts were focused in the right place—this is a major issue for the library community. In order to honor major contributors to this special campaign, the Foundation and ALA sponsored a special reception on Friday evening with the legal team from Jenner & Block, who were so crucial in the Philadelphia victory last June and are working hard on the Supreme Court appeal.

Board member Charles Levendosky, editorial page editor of the Casper (WY) *Star-Tribune*, reported on the activities of our joint project with the ALA Intellectual Freedom Committee—the First Freedom Op-Ed Service. A complete list of op-ed pieces provided by our service to date was distributed, and he solicited suggestions both for topics that had not been covered and for potential authors for future pieces. In addition, he asked librarians who see the columns in their local papers to alert the Office for Intellectual Freedom so we know which papers are using this service.

As we have done for the last two years, the Foundation participated in the 1996 campaign of the Independent Charities of America (ICA), an alternative to the United Way for charitable giving in the workplace. We will be a part of this national campaign again in 1997. The Foundation also participates in several state ICA campaigns, and will continue to do so.

In conclusion, the Foundation looks forward to this critical year for the First Amendment and libraries. The United States Supreme Court will render a landmark decision on the Internet and the parameters of free speech on that revolutionary medium. The resulting impact on library service can only be imagined. The Foundation entered on the ground floor of this issue and will be involved all the way to the top. I look forward to reporting on the outcome of this historic lawsuit, and the other vital work of the Foundation, at the Annual Conference in San Francisco in June. □

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Toombs, who leads Citizens for Family Friendly Libraries, has pushed for the creation of an adults-only section where materials containing sexually-explicit content would be kept. Over the past two years, the board as a whole declined to do so, opting for a variety of different changes.

Toombs replaced board member Scott Scoggins, also a Kenerly appointee, who announced in January that he was stepping down. Scoggins said he was convinced the

board would remain at a stalemate on the issue of children's access as long as he was a member. Like Toombs, Scoggins advocates an adults-only section and spent most of his two-year tenure on the board at odds with the other members, generally as the sole vote in favor of challenges brought by citizens who asked for books to be moved or removed.

Despite their shared philosophy, Toombs believes she can work more effectively with board members than Scoggins did. Although she said she would not abandon her advocacy on children's access, she would listen to other members' ideas on the issue.

"I remain very committed to being sensitive to the needs of the most impressionable among us, our children, but I'm more than willing to compromise on the methods and means of achieving that goal," Toombs said. "I look forward with great hope and expectation that this board can make our library system even better."

Scoggins said Toombs differs from him in that she is better prepared to tackle an issue and is quick to familiarize herself with the details and should not be seen as a polarizing figure. "She's a thoughtful person who looks at issues from all sides," he said.

Library board chair Dorothy Roberts said she hoped the controversy could be quelled by Toombs working with the board rather than as an adversary. "Hopefully we can come in and try to find some resolution," Roberts said. "We don't want to get bogged down again and be unable to focus on other issues."

Library Director Jo Ann Pinder said by joining the board Toombs would gain a new perspective. "I think there have been very simple suggestions to a very complex problem, and I hope she is able to see that there are not simple solutions to the problem she [raises]," Pinder said.

Last year, the board made several changes in response to objections from critics like Toombs about children's access. While Toombs said she was glad to see the issue receive attention, she dismissed some of the changes as ineffective, including one which separated children's non-fiction from adult nonfiction materials, but which classified an adult as age eleven and up.

Toombs also supported then-state Sen. Clint Day's attempt to pass legislation requiring libraries to restrict children's access to any materials considered "harmful to minors." The measure survived the Senate but was defeated in the state House.

With Toombs's appointment, the library board could have a different cast than only a month before. Library board members Kay Dickinson and Selma Cheeley, who had served two consecutive terms and were required to step down, were replaced by Andrew Pourchier and Margaret Tucker, who have not publicly stated views on children's access issues. Reported in: *Gwinnett Daily Post*, January 21, 28, 29. □

## in review

**Censorship and the American Library: The American Library Association's Response to Threats to Intellectual Freedom, 1939-1969.** By Louise S. Robbins. Greenwood, 1996. 251 pp. \$59.95.

Most of us in librarianship have probably forgotten, if we ever knew, just what brought about the formation of the Committee on Intellectual Freedom of the American Library Association. This very interesting book will refresh our memories. Beginning with its establishment in 1939, Louise Robbins traces the development of the IFC for its first thirty years, through 1969.

At about the time the committee was being formed and the *Library Bill of Rights* was being adopted by ALA Council in 1939, a nationwide battle was being waged against a newly-published book. It was in that year that John Steinbeck's *Grapes of Wrath* was published to popular and critical acclaim. It was called one of the best novels of social protest ever published. In spite of its reception by critics and by the general public, it was attacked nationwide. Oklahoma Congressman Lyle Boren assaulted it on the floor of the Congress; it was called vulgar, coarse, and brutal. The Associated Farmers of Kern County, California, called it "propaganda in its vilest form"; it was labelled un-American and pro-Soviet.

In the midst of the battle over *Grapes of Wrath*, the President of the ALA appointed Forrest Spaulding, the author of the *Library Bill of Rights*, to chair a Special Committee on Censorship to study current censorship and recommend policy to the Board of the ALA. In 1940, at the annual conference, the Special Committee reported to the membership and recommended the establishment of a permanent committee which would throw the weight of the association into the fight against censorship.

The author traces the history of that committee from this beginning moment through 1969, its first thirty years. Her assessment of those years is that. . . "the journey culminated in an organizational commitment to the support not only of 'the right of library users to freedom of inquiry' but also of the civil rights of librarians and to the active defense of rights of expression even outside the library."

The titles of the first four chapters are self-explanatory: No Bark, Very Little Bite, 1939-48; Book Banning and Witch Hunts, 1948-52; Belief Meets Practice, 1952-60; More than Lip Service, 1960-69. In a final chapter entitled "The Ideology of Librarians", the author draws a philosophical thread through the history of the preceding four chapters. There are five appendices, an extensive section of notes, a selected bibliography and an index.

It is not possible, in a brief review, to refer to the



## Leanne Katz

Leanne Katz, who served as executive director of the National Coalition Against Censorship for more than twenty years, died at her New York home March 2 after a three-year battle with cancer. She was 65.

As a defender of free speech, Katz worked with librarians, teachers, and authors across the country to fight the banning of books, magazines, movies and art. She worked on dozens of cases each year in which principals or school boards removed books from libraries or classrooms because they disapproved of their content.

Among the many authors whose work Katz helped defend was popular children's writer Judy Blume, who said: "When my books were being banned early on, in the '80s, I had nowhere to go, until I found this remarkable woman, this tiny dynamo who had such passion and energy for fighting censorship. From then on, if I had word from a teacher, a librarian, or a newspaper anywhere in the country that something was being banned, all I had to do was put this person in touch with Leanne, and I knew she would instantly respond and get them through this, let them know they were not alone. She believed in the First Amendment above all."

The coalition Katz headed was created in 1974 after the U.S. Supreme Court issued its ruling in *Miller v. California*, which broadened the definition of obscenity. The coalition is an alliance of forty-five religious, artistic, educational and civil

liberties groups, including the American Library Association and groups as varied as Actors' Equity and the National Council of Churches of Christ. It began as a project of the ACLU, but soon became a separate entity.

Under Katz's leadership, the coalition acted as an advocate against proposed legislation, national or local, that would restrict free speech.

Katz was also a central figure in the ongoing debate among feminists and women's rights advocates over whether pornography harms women. Some feminists, such as Catherine MacKinnon and Andrea Dworkin, have argued that pornography is connected to discrimination and violence against women and, therefore, should be restricted. But Katz helped organize other leading feminists to argue that free expression about sexuality is a feminist value and that censorship has harmed women in the past by suppressing information about sexuality and birth control.

Before she began working with the censorship coalition, Katz was on the national staff of the ACLU, as liaison to the group's affiliates. She also served as a consultant for Human Rights Watch, the National Council of Teachers of English, and the Modern Language Association, and taught courses at Queens College of the City University of New York and the New School for Social Research, writing and lecturing widely on free expression.

Leanne Katz is survived by her husband, Alvin M. Katz, her sons, Joseph and Jamie, and her sister Sara Blackburn. Reported in: *New York Times*, March 5. □

numerous examples of attempted censorship that are presented throughout the book. By presenting these many examples of attempted censorship in libraries throughout the country, the author makes a very good point: the initial establishment of the committee and its development over the years were founded on practical concerns, not just on idealistic notions of what the First Amend-

ment means.

All librarians should read this book. Those who already actively support the work of the Committee on Intellectual Freedom will find their commitment reinforced; those who question its value may have their eyes opened.

Highly recommended.—Reviewed by Joseph A. Boisse, University Librarian, Davidson Library, University of California, Santa Barbara, California.

## — censorship dateline —



### libraries

#### Brooksville, Florida

Students of the West Hernando Middle School have been unable to browse the media center's copy of *Rolling Stone* magazine since the head of the language arts department registered a complaint last September.

Susan Jackson objected to the appropriateness of a middle school offering students access to a magazine that publishes phone-sex advertisements. In October, the media center advisory committee agreed with her and ruled that the *Rolling Stone* subscription be canceled and all back issues removed.

When principal Ken Pritz asked the committee to reconsider whether the title might be retained in a back room for teacher use only, the group voted to reverse its decision altogether. According to school librarian Susan Beach Vaughn, Pritz "asked that each committee member be polled as to whether to continue the subscription and keep it in a back room." Reported in: *American Libraries*, January 1997.

#### Gwinnett County, Georgia

The controversial book *Women on Top*, by Nancy Friday, was pulled from public library shelves in Gwinnett County after two residents complained about its sexually explicit content. It was the fourth book banned by the controversy-plagued library system since 1982. The best-selling compilation of women's sexual fantasies was removed after examination by a materials review committee of three library staff members.

One of the women who complained about the book, Connie Crosby, was pleased by the decision but said she never dreamed the library would consider removing the book altogether. Crosby said she wanted it removed only from general circulation. Reported in: *Atlanta Journal*, March 19.

#### Elgin, Illinois

The novel *Forever*, by Judy Blume, will be removed from middle school libraries in Elgin School District U46 on the grounds that it is too sexually explicit, a committee decided in early February. The committee also recommended that the book remain in high school libraries and rejected a proposal to include parents in the process of book selection.

*Forever* tells the story of a teenage girl who falls in love and experiments with sex for the first time, recounting explicitly what the boy and girl do together. When the parent of a seventh-grader found the book in the library at Eastview Middle School in Bartlett, she complained to school authorities. She later dropped the complaint to save her daughter from embarrassment, but Jean McNamara, who home schools her three children, then filed a similar complaint, which was heard by a committee of seven, including Sue Bernardi, the district's director of curriculum, and the Eastview librarian.

In the past, such challenges to books have been decided on a school-by-school basis. But the committee recommended that *Forever* be removed from all seven district middle schools. McNamara also asked that the district change its book selection policy to allow a parents' committee to review all books. The committee, however, recommended standing by the current policy, which places such decisions in the hands of each school's librarian. The decisions were not unanimous.

"Librarians obviously don't have time to read every book they order," Bernardi said. "But we have a policy to follow. Part of it involves age appropriateness. Part is topic and content. Our librarians read book reviews from several sources."

"I am very pleased by the decision," McNamara said. "But my larger goal was to get the message to parents that they need to get more involved in the schools. If that doesn't happen, we haven't accomplished much, because a hundred more books like this will end up in school libraries. Unfortunately, there is still the idea out there that we don't censor children, that we have to put everything out there in front of them and let them decide what to read."

Eastview librarian Joan Devine said she considers *Forever* "explicit but not exploitive. This book is about normal sex, about feelings and relationships," she said. "A middle school has children playing with Barbie dolls and children having sex. I can't only have books about



Barbie dolls." Reported in: *Elgin Courier-News*, February 5.

#### Lancaster, Pennsylvania

The Lancaster County Library Board voted January 28 to move to a room on the library's second floor, a controversial exhibit celebrating the contributions of gays, lesbians and bisexuals to the arts. After more than a month of debate, the board decided not to return to the North Duke Street window the display put together by the Pink Triangle Coalition that was made available to community groups. Board president Bernard Ziegler, however, acknowledged the coalition's exhibit "did meet our previous standard" for public displays.

Public comment for and against the display had been aired at the board meetings since the exhibit was first removed in December after spending less than a week in the display window. Library officials said fifteen to twenty complaints were received, and Lancaster County Commissioners asked the library to review its display policy.

