

NEWSHIP

CENSORSHIP

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"Last Temptation" Gets Unexpected Boost

The video version of Martin Scorsese's *Last Temptation of Christ*, temporarily restricted by the public library in Amherst, Ohio, was returned to the shelves in spite of critics' threats to defeat a library tax levy if the video were reinstated.

Calling the film "blasphemous" and "pornographic," protestors threatened to organize an "army" of "Christians" to vote down the tax measure. Others petitioned the library board to restore the video to its collection (including Christians who value First Amendment principles). The vote to increase the library tax by one mil passed in early August. The video, we understand, is seldom on the shelves, now due to popular demand.

Florida Smut-Busters Lose Primaries

John Tanner, a Florida state attorney infamous for his crusades against sexually explicit expression, lost his bid for reelection in a September Republican primary by 51 votes. Tanner, who is closely allied with Donald Wildmon's American Family Association, has distributed AFA literature from his office and prayed on his knees with serial killer Ted Bundy. Another "decency" crusader, Nick Navarro, the Broward County sheriff who pressed an obscenity case against the music of the rap group 2 Live Crew and arrested members of the band (later acquitted in a jury trial), was also defeated.

Tanner is the prosecutor who demanded the names of customers renting X-rated video tapes from two video store owners in Daytona Beach as part of an obscenity action against the stores. The demand for names was unprecedented and violates federal law.

NCAC informed the attorneys for the video store owners of the federal video privacy statute and alerted NCAC Friends in Florida. In a letter to Tanner, NCAC executive director Leanne Katz wrote: "Your attempt to obtain names of individuals . . . is a profound interference with basic values protected by the First Amendment and . . . a dangerous opening to religious, political, artistic and intellectual repression. This action is an escalation of your ongoing vendetta against these video stores because they refuse to ban material of which you personally disapprove. That it is directed to expressive materials which are frequently attacked — in this case apparently subject to prosecution

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of School Administrators
American Association of University Professors
American Association of University Women
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Film and Video Association
American Jewish Committee
American Jewish Congress
American Library Association
American Literary Translators Association
American Orthopsychiatric Association
American Society of Journalists and Authors
Association for Communication Administration
Association for Supervision and Curriculum Development
Authors League of America
College Art Association of America
Directors Guild of America
International Reading Association
Modern Language Association
National Council for the Social Studies
National Council of the Churches of Christ
National Council of Jewish Women
National Council of Teachers of English
National Education Association
Office of Communication, United Church of Christ
PEN American Center
People for the American Way
Planned Parenthood Federation of America
Screen Actors Guild
Speech Communication Association
Student Press Law Center
The Newspaper Guild
Union of American Hebrew Congregations
Unitarian Universalist Association
United Methodist Communications, United Methodist Church
Women's American ORT
Writers Guild of America, East
Writers Guild of America, West

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NCAC stop suppression.

by you in an effort to prove they are 'obscene' — makes your action more, not less, intolerable. To hope to intimidate people because the content of the expression is often stigmatized is to push cynicism and opportunism to its limits."

Several Florida anti-censorship groups including Friends of the First Amendment and Central Floridians Against Censorship have been countering Tanner's activities.

Oregon Anti-Gay Initiative Demands Thought Control

The censorship implications of a proposed amendment to the Oregon constitution are Orwellian in what they portend for residents of the state. The measure, proposed by the far right Oregon Citizens Alliance, would, among other strictures, require all agencies of state, regional and local government — including schools and libraries — to treat homosexuality as a moral offense.

In the words of the initiative, ". . . the State Department of Higher Education and the public schools, shall assist in setting a standard for Oregon's youth that recognizes homosexuality, pedophilia, sadism and masochism as abnormal, wrong, unnatural and perverse and that these behaviors are to be discouraged and avoided."

The proposal will be on the Oregon ballot in November. The Oregon Coalition for Free Expression and other groups are working for its defeat.

Students Read, Teacher's Job Threatened

A demand by several parents to ban Clyde Edgerton's novel *The Floatplane Notebooks* from an 11th grade honors class in Hillsville, Virginia, rapidly escalated into a minister's crusade to fire the teacher.

Not content to insist that the novel about generations of a rural North Carolina family be banned, evangelist J. B. Lineberry initiated a radio assault on the teacher, calling for her removal. Lineberry described the book as "bad as marijuana . . . ungodless, teaching the filth of the flesh." It was, he said, "slipped by the school committee by a teacher — not local — with a sick mind."

