

Censorship in the Public Schools

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The United States has required its young people be educated since the early days of the nation. Since children are required to attend school until they reach a certain age or have achieved a stated level of education,¹ they become captive audiences. Divergent laws, policies, rules and practices through the years and across the numerous school districts have imposed various forms of censorship involving textbook content, teacher classroom presentation style and content, assigned readings, and extra-curricular school activities. Through the years, public debate and protests over the amount of and type of censorship in the schools have taken place; discussions and disagreements over what forms censorship should be practiced in public education have unfolded; and debates over who ought be charged with supervising such allowed censorship have been held in both formal and informal forums?² This essay examines select cases where disputes over school censorship center around whether or not authorities had a need to intervene in free idea expression by students in the schools. I argue censorship is only valid, ethical, and required when it appears to be the only way to avoid or to mitigate provably physical, social, emotional, or intellectual harmful outcomes for students, teachers, or the school itself. When schools censor ideas, children quickly become increasingly interested in such subjects and typically locate some means to gain access to these taboo ideas. When such means are thus acquired by children, they lose any chance that teachers, librarians, or parents can become personally aware of and involved in contextualizing, prioritizing, or explaining what the child has secured. When teachers, librarians, and parents are involved with what children encounter, there is a better chance that harm from material will visit that child.

Censorship, as discussed in this essay, is defined as the forbidding, blocking, limiting, or obstructing access to information for whatever reason. Censorship has taken on a negative, even demonized, loading in our US culture; however, using the above definition, parental and teacher gate-keeping qualify as typically positive and generally acceptable examples of censorship. Parents and teachers – and many others – are obliged by their legitimate positions to censor specific words and images from children’s access. This article focuses on these teacher, school administrator, and school board endeavors that forbid, block, limit, or obstruct student access to information. Admittedly, other censorship forms exist that impact school administrators, teachers, students, and parents – as well as the tax-paying public such as:

school dress codes, allowance or disallowance of tattoos, body piercing, wording on t-shirts, sit-ins, marches, student publications, prayers at school events, and many more. It is for future books, speeches, journals, legislation, and court cases that I leave these issues.

School censors believe, in most cases, that censorship is the most expedient, safe, and familiar way to keep salacious, frightening, inciting, titillating, overwhelming, or seditious words or images out of reach of children that might likely inhibit, prohibit, obfuscate, sidetrack, or contradict what was intended to be taught in the school. Such beliefs are not always grounded in fact; and some that are factually grounded do not justify censorship as a remedy. Following are select examples of censorship activities that illustrate the complexities, the variety, and the difficulties such cases present to real-time school authorities in determining what speech to censor. Censorship is rarely taken lightly -- by those censoring and those being censored -- and often, such conflicts end up being settled by the courts.

John Semmens makes a controversial claim that further complicates discussion of and action against public school censorship when he asserts:

It is the existence of tax-financed education that creates the inevitable clash of individual rights. That is, both sides of this case have legitimate rights. The resolution of the case in either side's favor tramples the rights of the other side.³

On first blush, an argument suggesting that those who financially support public schools ought to and need to have control of and a veto in content they object to has a certain appeal; however, a few short analogies show how unmanageable and how wrongheaded this argument is. Should those who support a symphony be able to veto musical choices made by musical directors and dictate how such pieces are performed? Should charity supporters be allowed to decide how recipients can use donations? Should taxpayers paying for police detectives decide on investigation strategies? No, there needs to be a discrete distance between financial support for a public institution and that body's operation. Oversight or governance boards do, however, have the legitimate right to replace decision-making personnel keeping in line with relevant union contracts as a result of objectionable decisions.

The Yellow Medicine East School District [Minnesota] pulled the book: *Little House on the Prairie* on the complaint from a single parent that the book "contains racially offensive material about Native Americans."⁴ The MCLU argued to the board that

...educators should use the offensive content in [the book] as an opportunity to discuss the pervasive nature of racism and how things have and have not changed since the book was

written... [and] ...Isn't a teachable moment in the third grade more valuable than a lifetime of ignorance?⁵

The Boulder Valley School District Board [Colorado] supported a local school in barring a third grader's science project closely resembling renown psychologist Kenneth Clark's 1954 racial experiment using dolls. The young girl, properly used the scientific method and titled her presentation: "Does skin color make a difference?" School authorities declined to allow her project to be displayed in the fair even though it had been approved by her teacher. Authorities claimed that this project would be offensive to some minority students [and parents] and therefore was inappropriate.⁶ No lawsuit resulted, but a school board review of criteria for school presentations was promised.⁷

At times, some individuals or groups seem threatened by specific or general book content or by rumors concerning such content and attempt to influence others with authority to refuse to secure such books from school libraries or to remove such books themselves from school bookshelves. There have been various means and rationales employed to these ends which the courts have found to violate constitutional rights. An example follows below.