Moving the exhibit to the library's meeting room was seen as a compromise solution to the controversy. The board also approved a recommendation that "in keeping with library policy on offering more than one point of view" display space be granted to "an organization with an exhibit on traditional family values."

Two weeks after the board decision, the Pink Triangle Coalition said it would accept the compromise and reopen the exhibit in the meeting room. "We are accepting the compromise," said coalition representative Mark Stoner. "There was a strong debate, but in the end I think everyone was behind the decision. Our purpose is to educate the public, not to punish the library." Reported in: *Lancaster Intelligencer-Journal*, January 29, February 13.

#### Muncy, Pennsylvania

During the January 20 meeting of the Muncy School District Board of Directors, board members heard pleas from two parents to remove a book on spells from the school library. When a student from the Ward L. Myers Elementary School brought home a copy of Sue Avent's *Spells, Chants, and Potions*, several parents petitioned to have the book removed. After an initial appeal to a committee headed by Myers principal Robin Schuller failed, Evan Breneisen appealed to Superintendent Dr. Priscilla L. Feir. When that failed, Breneisen chose to address the board.

Breneisen and Dr. Daniel Egli, a local psychologist, both spoke on what Egli called "magical thinking" and both recommended the book's removal. The board decided to form a committee to review the issue. Reported in: *Muncy Luminary*, January 15, 22.

#### Wilmington, Pennsylvania

A children's book about the life and works of French Impressionist painter Pierre-Auguste Renoir will remain on "restricted" status at the Pulaski Elementary School library, the Wilmington Area School Board announced February 10. School librarian Lee Etta Proudfoot said it would be the only book on the school's "restricted" shelf. "It will probably go into a closet in the back of the room," she said.

"Restricted" status means the book can only be checked out with written parental consent. The board also decided that selection and review policies for publications in school libraries and classrooms were unsatisfactory and must be redrafted.

*The Life and Times of Renoir*, by Janice Anderson, is one of a series of children's books on famous artists. It was placed on a "restricted" shelf after Darlene Palladino, a parent of a second grader, filed a complaint in September. Palladino's son checked the book out of the library last spring and was embarrassed to take it home and show it to her after other children in his class saw nude paintings in it and ridiculed it.

Palladino complained that the book was written beyond the understanding of grade-school children and suggested it be moved to middle school libraries. She also suggested that the board appoint a review committee of parents, teachers, and librarians to select and purchase all library books.

The decision to place the book on a restricted shelf came from the administration after a committee to review the book voted 4-1 to remove it from the library's general circulation. Proudfoot, who selected the art book series for the library, cast the no vote. She later told the administration that the district's policy for reviewing books was not followed by the committee.

During a heated meeting in January, an unusually large crowd of residents criticized the committee's decision as censorship and faulty procedure. But in a letter released February 10, the board noted that the book had not been "removed" or "banned" but reshelved, which simply meant "the decision regarding access was transferred to the parents of the Pulaski elementary students."

"When a new policy is in effect to the satisfaction of the school board," the letter said, "the particular publication in question will be tested by the new screening policy and, if appropriate, by the new review policy." Meanwhile, the board said, the original decision to place the Renoir book on the restricted shelf would stand, despite Proudfoot's objections. Reported in: *New Castle News*, January 21, 25, February 11; *Sharon Herald*, January 21, February 11, 13, 18.

#### Greenville, South Carolina

It had been described as a parody of *Beauty and the*

Beast. But on January 27, the Greenville County School District decided it was smut — at least to middle schoolers.

A book checked out by a sixth-grade girl at Lakeview Middle School was pulled from the school library after school officials got a swarm of complaints about it, said district representative Oby Lyles. But the principal at the school said the book, *Her Monster*, by Jeff Collignon, had been recommended for young adults in standard review journals.

The book came to the attention of school officials after it was the topic of a local call-in radio show. "We received several calls from individuals in the community who heard the broadcast and alerted us to it," said Lyles. District officials then checked out a copy from the Greenville County Library and started reading.

Under district policy, complaints about potentially inappropriate library or classroom materials should be made directly to the school and materials review committee empowered to review it. Lyles acknowledged, however, that the committee had not been formed owing to a lack of volunteers to serve on it. District officials initially said they would turn the matter over to the committee when it was formed, but later decided to take action administratively on their own.

"The district administration has reviewed the book *Her Monster* and determined that the book is inappropriate for middle school students," Lyles said. "The book, which has been available at only one middle school, will be pulled."

The book is about a teenage girl with purple-orange spiked hair who befriends a disfigured man. Reported in: *Greenville Capital*, January 28.

## **schools**

### **Attalla, Alabama**

The fate of John Steinbeck's *The Red Pony* in the Attalla school system was in the hands of a review committee after parents Don and Gwen Cromer complained to the school board that the novella was inappropriate student reading material. The Cromers' son was assigned to read the book in his seventh-grade English class. After reading it aloud to him, the Cromers filed a complaint charging that the book contains profanity and violence.

"I just have one question," Gwen Cromer said to the review committee. "What good did Brad get out of reading this book? What is the educational value of this book?"

"I don't know how this book can teach a kid anything but violence," added her husband. "This book contains profanity and violence. Brad's student handbook says if he uses violence or profanity he gets sent home from school. How can you make it right to punish him for

something you're making him read?" Reported in: *Gadsden Times*, January 10.

### **Burlington, Connecticut**

The Region 10 Board of Education may have violated its own policy when it moved the book *Kaffir Boy*, by Mark Mathabene, from the sophomore to the senior curriculum at Lewis S. Mills High School. The board made the decision without having the book reviewed by the curriculum committee as mandated by board policy. The committee consists of board members, faculty, parents and students.

The January 13 decision to move the book amounted to a ban — at least in the short-term — because the book will only be used if the district creates a senior seminar that would deal with sensitive issues.

The book, required reading for sophomores as part of a world literature curriculum, came under scrutiny in December when several parents objected to a scene depicting young South African boys in a ghetto engaging in homosexual prostitution for food and money (see *Newsletter*, March 1997, p. 38).

The decision was opposed by nearly all the hundred students and parents who attended the January meeting. "I think it's censorship and I think it's a way to start abolishing our First Amendment rights to free speech," said sophomore Sarah Hein.

At its next meeting on February 10, the board agreed to submit the book for review by the curriculum committee after critics pointed out that the board had violated its own policy.

"You have a procedure that would take care of this and we would abide by it. Your vote wasn't properly taken," Attorney Charles Bauer said.

"The process has been subverted. I ask you to reverse your decision," former school board chair Warren Baird said. "There are volatile issues in education. We have to watch our behavior."

"What's scary to the faculty is that if the process doesn't happen," said Language Arts Coordinator Carol Schulz, "every time there's a new board it can summarily dismiss a book without going back to the committee." Reported in: *Hartford Courant*, January 14; *Waterbury Republican-American*, February 11.

### **Inverness, Florida**

High school junior Heather Shaw thought her Ford pickup looked good with the words "Hang 'Em High" emblazoned across the top of the windshield. Citrus High School principal Ed Staten disagreed. After receiving complaints from students, teachers and parents that the words are racially offensive, Staten called Shaw into his office in mid-January and told her that she no longer could drive the truck to school, unless those words disappeared.

But Shaw refused to change her truck, and students at the school have flocked to opposing sides of the issue, circulating separate petitions in favor of and against the principal's decision. On January 14, the ACLU said it was considering defending Shaw.

"I didn't put it up there to offend anybody," Shaw said. "I just wanted to put something different on my truck — not 'No Fear' or anything."

Shaw said the slogan had little to do with lynching, as opponents charged, but instead referred to the 1968 Clint Eastwood movie of that title. However, Shaw also had a confederate flag plate with her name on it on the front of the truck. "No offense to the black people," she said, "it doesn't mean anything."

Staten said the slogan on Shaw's truck became an issue in September. Before Christmas, a petition signed by seventy students of different races was submitted, protesting the truck. Of the school's 1,350 students, eight percent are black. When school reopened in January, Staten decided to act.

"It's an emotional issue and a divisive one," the principal said. "It can very well lead to some problems. I've been approached by a lot of students who do understand this. We have to come down on the side of safety and order."

Staten and Shaw agreed to a compromise whereby Shaw would cover the slogan with plastic. But when she arrived on campus her friends had "Hang 'Em High" scrawled in white shoe polish on their windshields. "They told me to take off the cover," she said. "So I did." Staten then had her move the truck off campus and her friends wash the slogans off their vehicles. Reported in: *St. Petersburg Times*, January 15.

#### **Peru, Indiana**

Members of the Peru Elementary School Board listened March 19 while students, teachers and community members voiced their opposition and asked the board to reconsider a February decision barring an eighth-grade teacher from teaching John Steinbeck's *Of Mice and Men*.

The board did not indicate whether it would reconsider the decision, which was based upon a curriculum subcommittee's recommendation. Meanwhile, Steinbeck's classic languished in limbo. It wasn't banned at Washington Junior High School — it's still in the library and available — but longtime teacher Dan Brooks can't teach it in his class anymore as he has for many years because it was deemed "age inappropriate."

Sue Pacetti, a student at LaSalle-Peru High School, presented the board with a protest petition circulated at the school among former Washington students. Bearing

the signatures of more than a hundred of Brooks's former students, it stated: "We feel that the banning of this novel will be detrimental to all future eighth-grade students."

Also called into question was the motivation behind three anonymous letters, received by the school board two years before, that apparently triggered the decision to bar teaching of the book. "Why now?" asked former teacher Carole Kafka. "To base such a decision on three anonymous letters is absurd."

Superintendent John Jacobson said the book was deemed inappropriate. "Our whole theme was, 'Is this an age appropriate piece of literature?'" he said. "The response is, 'Students are not mature enough to handle the work. There are other pieces of literature to teach that would have a higher level of student interest.'"

Brooks said this was the first time in his career that he had been told to stop teaching a book. He said he taught the book at the end of the year, when students were on their way to high school. In twenty-five years, he never received a student or parent complaint about the book. Reported in: *Peoria Journal Star*, March 20; *LaSalle News Tribune*, February 25.

#### **Montgomery County, Maryland**

Superintendent Paul L. Vance decided not to allow a student television program on same-sex marriage to be aired on a county cable station, insisting his action was not censorship. In a letter released by the school system January 9, Vance upheld a decision by a member of his staff banning the program that was to have aired live on Montgomery Cable Channel 60. Vance agreed with school officials that the subject matter was inappropriate.

"I have not only reviewed the hearing officer's report but also viewed the tapes and discussed this matter with our attorney," he said. "The *Shades of Grey* program on same-sex marriage does not meet appropriate technical or content standards for an educational television channel."

"We're disappointed," said Andrea Stuard, executive producer of the student-run WBNC, Channel 60. "I wish the decision had come in our favor. If anything, we will always stick by the belief in the quality of our programming."

"We are in search of a single grown-up who can admit that the school system made a mistake," said the students' pro bono legal adviser Jamin Raskin, associate dean at American University's law school, who was poised to file an appeal with the school board. "You could not invent a clearer example of censorship than what took place here."

In December, Raskin helped the students who had been backed by their principal, their PTA and their teacher, when they filed a formal complaint with Vance, asking him to overturn the decision made in October by



Associate Superintendent Joseph A. Villani.

"We feel a contemporary issue debated in Congress, as part of the presidential election, by our school board and on a previous episode of [our program] has relevance, timeliness and journalistic value," the students wrote in their December 16 letter to the superintendent.

The flap over the student program was the latest chapter in an ongoing battle over gay rights in Montgomery County that erupted in March, 1996, when the school board barred discrimination in schools based on sexual orientation. Since then, opponents of gay rights have kept up a steady drumbeat of opposition to the school policy, including calling for the removal of a sociology textbook that discusses homosexuality. Gay activists, in turn, have protested when the school system ignored the topic of gay students in an annual human relations program. Reported in: *Montgomery Gazette*, January 10.

#### Utica, Michigan

A veteran teacher at a Roman Catholic school in Utica became a reluctant martyr in the battle against censorship after revealing she quit her job over the banning of a novel. Harriet Parks said February 2 she had resigned in November from her job as a teacher at St. Lawrence School after administrators ordered her to stop using *A Day No Pigs Would Die*, by Robert Newton Peck, in a seventh-grade literature class.

The 1972 novel is the story of a boy growing up on a Vermont farm in the 1920s. A parent had objected to a passage involving pig breeding.