Teacher Marion Goldwasser, distinguished as Carroll County's 1991 Teacher of the Year, has taught in the school district for 20 years. One of her former students, now in graduate school, notified NCAC of the controversy. *The Floatplane Notebooks*, described by one reviewer as "a celebration of the human spirit," got its highest praise from Goldwasser's students; when asked by the principal to return their copies, they refused.

To stop the publicity and the assault on the teacher, the school superintendent promised to ban the book. No formal complaint, as required by school and state policy, had been filed.

But the controversy didn't end there. NCAC wrote to the school superintendent, worked with the Virginia Education Association and

Carroll County teachers in demanding that proper procedures be followed, and alerted PEN American Center as well as NCAC Friends in Virginia. At last, the school board appointed a review committee and then accepted its recommendation that, although the book should be moved from the 11th to the 12th grade, it should be reinstated.

Vote Imminent on Senate Bill 1521

Republican supporters of a misnamed pornography victims compensation act (See *Censorship News* #40, 41, 42, 43, 44) have promised to get some version of it before the full Senate for a vote in the present session. And the pervasive influence of the Far Right on national politics has brought backing for the legislation into the Republican Platform (see story below).

The bill would permit lawsuits against such people as writers, artists, filmmakers, book and video store clerks, and museum curators if a plaintiff alleges that a sexual assault against her was "caused" by the assailant's exposure to a book, picture, recording, or movie.

Even the Meese Commission on Pornography acknowledged that no such causal link can be established (contrary to the claims of the Republican Party platform). The effort to legislate such a link would not only allow the most violent and maniacal among us to claim their behavior was "caused" by something they saw or read, but it would permit them to set standards for the rest of us.

Platform Politics, "Pornography" and the Arts

The contentious national debates about whether government can impose content restrictions on publicly funded art and whether words and images "cause" crime, are reflected in the platforms of both political parties:

From the 1992 Democratic Platform

"We believe in public support for the arts, including a National Endowment for the Arts that is free from political manipulation and firmly rooted in the First Amendment's freedom of expression guarantee."

From the 1992 Republican Platform

"Government has a responsibility . . . to insure that it promotes the common moral values that bind us together as a Nation. We therefore condemn the use of public funds to subsidize obscenity and blasphemy masquerading as art. The fine arts, including those with public support, can certainly enrich our society. However, no artist has an inherent right to claim taxpayer support for his or her private vision of art if that vision mocks the moral and spiritual basis on which our society is founded. We believe a free market in art — with neither suppression nor favoritism by government — is the best way to foster the cultural revival our country needs."

"We endorse Republican legislation . . . allowing victims of pornography to seek damages from those who make or sell it, especially since the Commission

on Pornography, in 1986, found a direct link between pornography and violent crimes committed against women and children."

Foreign Books Seized at Border

This Spring, U.S. Customs officials seized two separate shipments of books and other literature addressed to Boston's Glad Day Bookshop, a gay and lesbian bookseller. Agents first seized a shipment from Barcelona on April 6, and then a shipment from Italy on May 21. Glad Day reports that custom officials say the literature violates an obscenity provision in the U.S. Code.

Among the many titles seized was *Guia Gay*, a gay guide to Spain, and a periodical called *The Gay Book*.

This is the first such seizure in Glad Day's 13-year history.

Local Coalitions Work to "Take Back Our Rights"

The resurgence of moral purity crusades, a culture war and Comstockery and their stranglehold on the political process has energized existing anti-censorship groups and stimulated new ones. Working on issues as varied as minors' access and labelling laws in Michigan and other states; censorship of sex and AIDS information and elementary school readers; and access to art, music and videos, are local groups like Floridians for Freedom, the Pennsylvania Freedom to Learn Network, the Kansas City Coalition Against Censorship, and the Boston Coalition for Freedom of Expression.

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Editors: If you quote, please send publication to NCAC.

Academic Freedom and Artistic Expression

So many CN readers requested copies of the *Statement on Academic Freedom and Artistic Expression* offered in CN #44 and it is such a valuable resource, that we are reprinting it here. The statement, adopted at a 1990 Wolf Trap Conference,* was included in the amicus brief of NCAC's newest participating organization, the College Art Association of America, on behalf of the court challenge to the NEA requirement that grantees conform to "general standards of decency." The statement was quoted by Judge Tashima when he found the law unconstitutional.

Attempts to curtail artistic presentations at academic institutions on grounds that the works are offensive to some members of the campus community and general public occur with disturbing frequency. Those who support restrictions argue that works presented to the public rather than in the classroom or other entirely intramural settings should conform to their view of the prevailing community standards of academic freedom. We believe that "essential as freedom is for the relation and judgement of facts, it is even more indispensable to the imagination."¹ In our judgement academic freedom in the creation and presentation of works in the visual and performing arts, by ensuring greater opportunity for imaginative exploration and expression, best serves the public and the academy.