In 1971, an autobiographical book about a Puerto Rican Harlem resident was removed from three junior high school libraries by Community School Board No. 25 of Queens County, New York due to "objections to four-letter words [and] detailed descriptions of sexual activity ... and drug addiction."⁸ "In *Presidents Council, District 25 v. Community School Board No. 25 (1971)*" the question was raised "whether a school board has the authority to remove a book from a school library"⁹ Council's lawyers conceded a Board's right to select books; however, once selected, the claim was made, they could not be removed due to content objections.¹⁰ In 1972, the US Court of Appeals for the Second Circuit ruled that the school board had the right to remove as well as select books.¹¹

In 1972, a suit challenging the Strongsville Board of Education [Ohio] which had refused to Approve *Cat's Cradle*, *God Bless You*, *Rosewater*, and *Catch-22* citing these books as being "adult oriented"¹² and "less suitable for use as [a] curriculum text for grades 10-12 and ordered these books removed from library shelves.¹³ Five families sued school officials "claiming school officials did not possess absolute authority over their students. Families argued school action constituted censorship and was unconstitutional in that decisions were not vetted by "experts."¹⁴ On August 9, 1974, Judge Robert Krupansky of the US District Court for the Northern District of Ohio ruled in *Minacini v. Strongville City*

School District (1) “that the school board did have the authority to select textbooks for the district” (2) that the board made its decisions in a proper way; and (3) that there were no constitutional issues at stake in this case. The judge argued that public hearings and the professional standing of those deciding on books were proper and sufficient expertise in decision making.¹⁵ The US Court of Appeals for the Sixth Circuit amended the lower court’s ruling by stating “Ohio law gave the board authority to approve or purchase textbooks; but the board did not have the authority to remove books from the school library.¹⁶ This ruling required removed books be placed back on library shelves.

In *Tinker v. Des Moines School District* (1969), the US Supreme Court ruled that “Students have a First Amendment right to express their own ideas, at least if they do so in a way that does not fundamentally interfere with their school’s functions.”¹⁷ The *Tinker* case revolved around two fifteen year old boys and one thirteen year old girl wearing black armbands to school in protest of the Vietnam war and in support of Senator Robert F. Kennedy’s promise to extend a truce in the war.¹⁸ When peers at school joined in their protest, school administrators “moved to stop the protest and isolate and punish the students who wore the armbands.”¹⁹ Justice Fortas’ stated in his majority opinion:

School officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbances on the part of petitioners. There is here no evidence whatever of petitioner’s interference, actual or nascent, with the school’s work or of collision with the rights of other students to be secure and to be left alone²⁰

Justice Fortas’ opinion implicitly put forth reasons when school officials might be allowed to ban protests and or to punish students for disrupting school activity or lessening other students’ security or safety. Not all Supreme Court opinions are so formed. Fortas’ opinion went on to state:

In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.²¹ (pp. 25-26).

In Bethel High School in Pierce County, Washington, a student “gave a nominating speech for a fellow student running for a student government position.”²² The theme of the speech was replete with sexual metaphor and double entendres; this was more suggestive than school authorities could allow. The student was suspended from school; a ruling that spawned *Bethel School District v. Fraser* (1986). The lower court and a federal appeals court upheld the student’s right to free political discourse; the US

Supreme Court accepted the case on appeal and ruled against the student. Chief Justice Warren Burger, writing for the majority stated:

The undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against the society's countervailing interest in teaching students the boundaries of socially appropriate behavior. Even the most heated political discourse in a democratic society requires consideration for the personal sensibilities of the other participants and audiences Surely, it is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse.²³

This ruling allows for better classroom management and places obligations on school authorities to assure that alternative means of protecting other students exist before censoring speech.

For school censorship to be valid, some inevitable, unavoidable, and egregious damage to students, teachers, or school property (physical, social, or emotional) must be clearly shown to exist. Censorship to avoid discomfort, embarrassment, extra teacher work, or parental objection is grossly insufficient. If students make ugly, discomforting, silly, mean spirited, erroneous, inaccurate, illogical, or in other ways flawed speeches, writings, or depictions, these need not be censored but used in a compassionate, wise, and purposeful way the subject of a lesson in effective message-making. Discussions of flawed message content, intent, motive, and likely or actual consequences are what make excellent classroom units.

Endnotes

¹ National Center for Educational Statistics. (2001). State Compulsory School Attendance Laws. Washington, DC: Department of Education. Students are required in the various states to attend school until ages 16-18 or to have completed grade 10 in other states.

² This essay limits its discussion to censorship of oral and written forms and deals only with matters relevant to occurrences in grades k-12. It is acknowledged that many of the issues discussed in this essay occur at the higher education level; however, these are beyond the scope of this article.

³ John Semmens. (1988, August). School Censorship: Compulsion Creates Conflict. *The Freeman*, 38 (8): 5 [a publication of the Foundation for Economic Education].

⁴ Minnesota ACLU Fights School Censorship Of "Little House on the Prairie." (1998, December 11). Press release <http://archive.aclu.org/news/n121198c.html> found on December 20, 2003 at p. 1.

⁵ Minnesota ACLU Fights School Censorship Of "Little House on the Prairie," p. 1.

⁶ ACLU of Colorado Challenges School Censorship of 8-year-old's Science Project on Racism. (2001, February 28). Press release <http://archive.aclu.org/news/2001/n022801c.html> found on December 20, 2003 at p. 1.

⁷ ACLU of Colorado Challenges, p. 3.

⁸ Rogers, Donald J. (1988). *Banned! Book Censorship in the Schools*. New York: Julian Messner, p. 11.

⁹ Rogers, p. 12.

¹⁰ Rogers, pp. 12-13.

¹¹ Rogers, p. 13.

¹² Rogers, p. 31.

¹³ Rogers, p. 32.

¹⁴ Rogers, p. 32.

¹⁵ Rogers, p. 32.

¹⁶ Rogers, p. 34.

¹⁷ Raskin, Jamin B. (2000). *We Students: Supreme Court Cases for and About Students*. Washington, DC Congressional Quarterly Press, p. 23.

¹⁸ Raskin, p. 23.

¹⁹ Raskin, p. 24.

²⁰ Raskin, p. 26.

²¹ Raskin, pp. 25-26.

²² Raskin, p. 42.

²³ Raskin, p. 46.