Parks said she decided to publicize her decision so her students would know what happened. She said school officials had told students and parents she retired, although she was two years away from eligibility for benefits. "I want to let my students know I love them and this had nothing to do with them," she said.

Parks said her students had read about half the book when an unidentified parent complained to administrators about a passage involving the breeding of two pigs and school administrators confiscated it, prompting Parks's resignation.

Parks said she was no crusader against censorship. "It was just the way it was handled," she explained. "They made the decision to remove the book from the classroom without talking to me or other teachers. I just decided I was not going to teach there anymore." She said she was especially dismayed when she learned administrators had not even read the book before banning it.

"If they had read the whole book, they would see it's a beautiful story about a very loving, caring and respectful family," Parks said. "What I wanted to bring out

was the love and respect these family members showed for each other when they had nothing." Reported in: *Detroit Free Press*, February 3; *Macomb Daily*, January 31.

#### Hernando, Mississippi

Two popular book series, the Goosebumps books and Babysitters Club, were submitted to a review committee by the DeSoto County School Board January 15 after board member Darrell Hopper questioned their use in an accelerated reading program at Shadow Oaks Elementary School. Hopper said the Goosebumps books desensitize students to violence and the Babysitters Club series promotes boy craziness that could lead to teenage pregnancy.

At the February board meeting, about sixty people showed up, concerned that the board might ban the books. "I'm standing on the First Amendment," said ten-year-old Brody Jameson. "If you ban these books, you are breaking that amendment. You have no reason to ban them."

Parent Kelly Jacobs said the board did not follow its own procedure because the initial complaint was brought by a board member, not a parent. "No parent has complained about the books," she said. Jacobs charged that the board was acting as a censor by telling Shadow Oaks school that it could have money for the accelerated reading program only if different books were chosen. Reported in: *DeSoto Times*, February 6, 13.

#### Winton, North Carolina

Lynell Eure was waiting to use the restroom in the girls' locker room at her granddaughter's elementary school when she spied an open carton of books. She leaned over and picked up a paperback — it was *The Gay Handbook*.

According to Hertford County School officials, up to thirty thousand books, including four hundred "objectionable titles," were taken by some thirty-five volunteers to the Hertford County landfill from the campus of C.S. Brown Elementary School in Winton March 2. The books were discovered by Eure and a friend during a play in the gymnasium.

Hertford County School Superintendent Dr. Andrew Carrington said that some of the books did contain what he called "objectionable" material, but he added that "those books were locked away in a storage room."

The books, Carrington explained, were donated by Community Schools of Alexandria, Virginia. A presentation was made to the Board of Education by the organization, he said, and the board "approved" the plan to accept surplus books. "It was understood that the organization wasn't taking responsibility for the reading material and that someone would need to review the shipment before the books were made available to students," Carrington noted.

"The first shipment of books was brought to the Central Office in Winton in about October or November," he continued. "We were overwhelmed. When someone tells you they are going to send you a truckload of books, you don't figure on 65,000 books and we told them we couldn't take that many books again at one time."

Carrington said the boxes were taken to the C.S. Brown campus because "it was closer to the people who were going to check their content," and because its gymnasium was not utilized like other gymnasiums in the system.

"Media specialists exercised their judgment in determining what was objectionable," Carrington reported, "and they sealed approximately four hundred 'objectionable' books in boxes and padlocked them inside a storage room that was once a girls' locker room. The media specialists made their determination based upon what they felt was acceptable in the community and those books deemed suitable for Hertford County school students were dispensed to the schools."

The remainder — excluding those Carrington said were deemed "objectionable" and locked in storage — were placed in the gymnasium and left "to see whether colleges and churches were interested in reviewing them to see if they wanted any." The gymnasium was then "unlocked and children were allowed back in."

Meanwhile, Community Schools sent a second shipment of materials, including books; it was unclear whether this shipment was left in the gymnasium or locked in the storage area. Moreover, "somehow the objectionable books inside the locked storage room found their way back into the boxes with the other books which were waiting to be reviewed by colleges, churches, etc."

Carrington said that after parents discovered objectionable books in the gymnasium, all the remaining books — those which hadn't been dispensed to schools — were taken to the landfill.

"There were three reasons why the approximately 55,000 books were destroyed," Carrington said. "We had no place to house that amount of books outside in the weather, they had been tainted by the objectionable books from the storage room, which had been placed back in the boxes in the gymnasium, and those boxes had to be examined again for content. We didn't have the resources to do that right now, and those books had to be removed immediately." Reported in: *Roanoke-Chowan News-Herald*, March 6; *Hampton Roads Virginian-Pilot*, March 4.

#### Lyndhurst, Ohio

The parents of an eleventh-grade girl have objected to classroom use of *The Adventures of Huckleberry Finn*, by Mark Twain, in the South Euclid-Lyndhurst City Schools. The girl is one of three black students in an English class at Brush High School, which has a student

body that is about fifteen percent black. The student complained that some classmates snickered and giggled as the word "nigger" was read aloud by students taking turns reading.

The girl was given an alternate assignment, but her parents and the parents of eight other students approached school officials about removing the book. A committee was formed to review the request. Reported in: *Cleveland Plain Dealer*, March 7.

#### Union Township, Ohio

The Lakota Board of Education barred Maya Angelou's *I Know Why the Caged Bird Sings* from the district's high school reading list January 30. By a 3-2 vote, witnessed by well over a hundred people, the board prevented teachers from assigning the acclaimed poet's 1969 autobiography and barred them from leading class discussions of it.

But Roger Jeter, the board's main advocate of removing the book from the list, was concerned the action would be seen as a ban, and the board stopped short of forbidding students from choosing to read it for class assignments.

"There is no question in my mind this book pushes the limits of decency," said Jeter. "If we cannot take a stand against the most challenged book in America, what can we take a stand against?" The book drew fire in Lakota mainly for Angelou's brief description of being raped at age 8 and other sexual content.

The board discussion featured several verbal jousts between Jeter and board President Sandy Wheatley over the book, which had been challenged by five families. "This is not a banning of something from the district," Jeter said. "This is a choice about what's on the supplemental reading list."

Wheatley disagreed. "I just went to the dictionary to look up the word ban, to see what it said for a definition, and it just said 'to prohibit or forbid officially,' which is what we're doing," she said. "We are taking an official stand to prohibit a book from being used in a classroom, and we are doing that from an official standpoint. To just remove it from a list, so that it's never available to be taught in a classroom, I think is unfortunate."

Reaction among Lakota High School students was largely negative. "They're making it out to seem like it's pornography and it's not," said James Lenhoff, a 17-year-old senior. "It's seen through the eyes of a child who's getting raped. If they were going to take any action [the board] should have bumped it up to senior curriculum instead of sophomore curriculum."

Sixteen-year-old Katie Owen, who read the book in a sophomore honors English class, is a self-proclaimed Christian who said she disagreed with the decision. "Yes,

it was graphic, but it made the message that much stronger," she said. "Seeing what Maya Angelou went through, it helped me to be a stronger person as well. I'd hope students would be mature enough to handle it."

The book will remain available in the school library. Reported in: *Cincinnati Enquirer*, January 31, February 1; *Cincinnati Post*, January 30, 31.

### **Youngstown, Ohio**

Bishop Thomas J. Tobin, head of the Catholic Diocese of Youngstown, asked organizers of the Youngstown State University English Festival to remove a book from its required reading list because it contains the "F-word."

Dr. Gary Salvner, YSU English professor and festival chair, said it was too late to remove the book and that its withdrawal could set a bad precedent. But he said the festival would seek more input next year when it selects books.

The festival, which annually attracts about 2,500 junior and senior high school students, is a volunteer program that requires participants to read seven books, which are the subject of workshops and competitions at the festival. One of the books, *Letters from the Inside*, to which the bishop objected, chronicles the relationship between two teenage girls, one of whom is in jail.

Rev. Kenneth Miller, vicar for education in the diocese, said diocesan officials met with YSU officials in October about the book. He said diocese schools informed parents of the language and required parents to approve participation of their children, but the diocese stopped short of pulling its schools out of the event.

Then, in response to a letter from a parent, the bishop sent letters to YSU, pastors and principals. "The language contained in the book is completely contrary to the goals of Catholic education and basic principles of our faith," Bishop Tobin wrote. He said diocesan participation in future festivals "will presume that offensive reading is not presented to our children."

Salvner said books for the festival are selected by an eight-member committee of YSU English faculty members, with the input of students, teachers, and a twenty-member advisory board. "Certainly we're not going out and looking for ways to offend people," he said. "We don't do this recklessly." Reported in: *Youngstown Vindicator*, February 28.

### **Cherry Hill, Pennsylvania**

A compromise on one of the country's classic works of literature was reached in January by a Cherry Hill school committee reviewing the work for "racial epithets." The committee spent almost a month scrutinizing Mark Twain's *The Adventures of Huckleberry Finn* after a complaint from the Cherry Hill Minorities Civic Association that it caused "harm" to children, making

them "withdraw from the class setting when the book is being taught."

The committee recommended that teaching the book be optional and not mandatory. The book had been required reading in Advanced Placement and accelerated junior English classes at the township's two high schools, but was put on hold in November.

"I think the school district addressed the sensitivity and concerns" and is really taking all positive steps to address [them]," said Bill McCargo, president of the association. "There's always been mixed emotions in the Afro-American community, some saying they wanted the book banned, [and others] saying the book is part of history. What started the whole process was the number of Afro-American students saying how uncomfortable they felt.

The Cherry Hill proposal also recommended an accompanying curriculum unit "designed to raise student sensitivity to racism, slavery and stereotypes during the nineteenth century and on the remnant still in existence in society today." A training program for those who teach the book and a system of monitoring were also part of the recommendations.

A second set of recommendations urged that a committee be established to review the English curriculum for grades nine to twelve; that a training program be developed for high school English teachers to deal with race and ethnicity; and that the junior English course outlines be revised.

Board member Gail Weisberg called the plan "a positive step moving us forward to a place where we should have been a long time ago. Hopefully this will be broadened into meeting the needs of all minorities, not just the African American community." Reported in: *Philadelphia Inquirer*, January 17.

### **Dallas, Texas**

A Dallas school official pulled the plug on a student-produced television show that featured a man in a dress discussing his homosexuality. Robert Hinkle, an official with the Dallas Independent School District, said he made the decision because "maybe there was a constituency out there that wasn't prepared to accept this information." School officials are crafting guidelines to regulate the programs students broadcast over a school cable channel.

"Getting Personal" was unplugged after a December episode featuring a gay man wearing a blonde wig and black dress as a guest. Lincoln High School student Tserilyn Tse produced the episode with the approval of her teacher, parents and principal. "I didn't do that show because I personally like gays or I hate gays," Tse said. Reported in: *Gwinnett Daily Post*, January 24.



### **Richmond, Virginia**

The superintendent of the Chesterfield County Public Schools moved swiftly against use of a book that refers to black people in derogatory terms. In response to a parent's protest, Superintendent William C. Boshier said the book, *Walking Across Egypt*, by Clyde Edgerton, had been removed from a Clover Hill High School class. Boshier also said it would not be used in other county schools.

Boshier said the book, which refers to African-Americans as "niggers" and is punctuated with profanity, is "unacceptable and unnecessary." He added that it was not on a list of literature recommended by faculty for classroom use.

In a February 5 letter to Boshier, the Rev. Gerald O. Glenn said the book perpetuated racial stereotypes and encouraged racist notions among white students while harming the self-esteem of black students. Rev. Glenn's daughter was the only black student in the ninth-grade English class that used the book.

"Rev. Glenn has been heard and understood," Boshier said. "We found this particular piece of literature unacceptable. I don't anticipate it being used in that classroom in the future." Reported in: *Richmond Free Press*, February 20.

## **student press**

### **Jacksonville, Florida**

When the Jacksonville University student newspaper, the *Navigator*, published photos of a February 16 homecoming event showing one student wearing nothing but a sweat sock covering his genitals and another using an inflatable rubber doll to cover himself there was no prior restraint. "We did not stop publication of this thing. We did not do anything to remove copies of this newspaper," said University representative Larry Marscheck.

What the university did do, however, was quickly remove the student editor and faculty adviser. "What dismays me," said dismissed adviser Marc Charisse, "is what's the lesson here being taught to my students. Universities are founded on this notion of free inquiry and free expression. There is an irony and hypocrisy here." Reported in: *Miami Herald*, February 26.

