

The Right to Read: Exploring Book Challenges and Bans

"Having the freedom to read and the freedom to choose is one of the best gifts my parents ever gave me." Judy Blume

Overview

Every year, there are multiple attempts across the country to ban or restrict access to various books. Is this a violation of the First Amendment, or an example of community members exercising their First Amendment rights? In this lesson, students will learn about the First Amendment and explore how it plays a role in their freedom to read. Students will learn about various challenged and banned books and why they have been considered by some as inappropriate, as well as explore the history of book banning and censorship. This lesson culminates with a project in which students imagine that they are an artist who has been hired by the local library to create a set of trading cards representing challenged and/or banned books.

Creation of this curriculum was funded by the **Freedom to Read Foundation's Judith F. Krug Memorial Fund**. For more information about the Freedom to Read Foundation, go to <http://www.ftrf.org/>.



Materials

- "The Right to Read" Accompanying Power Point, available in the Database of K-12 Resources.
 - To view this PDF as a projectable presentation, save the file, click "View" in the top menu bar of the file, and select "Full Screen Mode"
 - To request an editable PPT version of this presentation, contact cnorris@unc.edu.
- Copies of children's books that have been challenged/banned, such as:
 - *Where the Wild Things Are*
 - *A Light in the Attic*
 - *And Tango Makes Three*
 - *The Giving Tree*
 - *The Lorax*
 - *Brown Bear, Brown Bear, What do you see?*
- Exploring Banned Books response questions (attached; should be cut into two sheet)
- Banned book summaries (attached)
 - Summaries for each of the above mentioned books are included and should be provided after students have made their own predictions as to why the books were challenged/banned.
- Optional: History of Book Banning, reading and corresponding questions attached
- Call for Local Artists to Design Banned Books Trading Cards, assignment sheet attached
- Optional: Schools and Speech Handouts, attached (each case will ideally be copied on a different color of paper)
 - *Bethel School District v. Fraser*
 - *Board of Education, Island Trees Union Free School District v. Pico*
 - *Hazelwood School District v. Kuhlmeier*
 - *Pickering v. Board of Education*
 - *Reno v. American Civil Liberties Union*
 - *Tinker v. Des Moines School District*

- *West Virginia State Board of Education v. Barnette*
- *Morse v. Frederick*
 - Handout sources: <http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-morse-v-frederick> ;
<http://www.firstamendmentschools.org/freedoms/speechcases.aspx>
- Schools and Speech notes handout, attached (optional)
- FREE BANNED BOOKS TRADING CARDS FOR NC TEACHERS & CLASSROOMS!
 - This year, thanks to a Judith Krug Memorial Grant from the [Freedom to Read Foundation](#), Chapel Hill Public Library is able to send out FREE classroom sets of its 2015 Banned Books Trading Cards<<http://chapelhillpubliclibrary.org/txp/?s=News&id=1185>> to educators across the state. If you'd like to order up to 25 sets for use in your classroom, please fill out this form https://docs.google.com/forms/d/1E5n-E0J6iTyl_cyK40fiA6uFIHEu1oIOiCJGC03rkZU/viewform
 - If you have any questions about the Banned Books Trading Card project or have trouble placing your order, please contact, Susan Brown at sbrown2@townofchapelhill.org.

Essential Questions

- What rights are granted by the First Amendment and why are these rights important to a free society?
- In what ways does the first Amendment play a role in Intellectual Freedom, specifically the freedom to read?
- What is the difference between a challenged book and a banned book?
- What are some examples of challenged and banned books and why have they been challenged or banned?
- How has book banning changed throughout history?
- Why should every person care about the freedom to read and related issues of challenging and banning books?

Duration

- 60-90 minutes
- Time will vary based on depth of class discussion and which activities are included or omitted.

Procedure

Your Favorite Books – Imagine Them Banned!

1. As a warm-up, project [slide 2](#) of the accompanying Power Point and ask students to think about their favorite book, or a book that means a lot to them. Tell them to write down their thoughts on why they like the book, what they learned from it, how it make them feel, how it impacted them, etc. After students have had a few minutes to write, allow them to quickly share their thoughts (either in partners or small groups.) Afterwards, discuss:
 - Were there any repeated titles among you? Which ones?
 - What were some common themes that came up regarding why these particular books meant so much to you?
 - (Project [slide 3](#).) Considering your favorite books, why you love them, and the impact they can have, how would you feel if I told you your book was now forbidden and banned, meaning you can't reread it, and no one else can access it?
 - Do you think it is legal to ban a book? Why or why not?

- **Optional:** Teachers with additional time may want to assign students to do a “Book Talk” on their favorite book. Thus, students will come prepared to give a prepared presentation on a favorite book in small groups. (For book talk instructions, conduct a simple internet search of “how to give a book talk.”) The class would pick up with the discussion questions above after conducting their Book Talks.

