

Survey of Art and Entertainment Law Current Events

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EPILOGUE

The Epilogue section provides an overview of art and entertainment news items that have interesting and relevant legal implications.

"Daddy's Roommate" is a children's book of simple phrases and illustrations to depict the story of a gay, divorced father and his roommate. The two are shown eating, working, and sleeping together. The book has caused controversy in North Carolina, New Mexico, and Oregon. In North Carolina, librarians have moved the book from the "easy reading" section of the children's library to the section dealing with juvenile social issues. Notwithstanding, the campaign continues to remove the book from the children's section altogether. Staff, *Storm Erupts After Library Puts Book On Gay Dad On Kids' Shelf*, CHICAGO TRIBUNE, September 10, 1992, (News), at 32.

Cardinal Roger Mahony, a Los Angeles Catholic leader, presented a 40-page pastoral letter to the entertainment industry suggesting a range of "human values" to guide the industry. The letter focuses on the following areas: relationships, sexuality, treatment of women, family religion, work, possessions, authority, and violence. Mahony states that he rejects censorship and the letter is not intended to impose a code on the industry. More specifically, Mahony is rejecting an updated version of the Hays Code, which regulated film production from 1933-66. The Hays Code prohibited "obscene speech," "lustful kissing," and "suggestive dancing." Donna Parker, *Mahony Offers Hollywood Guide For "Human Values,"* BPI ENTER-

TAINMENT NEWS WIRE, October 2, 1992.

The Hugh M. Hefner First Amendment Award was presented to Dannie Martin, a free-lance writer and ex-convict, and Peter Sussman, Chronicle editor, for their efforts to preserve free speech rights of federal prison inmates. Martin was placed in solitary confinement after an article he wrote criticizing the warden of the federal prison in Lompoc was published in *The Chronicle*. Martin was charged with violating a regulation that prohibited an inmate from "acting as a reporter," publishing stories under a byline in the news media, and payment for published articles. Claiming a restriction of free speech and free press rights, *The Chronicle* filed a lawsuit against the Federal Bureau of Prisons. The suit lost in both the lower court and the court of appeals. Since Martin was released from prison after the appellate court decision, *The Chronicle* has not yet determined whether it will appeal to the U.S. Supreme Court. Staff, *Ex-Convict, Editor Win Freedom Award*, THE SAN FRANCISCO CHRONICLE, October 7, 1992, (News), at A2.

Joan DeFattore, author of *What Johnny Shouldn't Read: Textbook Censorship in America*, cites numerous examples of textbook censorship including Shakespeare's *Romeo and Juliet*. More than 300 lines were missing from textbook versions of the play because passages containing sexual references were edited out. Not only are literature textbooks subjected to editing, but textbooks used in science, social studies, and elementary school reading classes had been altered

in response to parental pressure. Publishers responding to local school board threats not to buy their books have deleted controversial material. In a related matter, a Minnesota school district unanimously defeated a 55-year old man's petition to ban the Bible on grounds of obscenity. Although he does not have any children in the school district, the man describes the book as "lewd, indecent, violent, and hardly suitable for young students." Anita Manning, *Pressure Rises To Censor Schoolbooks*, USA TODAY, October 1, 1992, (Life), at 6D. Kevin Duchscher, *Bible Gets a Unanimous 'Yes' In Brooklyn Center*, STAR TRIBUNE, November 10, 1992, (News) at 1A.

Attorney Elmer Gertz's most recent book, *Gertz v. Robert Welch, Inc. The Story of a Landmark Libel Case*, focuses on his famed libel case. In *Gertz v. Welch* the Supreme Court held that a prominent attorney is not held to the same standard as a public figure or government official in defamation actions. The case arose after Gertz brought suit against the City of Chicago on behalf of a woman whose son had been shot by a Chicago police officer. Soon after, *American Opinion* magazine, representing the Birch Society, labeled Gertz as a communist. The book gives Gertz's account of the case which allowed the Supreme Court to expand on another libel case, *New York Times v. Sullivan*, which established federal standards for libel law. Stephanie B. Goldberg, *A View of Libel From the Receiving End*, September 7, 1992, (Tempo), at 3.

Pop star Billy Joel has filed a \$90-million fraud and breach of

contract lawsuit against New York attorney Allen J. Grubman and his firm Grubman, Indursky, Schindler & Goldstein. Joel accuses Grubman of conflict of interest because he never told Joel that in addition to representing the singer from 1980 to 1989 he also represented Joel's record company, CBS, and manager. According to Joanne Pitulla, assistant ethics counsel for the

American Bar Association, "It is a violation of the American Bar Association's model rules of professional conduct for a lawyer to represent two opposing parties in the same matter without the consent of all parties involved." Although Grubman concedes that his firm represented CBS at different times during the eighties, he asserts that his firm did not work with CBS at the times it negotiat-

ed Joel's contract with CBS. Chuck Philips, *Joel Lawsuit An 'Alarm Bell' for Music Industry; Pop: The Suit Against Attorney Allen Grubman Highlights an Ethical Dilemma: Can A Lawyer Represent a Pop Client As Well As the Firm That Markets His Music?*, LOS ANGELES TIMES, Oct. 14, 1992, (Calendar), at 1.

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