### **East Lansing, Michigan**

Some East Lansing High School students cried censorship in February when they weren't allowed to print a letter to the editor in their school newspaper, *Portrait*. Editor-in-chief Laura Goddeeris said she received a letter from one of four students expelled for violating the

school's sexual harassment policy. Administrators, she charged, told her she could not run the letter.

"The reason I was given was because if you run the letter and they're accused of a felony, and you don't run a letter supporting the other side, you're supporting felons," Goddeeris said.

Goddeeris said school administrators became aware of the letter when she and another student writer approached high school principal Thomas Basel to write a response. Goddeeris claimed Basel took the letter and decided not to let the students print it. Basel, however, denied ever seeing the letter. He claimed *Portrait* adviser Robert Soule made the decision not to print it.

Goddeeris didn't believe Soule agreed with or issued the order not to run the letter because Soule had been an outstanding supporter of students' right to free expression. Reported in: *Towne Courier*, February 15.

### **Otsego, Michigan**

When she learned a fellow student had been accused of shoplifting during a ski trip, Haley Pierson did what any other reporter would do — she got the story. She called authorities, the alleged victim, and the assistant principal and wrote the story for the *Bulldog Express*, an award-winning middle school newspaper. But administrators yanked the story before the paper went to press, saying the accused, who was not named in the account, had suffered enough.

"We're writing a real newspaper," Haley said. "Just because the girl is a minor doesn't mean it shouldn't be reported."

The school board, which sided with school officials, asked administrators to draft new rules regulating the content of the newspaper, which is published six times a year at Otsego Middle School.

The shoplifting incident involved a student accused of stealing key chains and straps for sunglasses from a ski resort during a school outing January 23. The story was killed before the February 14 edition went to press. Superintendent Jim Leyndyke said the story was pulled not because of the quality of writing but because of content. "Our desire is to put out something that will portray us in a positive light. I'm not going to tell anyone we didn't have an incident. A young girl made a bad choice and I don't think it's in the school's best interest to write about it."

Advisor Dianna Stampfler said increased scrutiny of the paper began in January when the new principal questioned whether a story on a crime-solving psychic was appropriate. She said that after the shoplifting story was killed she met "with the principal and superintendent. I did what I was instructed to do by redirecting the focus of the publication. The paper will serve as a tool for student writing and will showcase items that are of pride

# newsletter on intellectual freedom

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indexed by Eli and Gail Liss

*Intellectual Freedom Committee*  
*American Library Association*





**A**

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to the building as well as positive and upbeat." Reported in: *Boston Globe*, March 16; *Plainwell Union-Enterprise*, February 13.

## colleges and universities

### Pensacola, Florida

A campus police officer patrolling a building at the University of West Florida saw a display of four photos that included a male sex organ, one with a snake around it, and immediately confiscated the pictures. Two months later, campus police, university administrators, lawyers, and Fine and Performing Arts Director Jim Jipson were trying to devise a policy that would protect artistic and academic freedom without violating state obscenity laws.

The problem was not what the photos showed, but that they were exhibited in a hallway, said Jipson. Although the hallway is in the art section of the Fine and Performing Arts Building, it is a public place used by visitors, possibly including children, who may be on their way to other sections of the building.

The photos were for an assignment in a beginning photography class. It would have been a different situation if the pictures had been displayed in the art gallery, Jipson said. "We in the art department don't find male or female body parts to be offensive," he added.

A new policy had not yet been completed, but one proposal would require police officers to consult with the chief or the building administrator instead of removing items on their own. Several days went by before Jipson found out what had happened to the photos, which had been on display for about a week before they were confiscated. Campus Police Chief Richard Coffey said he did get a couple of complaints, but by then the photos had been removed.

"The issue at that point in time was an inappropriate location for them rather than a violation of obscenity laws," Coffey said. Reported in: *Miami Herald*, January 20.

### Fremont, Ohio

Two Terra Community College students said their work was censored when a school dean pulled photographs from a display case February 7. Three photos from instructor Amy Frank's photography class were removed from a hallway display by Jason L. Holbrook, Jr., dean of business, social sciences, mathematics and the arts at Terra. The photography class is part of the arts department.

Steve Brunow, whose two photographs were removed, said Holbrook gave no indication he would put the photos back up. He also said Holbrook declined to state why the pictures were removed. "He said it wasn't censorship," Brunow said.

Holbrook told a reporter the photos were removed because they were displayed in a hallway where the general public could view them. The photos in question included two with a person wrapped in rope. In the other one, a girl in the background is holding a rope wrapped around the neck of a boy in the foreground. Reported in: *Fremont News-Messenger*, February 12.

## radio

### Philadelphia, Pennsylvania

The words, "From death row, this is Mumia Abu-Jamal" can be heard on radios across the country but not in Abu-Jamal's home state, where a last-minute cancellation of the condemned man's radio program raised accusations of censorship.

After weeks of promoting the insider's look at death row and running one segment on its pledge drive, in late February, Temple University's WRTI-FM in Philadelphia canceled its contract with Pacifica Radio, which includes the prisoner's commentaries on its program "Democracy Now." The commentaries were to begin running that day.

The decision was part of "a disturbing pattern of keeping the public from hearing voices within the prison system," said Steve Geinmann, president of the Society of Professional Journalists. Geinmann said at least seven states had recently banned or severely restricted media access to inmates: Pennsylvania, California, Illinois, Missouri, Rhode Island, Indiana, and Virginia. "This issue today is all about allowing him [Abu-Jamal] and other prisoners the right to be heard," said Geinmann.

Abu-Jamal taped thirteen pieces for "Democracy Now" in October. Two weeks later, the state Corrections Department prohibited any recording equipment at future interviews.

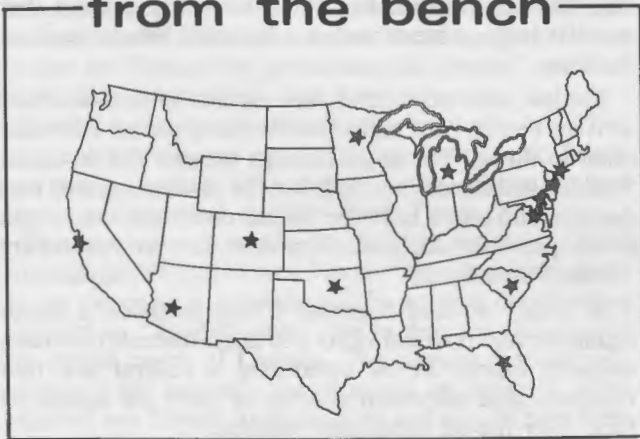
The cancellation by WRTI — which gave Abu-Jamal his first job in radio in the mid-1970s — came as a shock to Pacifica, as well as to a number of Temple professors, who believed the university buckled under pressure from the state government, which provides much of its financing. But George Ingram, associate vice president for university relations, said his decision to drop Pacifica was based on a change in format.

"We didn't speak to the police or the government," he said. "This is our decision at Temple." But, he acknowledged, "Frankly, my decision was accelerated when I heard 'Democracy Now' was broadcasting the Mumia tapes." Reported in: *New York Times*, March 3.

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## from the bench



### U.S. Supreme Court

In the Supreme Court's first venture into cyberspace, some justices seemed receptive March 19 to the idea that the government should help shield children from sexually indecent materials on the Internet. But they nonetheless were skeptical about whether a broad new federal law aimed at limiting computer pornography unfairly censors users of the network that connects millions of people worldwide.

During a vigorous seventy-minute session with two premier legal advocates, the justices expressed uncertainty about how to deal with the emerging technology, and concern about how much control Congress should have as it attempts to regulate a growing sphere of public conversation.

The case, *Reno v. ACLU, et al.*, immerses the high court in a complex and unexplored area of free speech with potential implications for lawmakers and parents, librarians and educators, and a multitude of online businesses. At issue is the Communications Decency Act, passed last year as part of the massive Telecommunications Reform Act. It makes it illegal to transmit sexually explicit material to anyone under age 18. The law excludes from prosecution those who make a "reasonable, effective and appropriate" attempt to keep indecent material out of the hands of minors.

While some justices suggested that Congress was stifling constitutionally protected communications between adults, it seemed unlikely the high court would rule with the unanimity of the special three-judge panel that resoundingly struck down the law last summer (see *Newsletter*, January 1997, p. 1). Although observers

thought it was more likely than not that the court would ultimately find the act in violation of the First Amendment, the justices seemed sharply divided in both inclination and legal approach.

Some justices were clearly troubled by how freely minors can gain access through computers to pornography, which they cannot get in bookstores or adult theaters. But they also questioned the practicality of enforcing the law. How, for example, could someone sending sexually explicit material be expected to screen out children, yet still communicate with adults?

Justice Sandra Day O'Connor described the Internet as "a public place . . . much like a street corner or a park." But reflecting some of her ambivalence as well as that of others on the bench, she later suggested that Congress might have authority to restrict a narrow category of "patently offensive" materials.

Arguing in defense of the federal law, Deputy Solicitor General Seth P. Waxman said that an unregulated Internet "threatens to give every child with access to a computer a free pass to the equivalent of every adult bookstore and theater in the country."

He also asserted that "it is technically feasible to screen for age." Although the lower court that reviewed the law said it would be prohibitively expensive for noncommercial Internet users to verify the ages of potential recipients, Waxman insisted that young teenagers could be stopped from accessing indecent material through the use of identification numbers that would be distributed only to adults.

Justice Stephen G. Breyer questioned whether the law was so broadly written that high school students, using their home computers to communicate about their sexual exploits, would be open to prosecution and potentially imprisoned, as the law allows. Waxman conceded the students might violate the law.

Breyer also likened an Internet exchange to a telephone conversation and suggested that if Congress can monitor what goes on in cyberspace it also can monitor telephone conversations. But Waxman said the two are not the same because Internet postings are "available to everyone, everywhere," and the telephone conveys a discrete conversation.

Bruce J. Ennis appeared for the American Library Association, the ACLU and other free speech advocates. He spoke of the "real democratizing aspects of the Internet" and how "average citizens can speak to the world for free."

Ennis emphasized that the law censors adult speech, because most users cannot afford credit card or identification systems that would screen for age. He also said the law would ultimately prove ineffective in ridding cyberspace of sexually explicit materials because forty percent of computer postings come from foreign coun-



tries. He said a more effective way to protect children from sexually explicit material would be for parents to monitor their children's activities and to install software that blocks out objectionable material.

While the justices' comments may not reflect where they will end up on the case, Justice Antonin Scalia and Chief Justice William Rehnquist seemed most in favor of the law. Justices O'Connor and Anthony M. Kennedy were also sympathetic, but less so, and both of these usual swing justices raised free speech concerns.

Showing the greatest support for the challengers were Breyer and Justices David H. Souter and Ruth Bader Ginsburg. Justice John Paul Stevens, who wrote a 1978 opinion allowing government to limit indecency on the radio but who has generally liberal tendencies, was hard to read. Justice Clarence Thomas did not ask any questions. Reported in: *Washington Post*, March 20.

An injunction order that established a "floating" buffer zone banning demonstrators within fifteen feet of people trying to enter or exit abortion clinics violates the First Amendment, the U.S. Supreme Court held February 19. However, the court upheld "fixed" buffer zones around clinic doorways and driveways.

In the case, known as *Schenck v. Pro-Choice Network of Western New York*, Chief Justice Rehnquist affirmed the standard established in *Madsen v. Women's Health Center, Inc.*, for applying First Amendment principles to content-neutral injunctions. To pass constitutional muster, the challenged provisions must burden no more speech than necessary to serve a significant governmental interest.

The "floating" buffer zone fails the test, Rehnquist said. Preventing demonstrators from communicating a message from a normal distance or handing out leaflets on public sidewalks goes to "the heart of the First Amendment," he said. Because of the type of speech restricted and the nature of the location, the order burdens "more speech than necessary to serve the relevant governmental interests."

The fixed buffer zones pass muster, however, because the anti-abortion protesters at the clinics in question not only blocked doorways and otherwise obstructed persons wishing to enter the clinics, but also hindered efforts of law enforcement officers to ensure clinic access.

Dissenting in part, Justice Scalia, joined by Justices Kennedy and Thomas, would have struck down both buffer provisions. Justice Breyer would have remanded for clarification of the floating zone. Reported in: *U.S. Law Week*, February 25.