First Amendment

2. Next, project (slide 4), the text of the First Amendment:

- Amendment I - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Ask a volunteer to read the text out loud and discuss:

- Where does the First Amendment come from?
 - Ensure students understand that the First Amendment is the first of the ten amendments to the United States Constitution, called the Bill of Rights. Remind students that the United States Constitution was not immediately approved, due to a group of people called Anti-Federalists, who believed that the central government had too much power in the new constitution. Their fear that the Constitution lacked protections of the rights liberty of individual citizens resulted in the Bill of Rights.
- What rights/liberties does the First Amendment protect?
- Why do you think freedom and protection of speech and press are important to a society? How does our society benefit from such freedoms? What responsibilities do you think our society has in regards to such freedoms?
 - Discuss with students that when we have access to many different viewpoints and ideas, we become better informed and more tolerant of ideas and opinions that are different than our own. This hopefully facilitates better choices and decision making. Further, different perspectives and ideas lead to a more rich and diverse community.
- What is Intellectual Freedom and how is it protected by the First Amendment?
 - (Project slide 5.) Intellectual Freedom is considered the protection of your rights to read, to listen, to write, and to speak your beliefs and opinions. It protects what you communicate to others and what others communicate to you. Intellectual Freedom happens in public - the things you say or see or hear outside of your home, and it happens in private—the things you say or see or hear inside your home. Intellectual Freedom includes the information you learn from books, magazines, websites, movies, television shows, radio programs, or songs. (Source: http://www.ala.org/alsc/sites/ala.org.alsc/files/content/issuesadv/intellectualfreedom/kidsknowyo_urrights.pdf)
- What places do you associate with intellectual freedom? (i.e., schools and colleges, libraries, newspapers, television, radio, Internet, etc.)
- Without Intellectual Freedom, what aspects of our lives would be more difficult and why? What negative effects would result without such freedoms?

➤ **Optional:**

- Break students into small groups and instruct them to create a brief 2-3 minute skit that illustrates what life could be like without the First Amendment.
- For additional lessons that focus on the Bill of Rights, see the Consortium's lesson at <http://civics.sites.unc.edu/files/2012/10/BillofRights10-11.pdf>, or visit the Constitutional Rights Foundation at <http://www.crf-usa.org/lessons/> and the Constitutional Rights Foundation Chicago at <http://www.crfc.org/teaching-materials>

Challenged Books and Banned Books

3. Project slide 6 and connect the discussion of the First Amendment back to the question asked of students earlier: is it legal to ban a book? Allow students to share some additional thoughts on this question and further discuss:
 - Have you ever been offended by a book? Why? If others agree with you that the book was offensive, what should you do about it, if anything?
 - Is expressing opposition to a book and attempting to have it banned also an example of exercising one's First Amendment Rights? Explain.
4. Explain that throughout history and even today, numerous books continue to be challenged; some challenges (but not all) result in various books being banned for various reasons. Project slide 7 and go over the following with students:
 - Challenges are formally written complaints filed with a school or library to have a book removed from the shelves.
 - A banned book is one that has been removed from the shelves because of controversial content.
 - Censorship is the suppression of words, images, or ideas that are considered "offensive." (Source: <https://www.aclu.org/free-speech/censorship>); a change in the access status of material, based on the content of the work and made by a governing authority or its representatives. Such changes include exclusion, restriction, removal, or age/grade level changes. (Source: <http://www.ala.org/bbooks/about/terms-definitions>)

Discuss:

- Can you think of any instances when books have been forbidden or banned throughout history or more recent? Explain. Have you ever heard of a book being challenged or banned locally, or any type of related censorship? Explain.
5. Project and discuss slide 8: What is a library's responsibility in terms of the First Amendment? Explain to students that according to the American Library Association, "Libraries have a special responsibility to uphold the First Amendment. The library does this by owning and circulating materials that express all sorts of opinions, for all sorts of interests and for many different information needs. Sometimes a person or a group may not like the content of some of these library materials. They may demand that materials be removed from the library or that circulation of materials be restricted to a particular population (i.e., adults only) because they don't want everyone else to be able to read or see them. This is called a challenge. When people make challenges, they may be asked to fill out a form and write down exactly what they don't like about the material. The challenge is then usually given to a committee of librarians to study. Since libraries are obliged to defend the First Amendment, the library committee must decide if the challenge has merit or is an attempt at censorship." Censorship is a very serious issue for libraries

because according to the ALA, it reduces everyone's First Amendment rights protected by the United States Constitution. Discuss:

- Under what circumstances (if any) should a book should be removed from a school? A public library?
- What is the difference between banning a book and restricting access to a book (e.g., requiring parental permission)?

Why are Books Challenged or Banned?