The following proposed policies are designed to assist institutions to respond to the issues that may arise from the presentation of artistic works to the public in a manner which preserves academic freedom:

1) **Academic Freedom in Artistic Expression.** Faculty and students engaged in the creation and presentation of works of the visual and the performing arts are engaged in pursuing the mission of the university as much as are those who write, teach, and study in other academic disciplines. Works of the visual and performing arts are important both in their own right and because they can enhance our experience and understanding of social institutions and the human condition. Artistic expression in the classroom, studio, and workshop therefore merits the same assurance of academic freedom that is accorded to other scholarly and teaching activities. Since faculty and student artistic presentations to the public are integral to their teaching, learning, and scholarship, these presentations no less merit protection. Educational and artistic criteria should be used by all who participate in the selection

and presentation of artistic works. Reasonable content-neutral regulation of the "time, place, and manner" of presentations should be developed and maintained. Academic institutions are obliged to ensure that regulations and procedures do not impair freedom of expression or discourage creativity by subjecting work to tests of propriety or ideology.

2) **Accountability.** Academic institutions provide artistic performances and exhibits to encourage artistic creativity, expression, learning, and appreciation. The institutions do not thereby endorse the specific artistic presentations nor do the presentations necessarily represent the institution. This principle of institutional neutrality does not relieve institutions of general responsibility for maintaining professional and educational standards, but it does mean that institutions are not responsible for the views or attitudes expressed in specific artistic works any more than they would be for the content of other instruction, publication, or invited speeches. Correspondingly, those who present artistic work should not represent themselves or their work as speaking for the institution and should otherwise fulfill their educational and professional responsibilities.

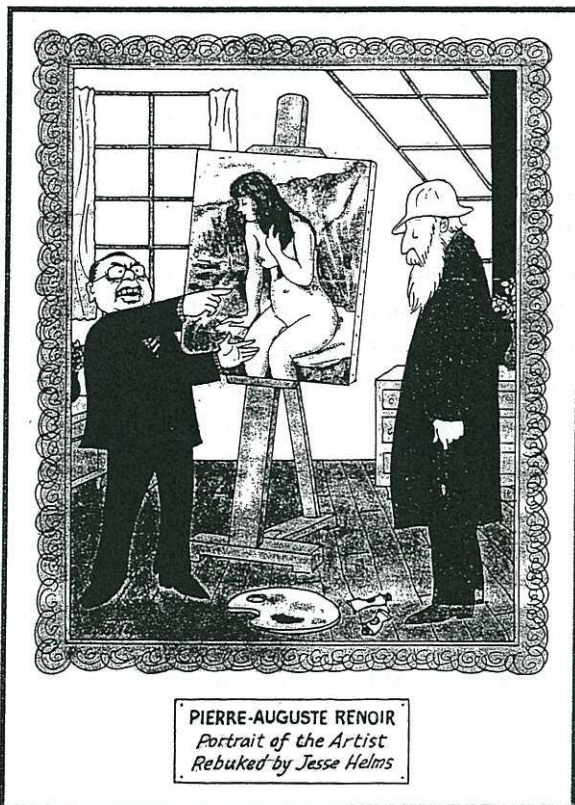
3) **The Audience.** When academic institutions offer exhibitions or performances to the public, they should ensure that the rights of the presenters and the audience are not impaired by a "heckler's veto" from those who may be offended by the presentation. Academic institutions should ensure that those who choose to view or attend may do so without

interference. Mere presentation in a public place does not create a "captive audience." Institutions may reasonably designate specific places as generally available or unavailable for exhibitions or performances.

4) **Public Funding.** Public funding for artistic presentations and for academic institutions does not diminish (and indeed may heighten) the responsibility of the university community to ensure academic freedom and of the public to respect the integrity of academic institutions. Government imposition on artistic expression of a test of propriety, ideology, or religion is an act of censorship which impermissibly denies the academic freedom to explore, teach, and learn.

¹ Helen C. White, "Our Most Urgent Professional Task," *AAUP Bulletin* 45 (March 1959), 282.

*Sponsored by the American Association of University Professors, the American Council on Education, the Association of Governing Boards of Universities and Colleges and the Wolf Trap Foundation.



PIERRE-AUGUSTE RENOIR
Portrait of the Artist
Rebuked by Jesse Helms