Less than a week after ruling that anti-abortion activists have a right to confront patients on the sidewalk, the Supreme Court on February 24 overturned a U.S. appeals court decision that upheld restrictions against such protesters in Arizona. In a one-line order, the justices told

the U.S. Court of Appeals for the Ninth Circuit to reconsider the constitutionality of a Phoenix ordinance that restricts large protests within a hundred feet of medical facilities.

The law, enacted in 1993, also requires all anti-abortion activists to step back eight feet from any person who asks them to do so. The appeals court upheld this so-called "bubble ordinance" in 1995, but the justices vacated that decision and sent it back for further consideration in light of its previous decision. Reported in: *St. Petersburg Times*, February 25.

A deeply divided Supreme Court awarded a major economic and political victory to the broadcast television industry March 31 by upholding a federal law that requires cable television systems to carry the signals of local over-the-air broadcast stations.

The 5-4 decision, with a majority opinion by Justice Kennedy and a crucial concurring vote by Justice Breyer, rejected the cable industry's argument that the 1992 law was an unconstitutional intrusion on cable operators' editorial autonomy, a form of government-compelled speech that violates the First Amendment.

The ruling, however, focused less on free speech issues than on supporting Congress's right to judge what approach would best insure a competitive communications marketplace. And the ruling means that even with the prospect of new competition from satellite television and other technologies, federal regulators can continue to treat cable operators as local monopolies.

Justice Kennedy said that in imposing the "must carry" requirement after years of hearings and debate, Congress had acquired sufficient evidence that cable systems had both the economic motive and the practical ability to inflict serious economic injury on broadcast stations simply by refusing to carry their signals into the sixty percent of American homes that are wired for cable.

As to whether local broadcasters would suffer economic harm if the must-carry provision was overturned, the evidence was less than conclusive and subject to conflicting interpretation, Kennedy wrote. But he added, "we are not at liberty to substitute our judgment for the reasonable conclusion of a legislative body."

The decision in *Turner Broadcasting System v. Federal Communications Commission* ended a five-year legal battle. The District Court had twice upheld the must-carry provision, which is part of the Cable Television Consumer Protection and Competition Act of 1992. Three years ago, a Supreme Court opinion by Justice Kennedy vacated the first of the District Court decisions.

While the Court's initial decision led many to conclude that the cable industry would ultimately prevail, two aspects of Kennedy's 1994 opinion proved crucial to the broadcasters' victory.

One aspect was a matter of First Amendment doctrine.

The Court concluded that the must-carry provision was "content neutral." As such, the law had to pass only an intermediate level of First Amendment scrutiny: that it further an "important governmental interest" without burdening speech more than necessary.

Joining Kennedy and Breyer in the majority were Chief Justice Rehnquist and justices Stevens and Souter. In dissent were justices O'Connor, Scalia, Thomas, and Ginsburg. Reported in: *New York Times*, April 1.

The movement to make English the nation's official language got a boost March 3 as the Supreme Court threw out on procedural grounds a U.S. appeals court ruling that said an "English only" law in Arizona violates the free speech rights of Latinos. The justices unanimously said the 1988 lawsuit that attacked an Arizona voter initiative was flawed from the start and should have been dismissed long ago.

The U.S. Court of Appeals for the Ninth Circuit struck down the Arizona initiative as unconstitutional in 1995, even though the Spanish-speaking state employee who sued had long since resigned. Citing this and other procedural problems, the Supreme Court ruled the circuit court had no jurisdiction in the case. Reported in: *St. Petersburg Times*, March 4.

## cyberspace

### San Francisco, California

A federal judge struck down government restrictions on the export of some types of computer encryption programs on the grounds that such restrictions violate the First Amendment. Many academics complained that the restrictions impeded their research and teaching, and several sued the government to have the regulation overturned.

In striking down the restrictions, U.S. District Court Judge Marilyn Hall Patel ruled in favor of Daniel Bernstein, a research assistant professor of mathematics at the University of Illinois at Chicago. Bernstein had sued the federal government while a graduate student at the University of California, Berkeley, over his right to publish papers and to distribute his encryption software on the Internet.

At issue were the Arms Export Control Act and its regulations, the International Traffic in Arms Regulations, which restrict the export of military technology. The regulations consider cryptographic computer software, which scrambles on-line transmissions to preserve their privacy, to be a "munition," subject to export controls.

The government argued that because Bernstein's ideas were expressed in computer language they were not constitutionally protected. Judge Patel rejected that argument, ruling that the Arms Export Control Act un-

constitutionally limited speech because it would force Bernstein to submit his ideas to the government for review. Citing the Pentagon Papers case, she ruled that the government's "interest of national security alone does not justify a prior restraint" on speech.

Judge Patel also held that the government, in requiring that Bernstein obtain its approval to publish his work, had failed to provide adequate safeguards for First Amendment rights. When the government acts legally to suppress protected speech, she said, it must also reduce the chance of illegal censorship by government officials.

The judge also found that the International Traffic in Arms Regulations were vague because they did not adequately define how information available to the public through "fundamental research in science and engineering" would be exempt from the export restrictions. Reported in: *Chronicle of Higher Education*, January 10.

### Ann Arbor, Michigan

Former University of Michigan student Jake Baker wrote on the Internet about raping, torturing, and murdering women. But he did not threaten anyone — at least not under federal law, a court ruled in January. By a 2-1 vote January 29, a panel of the U.S. Court of Appeals for the Sixth Circuit in Cincinnati upheld a June, 1995, ruling by U.S. District Court Judge Avern Cohn dismissing charges against Baker.

Baker, now a computer science major at the University of Pittsburgh, was the first person to be prosecuted for Internet writings in a case that drew a storm of controversy. It began in February, 1995, when University of Michigan officials learned of Baker's Internet posting detailing the imagined rape and murder of a university student, whom he named. He was suspended from the university and arrested by the FBI.

"I feel that a society has a right to monitor elements it might consider offensive," said Baker following the appellate decision. "In this case, the careful monitoring turned into a mass hysteria and a witch hunt."

Baker was first charged for the rape and murder story involving the student, called Jane Doe in court documents. But federal authorities later decided not to prosecute him for that, charging him instead in connection with e-mail messages sent to Arthur Gonda, another young man from Ontario, in which the two discussed abducting and torturing young women. But the Jane Doe story became part of the case because the Ontario man first contacted Baker after reading that story on the Internet. Gonda was never located.

In 1995, Judge Cohn said the e-mail was not a threat because it did not specify a person or convey an immediate, unconditional and unequivocal act. In their majority opinion, Judges Boyce Martin and Martha Daughtrey agreed with Cohn. "Baker and Gonda

apparently sent e-mail messages to each other in an attempt to foster a friendship based on shared sexual fantasies," not to threaten women, the judges wrote.

Judge Robert Krupansky disagreed, however. "By publishing his sadistic Jane Doe story on the Internet, Baker could reasonably foresee that his threats to harm Jane Doe would ultimately be communicated to her (as they were) and would cause her fear and intimidation, which in fact ultimately occurred," Krupansky wrote in dissent.

Howard Simon, executive director of the ACLU of Michigan, said, "The court reinforced the distinction between fantasies and threats. Even sick fantasies are free speech; threats are criminal behavior." Reported in: *Miami Herald*, January 31.

## **schools**

### **Tempe, Arizona**

Mark Twain's *The Adventures of Huckleberry Finn* and William Faulkner's story "A Rose for Emily" may remain on Tempe high school bookshelves, a federal judge decided in January when he dismissed a lawsuit that sought their removal. U.S. District Court Judge Stephen McNamee said he realized that "language in [the novel and short story] was offensive and hurtful to the plaintiff," but he added that they "are American classics, which examine the culture and spirit of the American culture in certain places and at certain times."

The suit was brought by Kathy Monteiro, a teacher, who said the district discriminated against her daughter, a McClintock High School student, and other black students by forcing them to read the books. McNamee said the suit failed to prove the works violated students' civil rights or were discriminatory or that the district assigned them with discriminatory intent. Reported in: *Arizona Republic*, January 10.

### **Jefferson County, Colorado**

A Jefferson County teacher who was fired partly for showing his students a controversial film by Italian director Bernardo Bertolucci was ordered reinstated January 23 by the Colorado Court of Appeals. The court said the Jefferson County School District didn't give teacher Al Wilder clear prior notice of policies he was to follow in showing such films, so the firing violated his First Amendment right to choose how to teach his course.

Wilder's defenders hailed the decision as a victory for freedom of speech and expression in the classroom. But school district lawyers said it might have the opposite result, reducing school district flexibility and restricting teachers to following strictly worded curriculum policies. The district will appeal to the Colorado Supreme Court.

The court said it wasn't extending "blanket constitutional protection" to teachers to choose any materials they like. "School officials may properly exercise control over school-sponsored expression as long as their actions are reasonably related to legitimate pedagogical concerns," wrote Appeals Judge Daniel M. Taubman in the 3-0 decision.

But school boards cannot regulate the showing of movies like *1900* "in the absence of clear prior notice that such action is prohibited." Wilder was fired partly for showing a Columbine High School logic and debate class portions of Bertolucci's *1900*. The film is considered a masterful portrait of Italian society in the early twentieth century, but critics charged it is too violent and sexual for high school students.

The case drew national and international attention, with artists, writers, and arts patrons rushing to sign petitions supporting Wilder. Bertolucci himself testified at Wilder's dismissal hearing by telephone from his villa in Rome.

The school district contended that showing the film violated a district policy requiring teachers to notify their principals in writing twenty days before presenting a "controversial learning resource." The district also said Wilder should be dismissed for past tardiness, absences, and failure to fulfill supervisory obligations.

The court rejected the argument about Wilder's past misconduct, concluding that if he hadn't shown the film no dismissal charge would have been brought. The court ruled the policy requiring notification of principals was "not contained in the faculty handbooks, that most teachers at Columbine were not aware of the policy, and that Columbine's principal did not believe the policy applied to Wilder's showing of the film."

Teachers' union leaders said that if Wilder's victory is upheld, it will cement three critical gains:

- That teachers' First Amendment rights don't end at the classroom door. "Teachers have the right to know in advance what is prohibited," said Sharyn Dreyer, the Colorado Education Association attorney. "School districts cannot arbitrarily decide, after the fact, to punish a teacher for his or her classroom speech or expression."

- That school boards must give more weight to the decisions of hearing officers who decide in favor of teachers. The past four cases involving Colorado teachers that have gone to formal hearings have all been decided in favor of the teachers, and the school boards have reversed all four.

- That principals must make the rules clear and apply them fairly, rather than selectively enforce regulations against teachers they want to fire. Reported in: *Denver Posts*, January 24, 28; *Rocky Mountain News*, January 25.



## universities

### Duluth, Minnesota

Two faculty members at the University of Minnesota at Duluth who accused the administration of violating their free speech rights will get a rare second chance to make their argument before a federal appeals court. The U.S. Court of Appeals for the Eighth Circuit in December threw out a decision by a three-judge panel of the court and called for an *en banc* rehearing of the case by the full court. The panel had voted 2-1 against the professors in October (see *Newsletter*, January 1997, p. 20).

The case involves two history professors, Albert D. Burnham and Ronald Marchese. In 1993, they sued Lawrence Ianni — then the university's chancellor — after he ordered their two photographs removed from a display in the history department. The two had posed with weapons to indicate their interest in military history. The administration said the photographs contributed to a climate of fear on the campus. There had previously been threats against female students and faculty. Reported in: *Chronicle of Higher Education*, December 20.

### Norman, Oklahoma

A federal judge in Oklahoma has rejected a journalism professor's challenge to an effort by the University of Oklahoma to protect itself from felony obscenity charges by regulating access to Internet news groups within its computer system. The professor, Bill Loving, brought suit against university president David Boren, contending that his right to free speech was violated last year when Boren limited access to a number of news groups on the university's servers.

Boren acted after the possibility was raised that material available in the news groups might subject the university to charges of violating state laws that declare distribution of obscene material a felony. Prof. Loving sought both a declaration that his rights were violated and an injunction that would have required the university to restore unrestricted access to the groups.

In his decision, U.S. District Court Judge Wayne E. Alley said the professor, who represented himself in court, failed to demonstrate that he was irreparably harmed by the university's policy and presented no evidence that anyone had ever tried to reach the news groups, which remain accessible to authorized users.

In ruling against the professor's claim for a declaration that his rights were infringed, Judge Alley wrote, "Without reaching any conclusions about the actions of the defendant, the court determines that plaintiff has not shown that his constitutional rights were violated." Reported in: *New York Times*, January 31.

## military

### New York, New York

Citing the nation's historic commitment to free speech, a U.S. District Court judge in New York ruled January 22 that a new federal law banning sale of *Penthouse* and other sexually explicit magazines at military bases is unconstitutional.

"While the majority of Americans may wish to ban pornography," wrote Judge Shira A. Scheindlin, "in the final analysis society is better served by protecting our cherished right to free speech, even at the cost of tolerating speech that is outrageous, offensive, and demeaning."

The Military Honor and Decency Act, signed into law last September, banned the sale or rental of sexually explicit magazines and videos. But a judge prevented the law from going into effect after *Penthouse* publisher General Media Communications, along with other media distributors, challenged the law. *Penthouse* is the third most popular magazine sold on Army and Air Force installations, with sales of about 19,000 copies a month.

Lawyers representing the Pentagon had argued that the law properly forbade "base and vulgar" materials. The government also asserted that Congress had found that the sale of sexually explicit materials threatened the military's interest in promoting ethical and moral behavior.

"I am not unmindful that *Penthouse* and its ilk are offensive to many Americans' sense of decency," Judge Scheindlin wrote in her decision. "I am also aware of the military's recent difficulties involving incidents of sexual harassment and acts of violence against women. Yet if Congress wishes to restrict the sale or rental of expressive materials on military property, it must do so in a constitutionally acceptable manner."

She said the law, proscribing "lewd" and "patently offensive" materials, unfairly singled out certain kinds of speech. Citing a 1989 Supreme Court decision, she said, "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

The government's argument that sexually explicit material jeopardizes "the military mission of promoting core values" is "unpersuasive," the judge wrote. The law wouldn't have barred the materials from bases, and "there is no evidence to show that the actual sale or rental of sexually explicit material, as opposed to its possession, causes the alleged harm to the military's core values and appearance to the civilian world," she wrote.

It is "unreasonable" to equate the sale or rental of the material in military exchanges with an official endorsement, the judge continued. "Military exchanges sell those



products that are popularly demanded by military personnel, even products that may be harmful to those who buy them," such as cigarettes and alcohol, Scheindlin argued.

Moreover, she added, "Citizens do not jettison their constitutional rights simply by enlisting in the armed forces." Reported in: *Washington Post*, January 23; *Army Times*, February 3.

## advertising

### San Francisco, California

Radio stations have a constitutional right to air advertisements for gambling casinos, a federal appeals court ruled unanimously. A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit upheld a district court ruling that said the Federal Communications Commission's ban on casino advertising violated the First Amendment.

The suit was brought against the Commission by Valley Broadcasting and Sierra Broadcasting companies in Nevada. Nevada received a waiver to the regulation in 1992. The FCC rule and a U.S. statute prohibit "any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes depending in whole or in part upon lot or chance."

While the court was sympathetic to the FCC's purported goal of discouraging what the Commission calls a "social ill," the court said the numerous exceptions to the rule made it ineffective. The rule does not apply to government-run, Indian-run, or non-profit gambling advertising. Reported in: *Radio & Records*, March 7.

### St. Petersburg, Florida

A federal bankruptcy judge declined to order the *St. Petersburg Times* to publish advertisements from a Pasco County orthopedist, ruling that such an action would violate the First Amendment. Dr. Alfred O. Bonati sued the *Times* in federal bankruptcy court in December, 1996, contending the newspaper was retaliating against him for a 1992 libel lawsuit by refusing to accept his advertisements.

Bonati also argued that by refusing to print the ads, the *Times* was attempting to put pressure on him to make good on advertising debts he incurred before he filed for bankruptcy. Such a tactic would violate federal bankruptcy law, his suit alleged.

But Chief Bankruptcy Judge Alexander L. Paskay in Tampa said that long-standing federal case law made clear that governments cannot order newspapers to publish or not publish anything — editorial or advertising. Reported in: *St. Petersburg Times*, February 5.

etc.

### Baltimore, Maryland

A federal judge in Baltimore ruled February 24 that Maryland's Motor Vehicle Administration violated the First Amendment rights of the Sons of Confederate Veterans when it ordered the group's 78 members to return their license plates that bear the Confederate battle flag.

"If there is a bedrock principle underlying the First Amendment it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable," wrote U.S. District Court Judge Frederic N. Smalkin.

Judge Smalkin elaborated that the defendants, including the state of Maryland, voiced no opposition to the license plates until complaints started mounting, including highly publicized comments by civil rights activist Benjamin Chavis and members of the state's Legislative Black Caucus.

"However well intentioned or politically astute the Motor Vehicle Administration's revocation decision might have been in the wake of such controversy, 'public intolerance or animosity cannot be the basis for abridgment of these constitutional freedoms'," Judge Smalkin wrote, quoting a 1971 case.

The dispute began January 2 when the MVA informed the group's members that it was withdrawing its approval of the plates. Black legislators had complained that the flag is a symbol of slavery and white supremacy. On January 20, the Sons of Confederate Veterans sued the MVA, saying their First Amendment rights had been violated. In a January 31 letter, the MVA reiterated that the plates were being recalled and instructed members to return them in exchange for plates bearing the name "Sons of Confederate Veterans" but without the logo. Reported in: *Washington Times*, February 25.

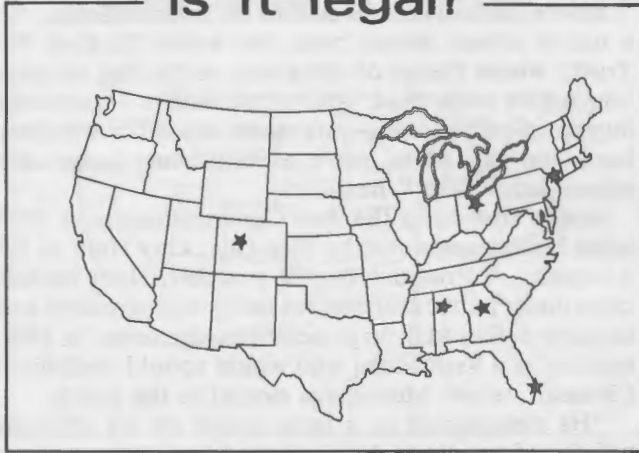
### Trenton, New Jersey

A law that outlaws sex booths in adult bookstores and other stores that sell sexual material is constitutional, a state appeals court ruled February 7. The court reversed a previous decision that found the law unconstitutional because it violated free speech and expression, and failed to define what type of booths "facilitate sex."

In the appeal, the state argued that the law is reasonable in its restrictions because it targets sex shops and does not try to ban any of the sexually explicit materials that are viewed and sold in these stores. Instead, the law is designed to stem the spread of sexually transmitted diseases. Reported in: *Cherry Hill Courier-Post*, February 8.

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## is it legal?



### library

#### Medina, Ohio

The ACLU is investigating the Medina County District Library's new policy dealing with patrons' access to the Internet. The policy, which took effect in February, allows staff to ask patrons to stop looking at sites if they contain "inappropriate material." If patrons refuse, staff can ask them to leave or call in police to have them escorted from the library.

The provision is included in the library's customer relations manual, and library employees said they are geared to stopping inappropriate behavior rather than regulating sites.

"It's our preliminary opinion that those policies are unconstitutional," said Christine Link, executive director of the Cleveland-based ACLU of Ohio. The policy, Link charged, "goes much further than the law allows," has no legal definition of objectionable or obscene material, and fails to distinguish between adults and youth. The policy, she said, violates the First Amendment because librarians will decide what a patron can or cannot see.

"This is a huge intrusion by the government — librarians are employed by the government — to the First Amendment right of a patron to look at whatever they choose to look at," she said. "It appears that Medina has gone much further than many parts of the country."

Library Director Bob Smith said the policy was created to target inappropriate behavior and was not intended to get into any legal definitions. The policy gives staff a way to take action against disruptions caused by any "display of graphics that might reasonably be declared obscene or pornographic," Smith said. "That, of course, depends on the staff member seeing it." Reported in: *Akron Beacon-Journal*, February 28.

### cyberspace

#### Miami, Florida

A Florida woman has sued America Online, saying the Internet service allowed a subscriber to market pornographic pictures of her 11-year-old son and two other boys to pedophiles. AOL created "a home shopping network for pedophiles and child pornographers," alleged the suit filed January 23. It said AOL was responsible for the content of the material available on its services but had failed to enforce its rules and monitor its subscribers.

One subscriber, former Palm Beach schoolteacher Ron Russell, who is named in the suit, was convicted of an array of sexual charges. "He said he used public channels to exchange phone numbers, tapes and photographs and to distribute them who knows where," said Brian Smith, attorney for the woman plaintiff.

Russell allegedly used the service to sell images of sexual acts involving himself, the woman's 11-year-old son and two other boys he had befriended in 1994. The material was advertised on AOL's electronic chat rooms. Russell was arrested in February, 1995, after a federal investigation into a ring of men, several of them teachers, who swapped child pornography by computer. Reported in: *Reuter's*, January 24.

#### Atlanta, Georgia

A coalition of organizations, including Electronic Frontiers Georgia, the ACLU, and the Electronic Frontier Foundation have filed a challenge to a Georgia law that would forbid anonymity online. The law makes it a crime to use a name that "falsely identifies" an individual; it does not distinguish whether or not the person was seeking to deceive or defraud others or just wanted to remain anonymous.

U.S. District Court Judge Marvin Schoob heard testimony in the case on January 30. The ACLU argued that state-level legislation is unrealistic and will not work to regulate the international internet. Georgia's Deputy Attorney General replied, "You don't have to enter a state to violate its laws." Reported in: *Intellectual Freedom Action News*, February 1997.

## New York, New York

The American Library Association is the lead plaintiff filed in a lawsuit January 14 seeking a preliminary injunction against a New York statute that makes it a crime to disseminate, through any computer communications network, materials that are "harmful to minors." The ACLU and other groups joined the ALA in the litigation, *ALA v. Pataki*. The challenged statute became law on November 1, 1996 (see *Newsletter*, March 1997, p. 47).

ALA Executive Board member Nancy Kranich said, "If allowed to stand, this law would have a tremendous chilling effect on freedom of speech online and access to important information New York residents need for jobs, health and education. It also means that librarians in New York could be held criminally liable for the content as well as the access they provide to the Internet, which could lead to self-censorship or force libraries off-line."

Other plaintiffs in the case are ALA's sister organization the Freedom to Read Foundation, the New York Library Association, the Westchester Library System, the American Booksellers Foundation for Free Expression, Bibliobytes, Association of American Publishers, Periodical and Book Association of America, Magazine Publishers of America, Public Access Networks Corporation (PANIX), ECHO, NYC NET, Art on the Net, and Peacefire. Reported in: *Intellectual Freedom Action News*, February 1997.

## church and state

### Gadsden, Alabama

A Georgia legal case is reverberating through the Alabama judicial system as a judge refused to remove a hand-carved plaque of the Ten Commandments from his courtroom and to stop conducting prayer with juries. Etowah County Circuit Judge Roy Moore had been ordered to remove the Commandments by another circuit judge, Charges Price of Montgomery. But on February 19, the Alabama Supreme Court granted him a stay.

Judge Price had based his order on *Harvey v. Cobb County*, a Georgia case, in which a federal judge in 1993 ordered Cobb County officials to take down the Ten Commandments from the courthouse. That decision was upheld by the U.S. Court of Appeals for the Eleventh Circuit and the U.S. Supreme Court.

Price also ordered Moore to stop inviting ministers into his court to pray with newly assembled juries, saying the practice violates the separation of church and state.

Among those who endorsed Moore's stand were U.S. Senate Majority Leader Trent Lott of Mississippi and Alabama Governor Fob James. James appeared on national television to say he'd defend the hanging of the Commandments with the full weight of his office and,

if necessary, the Alabama National Guard.

Moore claimed that his actions are constitutional. "In a nation whose money bears the words 'In God We Trust,' whose Pledge of Allegiance to the flag includes 'one nation under God,' and whose leaders — including Supreme Court justices — are sworn into office with their hands on the Bible, can't a state court judge also acknowledge God?" he asked.

Moore first hung the Ten Commandments in 1992 when he was appointed by then-Gov. Guy Hunt to fill a vacancy. A Primitive Baptist preacher, Hunt himself came under public criticism for using state airplanes and taxpayer dollars to fly to preaching engagements. In 1996, running as a Republican who would uphold traditional Christian values, Moore was elected to the bench.

"He campaigned to a large extent on his religious beliefs and his interpretation of the Constitution and the intent of the founding fathers," recalled state Rep. Jack Page (D-Gadsden).

Although the case first attracted national attention in February, it began in 1995 when the ACLU of Alabama filed suit in federal court on behalf of two Etowah County citizens who were called for jury duty and objected to the religious overtones in Moore's court. James filed a countersuit last year on behalf of the state judge against the ACLU in Montgomery Circuit Court and that case landed with Price.

"The crux is that you have a government official telling people when, where and how to pray, which is a blatant violation of the First Amendment," said Martin McCaffery, vice president of the ACLU of Alabama. "This judge brings in preachers to conduct prayer over the jury, a group of people who are not there voluntarily."

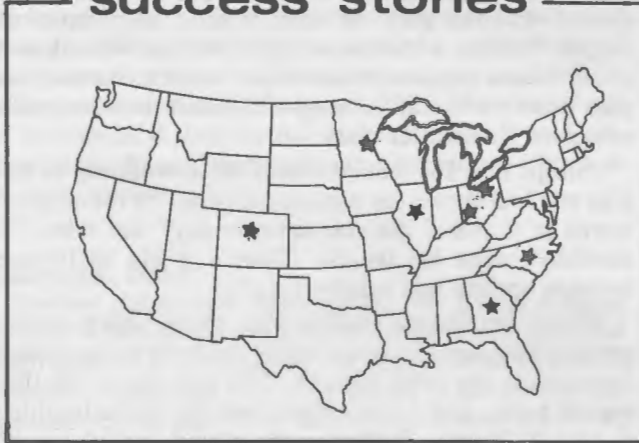
"Christians across Alabama will stand beside Judge Moore, the governor and Trent Lott to make sure what happened in the '60s, when they took prayer out of schools, will not happen here," said Dean Young, a district coordinator for the Christian Coalition who occasionally acts as Moore's spokesman. Reported in: *Atlanta Constitution*, February 20.

## newspaper

### Boulder, Colorado

The supermarket tabloid that published crime scene photos of the JonBenet Ramsey slaying agreed January 14 to return the photos to the Boulder coroner's office, and not to publish two others it obtained. The agreement reflected a settlement between the *Globe*, which had published five of the photos, and the coroner's office, which had filed suit to regain and stop further publication of the photos. Reported in: *Atlanta Constitution*, January 15. □

## — success stories —



### libraries

#### Anchorage, Alaska

A controversial book about a child whose father is a homosexual with AIDS will remain available in Anchorage school libraries despite an Eagle River couple's efforts to have it removed. The Anchorage School Board voted 4-3 February 18 to keep *Earthshine* on library shelves.

The board also decided that the Young Readers' Choice Program, a voluntary program that included the book on its reading list, will continue, but parents will begin to receive a synopsis of the twelve books children are encouraged to read.

Lisa and David Brimberry, parents of an Alpenglow Elementary School fourth-grader, asked that the book be removed from all public school libraries because it contains profanity and deals with subjects like homosexuality, abortion and children running away from home. They also asked that the young readers' program be discontinued because younger elementary students are not mature enough to read books like *Earthshine*.

This is not about censorship, but about the age of people who can't read it," Lisa Brimberry told the board.

But Lynn Hallquist, the librarian at Klatt Elementary School, said the book, which is in twenty-three Anchorage school libraries, is "one of the richest books I've read in children's literature. Literature is not supposed to make people feel comfortable."

School Board member Lorraine Ferrell asked the board to consider removing the book, but her motion failed on a 4-3 vote. Reported in: *Anchorage Daily News*, February 19.

#### Minneapolis, Minnesota

Ending a dispute over "Goosebumps" books that drew national attention, the Anoka-Hennepin School District rejected a mother's request that some of the scary children's books by R.L. Stine be banned from the district. After meeting for almost six hours February 3, a district committee unanimously decided that the books have too many educational benefits to be pulled from library shelves.

"Kids that read them actually love them," said Wendy Graves, a parent who headed the committee. "They race to get them. They don't stay long on the shelf."

Margaret Byron, who started the "Goosebumps" debate last spring by asking that nine of the books be removed from Johnsville Elementary School in Blaine, said she was "real disappointed." The committee's decision is "a big letdown for me," she said. "I wish they had at least put parental restrictions on them."

Byron had complained that the books were too frightening for children and inappropriate for school libraries. But the eight-member committee, which included school employees and parents, decided the series fit the philosophy and criteria of the district's media selection policy.

In its report to the board, the committee wrote that the books are age-appropriate, providing "chills which are manageable; they allow a child to work out his or her own strategy for dealing with the possibility of real threat." Children know what they're getting when they pick up a "Goosebumps" book, the panel said, because the covers warn, "Reader beware, you're in for a scare!"

The panel said the series builds fluency in reading with simple vocabulary, repetitive plot patterns, imaginative content and satisfactory conclusions. The books deserve a place in the library not only as perennial national bestsellers, but also as books that, more than any other series, attract unskilled and reluctant readers, committee members said.

"Students have the right to choose their own reading materials," the panel concluded. "The responsibility for good decision-making regarding reading choices should rest between an individual child and that child's parents."

The decision pleased Susan Haggberg, coordinator of media services for the district and a member of the committee. The controversy turned into a civics lesson in many schools, with students debating and talking about the books. "A lot of them learned a lot," she said. "It brought up issues of censorship, library funding and appropriate reading."

Ninety people, including many children, testified at two hearings the district held in January. The committee also received more than four hundred letters from district residents. Reported in: *Minneapolis Star-Tribune*, January 13, February 5; *Washington Post*, January 22;



*USA Today*, January 29; *Anoka County Union*, January 10, 17, February 7; *St. Paul Pioneer Press*, January 12, 15, February 4, 5.

## **schools**

### **Castle Rock, Colorado**

The Douglas County school board voted January 21 to keep the book *Grendel*, by John Gardner, on its high school reading lists and declined to create a rating system for books. But the board directed administrators to emphasize the district's policy giving students the right to choose — along with teachers — alternative materials for books and other materials they find objectionable.

Heidi Kauffman and her parents, David and Willow Kauffman, asked the board to overturn superintendent Rick O'Connell's decision to keep the 1971 novel on the list of selected reading for high school students. The book is a contemporary version of the eighth-century epic poem *Beowulf*, which tells the story of the knight Beowulf who slays the dragon Grendel. *Grendel* is told from the monster's point of view.

The Kauffmans said there was no literary comparison between *Beowulf* and Gardner's novel and that much of it is too obscene and violent for high school students. "I don't think they addressed our concerns about warning students about what's in the book," said Willow Kauffman. Reported in: *Rocky Mountain News*, January 18, 22.

### **Brunswick, Georgia**

The Glynn County Board of Education voted February 10 against removing *The Catcher in the Rye*, by J.D. Salinger, from required and optional reading lists at the county's two public high schools.

The board's action followed a protest by eleventh-grader Kimberly Gordon, who objected to the novel's profanity and sexual references, and asked that it be removed from the reading list at Glynn Academy High School because, she charged, it lacks literary merit. Board member Chester Taylor, Jr., agreed with Gordon and pushed to remove the book from all reading lists and ban classroom discussions of books deemed offensive by any student.

"No student should have to be sent out of the classroom because of an offensive book," he said. Taylor's motion to remove the book failed in a 6-4 vote. Reported in: *Atlanta Constitution*, February 10, 11; *Brunswick News*, February 11.

### **Tamms, Illinois**

Despite efforts of about fifty people to ban *Death of a Salesman*, by Arthur Miller, the Egyptian Board of Education January 27 renewed its support of a policy that

allows parents to decide individually if their children should read the play. A week before, the parents of Angela Phillips, a student at Egyptian High School, and about fifteen supporters asked the board to remove the play from the literature taught in Nancy Leatherman's advanced English III class.

Phillips said she was offended by a profanity in the play and had shown her parents the book. "I found some words in it that I did not approve of," she said. "It shouldn't even be taught. There's a big difference between society and teaching it."

Wayne and Sharon Phillips cited school policy against profane language being spoken by students as the reason for wanting the book banned. "We just don't talk that way at home, and I don't think they should be teaching it here," Wayne Phillips said. About eighty people attended the meeting, about fifty to support the Phillips.

Two Egyptian High School seniors — Travis Sutton and Nicholas McCrite — collected signatures of 56 students who supported the play and the school's policy of permitting individual students who find an assignment objectionable to request an alternate reading.

"A lot of people here have a high opinion of the constitutionality of the subject," Sutton said. "We have one of the best English teachers a high school could hope to have. If they hired her to do her job they can't regulate her curriculum, not in that sense. As long as she's within the law she's doing her job." Reported in: *Daily Dunklin Democrat*, January 29.

### **Guilford County, North Carolina**

At a standing-room-only meeting February 4, the Guilford County School Board decided against banning two books required in an advanced English class, even though most board members found parts of the books offensive. The decision affirmed a December review committee recommendation (see *Newsletter*, March 1997, p. 50). The board also declined to adopt a rating system for school books, similar to the systems in place for television programs and movies.

Parents Richard and Kathy Penshell said the rating system was needed so they would be aware of offensive material their son Eric might bring home in books such as *The Color Purple*, by Alice Walker, and *Native Son*, by Richard Wright, for his Advanced Placement English class at Northwest High School.

"Parents weren't told these were controversial books," Penshell said. "These violate our values and the values of a traditional family. You do not have academic freedom with our children. We never gave it to you."

Northwest English teacher Sherry Little, who assigned the books, said she was pleased with the decision to retain the books. "I chose these books because they speak to the students in a powerful way," she said.

More than two hundred parents, students, and teachers packed the meeting hall, some distributing photocopied passages of the books with curse words, murder scenes, and scenes depicting incest and homosexual acts. Others held signs in support of the books. "We'd be cheated out of something if they started banning books," said student Akir Khan. Reported in: *Greensboro News & Record*, February 5.

#### Lakewood, Ohio

Review committees have upheld the use in English classes of two books challenged last June at Lakewood High School. *Fallen Angels*, by Walter Dean Myers, is about a 17-year-old boy who enlists in the Army and spends a year of active duty in Vietnam. *Inherit the Wind*, by Jerome Lawrence and Robert E. Lee, is a courtroom drama based on the 1925 Scopes "monkey" trial.

Both books are read in tenth grade English classes. They were challenged by parents who objected to what they called violence and vulgar language in *Fallen Angels* and the allegedly anti-religious nature of *Inherit the Wind*. The play was performed at the high school in the fall. Reported in: *Lakewood Sun Post*, January 16.

#### Louisville, Ohio

The Louisville Board of Education voted at a special meeting January 28 to retain Nobel Prize winner John Steinbeck's *Of Mice and Men* as an option in the curriculum of high school English classes. Applause erupted from the crowd of 150 in the Louisville Middle School auditorium after the board's 3-2 vote finalized months of heated debate over whether the 1937 novel about two migrant ranch workers should be taught in sophomore English classes.

The proposal to ban the book was made by board member Andy Aljancic and Chuck Lang, whose daughter is a student at the high school. The two opposed the book's alleged 196 examples of profanity.

Aljancic, along with Jim Warner, dissented. Board members Mark Sigler, Ron Rodak, and Doyle Schmucker voted to uphold two unanimous review committee decisions to retain the book.

Although he initially seemed stunned by the decision, Lang accepted it with grace. "Yes, we're disappointed," he said, "but that's the end of it. No hard feelings. We still think it's the best school system. We still love it."

Twenty people, including students, parents, teachers, citizens, and clergy, addressed the meeting, with thirteen defending the book as a valuable classic and seven condemning its profanity as offensive. Perhaps the most eloquent comments came from steelworker Dave Jackson, whose brief remarks received robust applause.

"It's been over thirty years since I read the book. I can still remember the characters. I can still remember

the story line. I remember the feelings of compassion and sympathy for the mentally disabled. It changed my outlook on the mentally disabled," Jackson said. "I don't remember the language in the book. I don't remember being offended." Reported in: *Canton Repository*, January 12, 14, 17, 22, 29. □

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(censorship dateline . . . from page 68)

## poetry

#### Los Angeles, California

Poet and teacher Julia Stein has been sued by Guess Jeans because of a reading she organized in September at Los Angeles's Midnight Special bookstore. Participants in the meeting have been accused of slander because of the opinions they expressed at the reading. Guess is also suing UNITE, the garment workers union. Common Threads, a group to which Stein belongs, is trying to improve working conditions in the garment industry.

None of the poets even mentioned Guess at the reading, held to benefit Common Threads, but a worker spoke about working conditions and a sociologist spoke on behalf of Common Threads. Apparently, Guess had a "spy" at the reading who made a legal declaration on its behalf.

"If you can't express your opinion at a literary event at a bookstore then I don't know where the First Amendment is," said Stein. "This lawsuit is a blatant attempt to harass and intimidate critics. We want to let Guess know that we will not be silenced." Reported in: *Poetry Flash*, February/March 1997. □

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(from the bench . . . from page 74)

#### Columbia, South Carolina

Counties cannot ban nude dancing in nightclubs because state nudity laws do not specifically make that illegal, the state Supreme Court ruled in a case involving a Greenville County club. The case involved Diamonds, a club where a manager and a 23-year-old dancer were arrested in 1995 after she stripped naked and painted her body red, white and blue.

The county's council banned live, fully nude entertainment in May, 1995, in response to complaints about Diamonds. But that October, Circuit Court Judge Henry Floyd invalidated the ordinance and the Supreme Court upheld him January 27. The justices said the ordinance illegally crossed into the General Assembly's power to enact laws. Local governments cannot ban conduct that is not illegal under state law, the court said. State law prohibits public nudity only in certain circumstances. Reported in: *Augusta Chronicle*, January 28. □

(Boston . . . from page 53)

Some Boston librarians were surprised by the furor. "I've never had one complaint," said Paul McCallion, Director of the Fields Corner Library. "We don't see a lot of kids looking at [explicit] pictures like that. They're much more interested in lyrics to rap songs and games and biographies of stars."

In a similar if unrelated development, the New York Public Library said February 10 that it would reevaluate its Internet policy in the wake of protests generated by an article in the *Staten Island Advance* about children's easy access to pornography.

"We have tried to act responsibly on this matter and what we have done is not unlike what other libraries have done across the country," said Norman Holman, senior vice president and director of the New York library branches. "But clearly, in light of the strong response generated by the *Advance* article, we have to take a careful look at the Internet policy we have in place."

In response to the article, Richmond Borough President Guy V. Molinari threatened to cut funding to Staten Island libraries if the library system didn't take measures to stop children from accessing pornographic material on its Internet stations.

"I am totally outraged by this," Molinari said. "I am appalled by the attitude of some library people who suggest that pornography be continued because they don't want to resort to censorship. We give quite a bit of funding to the libraries, and if this is their attitude I will cut them off."

According to Molinari's office, the Borough President contributed approximately nine million dollars in capital expense funds to Staten Island libraries between 1991 and 1997. The city donated more than \$73 million to the library branches' \$104 million budget last year, according to Caroline Oyama of the New York Public Library.

State Assembly member Elizabeth Connelly (D-SI) also vowed to begin examining how children can be prevented from accessing explicit materials at public libraries. In addition, she said she would reintroduce a bill into the Assembly that would require parental consent for underage children to rent or borrow R-rated movies from public libraries. The measure was advanced last year and approved in the state Senate but defeated by the Assembly Higher Education Committee.

"We encountered so much opposition from libraries on this bill," said Connelly. "And this Internet problem is so much more insidious." Reported in: *Boston Globe*, February 13; *Boston Herald*, February 12, 14, 21; *Staten Island Advance*, February 11. □

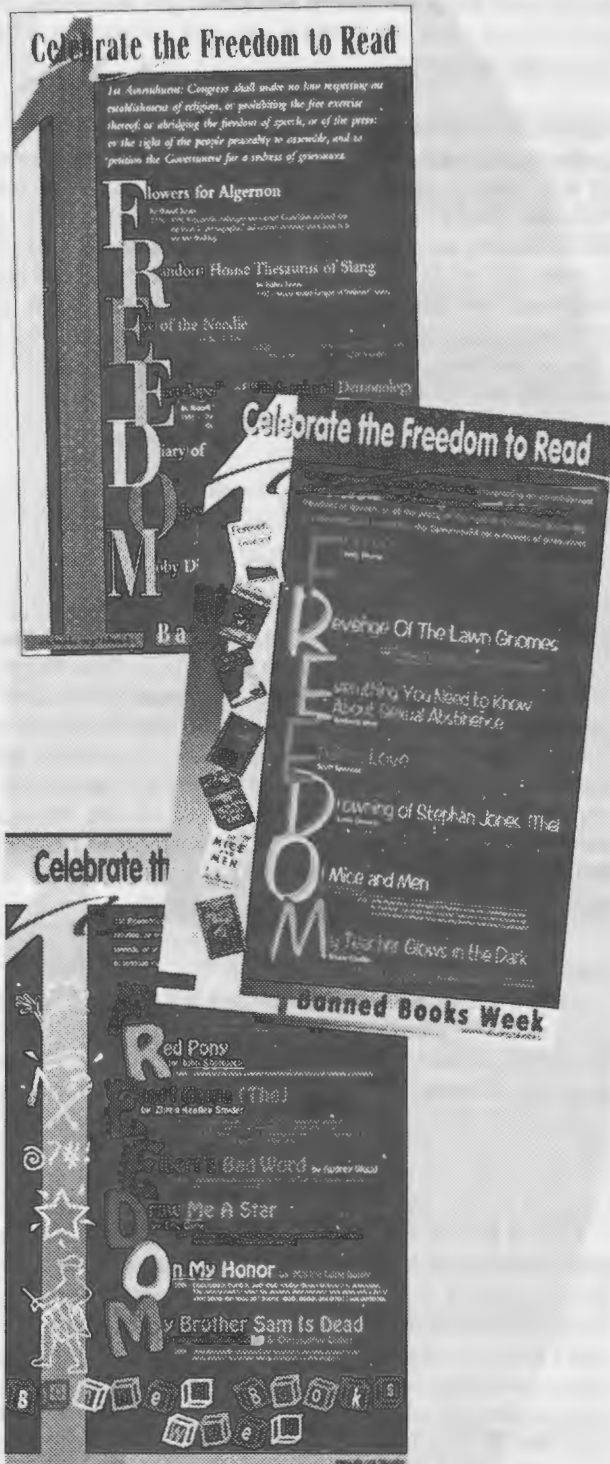
#### UPDATE:

Since this article was written, Mayor Menino met with the new director of the Boston Public Library, Bernard Margolis, and reached a "compromise" on this issue for the public library Internet terminals. CyberPatrol will be placed on the computer terminals in the children's section of the Boston public libraries. Filtering software will not be placed on terminals in other areas of the library. Whether or not minors will be able to access the Internet terminals without filtering software remains an open question.

**SUPPORT  
THE  
FREEDOM  
TO  
READ**

# CELEBRATE THE FREEDOM TO READ

## Banned Books Week



Banned Books Week, an annual celebration of the freedom to read, will be held September 20-27, 1997. Librarians across the country will be using the week to highlight the importance of our First Amendment rights and the power of literature. A kit of useful materials is available to help in Banned Books Week planning.

The 1997 Banned Books Week Kit (\$30) features materials designed to help librarians, media specialists, and teachers prepare their celebration. It contains:

- A resource book containing a list of books that have been challenged or banned, camera-ready artwork, display ideas, sample news releases, information on First Amendment court cases, quotes on the First Amendment, and tips for dealing with concerns about library resources
- Three 19" x 30" color posters (Pictured)
- 100 bookmarks
- One Banned Books Week button

For more information, or to place an order, contact the American Library Association:

800/545-2433 x 4223  
oif@ala.org  
Banned Books Week  
American Library Association  
50 E. Huron  
Chicago, IL 60611

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**READ  
BANNED  
BOOKS**

*(IFC Report . . . from page 55)*

**Leadership Development Training**

In 1994, OIF held a national leadership development training institute (LDI) for 76 librarians and library administrators. The institute prepared participants to train others in their states and regions in the basics of intellectual freedom. The second phase of this effort was instituted in 1995-96 as regional training sessions were held in ten regions across the country. This effort was supported by a \$52,000 grant from the Nathan Cummings Foundation.

We are now in the third phase of the process, which has once again been funded by the Nathan Cummings Foundation. In this phase, ALA is co-sponsoring state-level training institutes; in most cases, these institutes are being planned with the state chapters. So far, institutes have been held in Texas, Ohio, Michigan and Indiana and are planned in Illinois, Maryland, Maine, California, Pennsylvania and Florida.

We look forward to continuing this program to reach as many librarians and library supporters as possible.

**Lawyers for Libraries**

OIF will be holding a national seminar May 16-17, in Lisle, Illinois, to train lawyers in the application of First Amendment law to library principles, policies and procedures. Those who are trained will then commit to being available to librarians facing intellectual freedom challenges. While many librarians have legal counsel available, it's rare that the lawyers have an understanding of how First Amendment rights extend to libraries. This institute will put trained lawyers in every state — increasing the number of resources ALA can make

available to librarians. We anticipate 100 lawyers (two from each state) will attend this first training session.

Lawyers for Libraries is co-sponsored by the Individual Rights and Responsibilities Section of the American Bar Association and is funded by the Albert A. List Foundation.

**Spanish Translation of the *Library Bill of Rights***

As incoming chair of the IFC, I worked with a group of REFORMA members, chaired by Ed Erazo of New Mexico State University and president-elect of REFORMA, to develop a Spanish translation of the *Library Bill of Rights*. The translation (see p. 11) has been endorsed by REFORMA and is available from the Office for Intellectual Freedom. We are very proud of this partnership with REFORMA and look forward to reaching out to new communities.

**IFC Issues Briefing**

The Intellectual Freedom Committee held its first Issues Briefing session at this meeting. While the Committee was prepared to discuss three issues, we only had time to deal with one, namely Internet filtering software.

The IFC believes this session was a smashing success for both the Committee and ALA members, and plans to continue this format in San Francisco. The meeting drew a large crowd and members expressed many diverse opinions about filtering, the current political climate for libraries and ALA's role in helping librarians deal with today's difficult issues. The time for the I.F. issues briefing in San Francisco will be 10-11a.m. on Monday morning. The topic will be sexual harassment as perceived by library workers and library patrons — unless it is pushed off the agenda by a hotter topic.

**Filtering Technology in Libraries**

As you know, filtering technology is a topic of primary concern to our members. The IFC spent considerable time developing a statement to serve as the Association's position on filtering. The Committee, however, is not prepared at this time to bring forward a resolution. We will continue to work on this document over the next four months and will present a strong, useful resolution to Council in San Francisco.

This is an exciting and challenging time for intellectual freedom and the Intellectual Freedom Committee looks forward to meeting the challenges before us. I would like to thank the staff of the Office for Intellectual Freedom: Judith Krug, Cynthia Robinson, Deborah Liebow, Bridget Sweeney, and Ivan Scott both for their work on behalf of the Committee and the Association, and mostly for their dedication to the principles of access for all people who work, live and learn in our communities. □

## DECLARACIÓN DE LOS DERECHOS DE LAS BIBLIOTECAS

La Asociación de Bibliotecas de los Estados Unidos de América (American Library Association) afirma que todas las bibliotecas son foros abiertos para la información y las ideas, y que las siguientes normas básicas deben dirigir sus servicios.

I. Con el fin de satisfacer el interés de sus usuarios y darles acceso a todo tipo de información, toda biblioteca debe poner sus libros y otros recursos a la disposición de todos los integrantes de la comunidad a la cual sirve.

II. Toda biblioteca debe proveer información y materiales que representen todos los puntos de vista sobre temas históricos y de actualidad. Ningún material debe ser prohibido ni retirado de circulación por motivos doctrinarios o partidistas.

III. En su misión de proveer información sin restricciones, toda biblioteca debe enfrentarse a todo acto y tipo de censura.

IV. Toda biblioteca debe cooperar con todos los individuos y grupos interesados en oponerse a cualquiera restricción a la libre expresión y el libre acceso a las ideas.

V. No se le debe negar a ninguna persona el derecho de usar la biblioteca por motivos de origen, edad, antecedentes personales o punto de vista.

VI. Toda biblioteca que cuente con espacio disponible para exhibiciones o reuniones públicas, debe ofrecerlo en forma equitativa, sin tener en cuenta la creencia o afiliación de los individuos o grupos que soliciten su uso.

*Adoptado el 18 de junio 1948. Enmendado el 2 de febrero de 1961 y el 23 de enero de 1980 por el Consejo de la Asociación de Bibliotecas de los Estados Unidos de América (Council of the American Library Association). □*

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