6. Project slide 9. In groups or partners, provide students with a copy of a children's book that has been challenged and/or banned, such as:
 - *Where the Wild Things Are*
 - *A Light in the Attic* – flag the poems "Little Abigail and the Beautiful Pony" and "How Not To Have To Dry The Dishes" as required reading; students can then choose 4-5 additional poems of their choice)
 - *Where the Sidewalk Ends* – flag the poem "Dreadful" as required reading; students can then choose 5-6 additional poems of their choice
 - *And Tango Makes Three*
 - *The Giving Tree*
 - *The Lorax*
 - *Brown Bear, Brown Bear, What do you see?*
- Note: Teachers should check these out of the local library or school media center. In addition to the titles listed above, other children's books that teachers may want to provide can be found at links such as:
 - <http://www.buzzfeed.com/spenceralthouse/classic-childrens-books-that-have-been-banned-in-america#.hklJqeg6g>
 - <http://www.bustle.com/articles/41252-its-banned-books-week-and-essentially-all-of-your-favorite-childhood-books-have-been-banned>
 - <http://www.barnesandnoble.com/blog/11-books-that-were-banned-for-completely-ridiculous-reasons/>
7. Tell students to read the book and together try to guess why it may have been challenged or banned. (Provide the attached slip of paper on which students should write their final thoughts.) Teachers may want to assign the following roles in each group:
 - Reader – reads the book out loud to the group
 - Note-taker – takes notes on the group's final thoughts regarding why the book was challenged and/or banned
 - Reporter – summarizes groups thoughts to entire class
8. After students have had time to read their book, discuss, and formulate their answers, have students report out to the class. Keep a running list of the reasons students share regarding why they think their assigned book was challenged and/or banned, noting checks beside reoccurring reasons and themes. Next, project slide 10 and provide each partner/group with the attached reading that corresponds to the book they read. Instruct them to read the article, discuss why the book was actually banned/challenged and whether they feel the challenge and/or banning was

legitimate. Again, tell students to be prepared to report out and chart the reasons reported in a list beside student's predictions. Discuss:

- How many of you were correct regarding the reason your book was challenged and/or banned?
- What are some common reasons and themes regarding why books are challenged and/or banned?
- Does your challenged book offer any life lessons, or break down bias or stereotypes in any way? Explain.
- Do you think there is any legitimacy to your book being considered offensive and one that should be banned?
- Who does it seem is typically challenging a book?
- How/why might a person raising a challenge be trying to protect a child from the content of a book? Do you think it is important for children to read books with controversial and sensitive topics? Why or why not?
- Who is typically making the decision regarding what happens to a book (in terms of banning it, restricting access to it, changing its place in curriculum, etc.?) Do you think this is who should be making such decisions, or should it be someone else's decision? Explain.
- Based on what you've read and learned thus far, how has book banning changed over the years? (How does it look different now, compared to ancient times? Fifty years ago? Ten years ago?)

OPTIONAL: History of Book Banning

9. Explain to students that books have been banned and challenged across the globe, now and throughout history. Provide students with the attached article, "A Brief History of Book Banning," and corresponding questions. This can be read in class individually or in partners, or as a homework assignment. Ensure class time be provided for discussing the article and its accompanying questions.

Celebrating Banned Books Week

10. Ask students to think about the themes they have discussed today, such as the freedom to read, the challenging and banning of books, censorship, First Amendment issues, etc. Discuss:
 - Why should you care about the freedom to read and related issues of challenging and banning books? How might these issues directly impact you?
 - How are the people who challenge books and the people who protect our right to read a book both using their First Amendment rights?
 - Who should be educated about book banning, the freedom to read, censorship, etc.?
 - In what ways do you think would be most effective for people to learn about issues of book challenges and bans, and the freedom to read in general?
 - Have you ever heard of Banned Books Week?
 - Project [slide 11](#) and explain to students that Banned Books Week is an annual national event celebrating the freedom to read and the importance of the First Amendment. (The 2015 celebration will be held from September 27 – October 3, 2015.) Banned Books Week highlights the benefits of free and open access to information while drawing attention to the dangers of censorship by spotlighting actual or attempted banning of books throughout the United States. (For more information about Banned Books Week, go to <http://www.bannedbooksweek.org/>)

11. Tell students to imagine that they are on a team responsible for planning an event (or a week of events) to celebrate Banned Books Week. In partners or small groups, instruct students to reconsider all of the themes and ideas they've discussed throughout the lesson, while brainstorming creative ways to highlight these issues throughout Banned Books Week. Provide a few minutes for students to discuss ideas together and to create a list of potential projects, events, etc. that the school could take part in. Have students report their ideas back to the class and compile their thoughts in a list.

Banned Books Trading Cards

12. Tell students that one of the ways the Chapel Hill Public Library celebrates Banned Books Week is by hosting an art contest in which artists submit trading card sized artwork (think baseball cards) that celebrates the freedom to read by highlighting a particular book/author that has been challenged and/or banned. A committee then selects the seven best entries and these are printed into a set of trading cards that are distributed to library visitors throughout Banned Books Week. Each day, a visitor receives a different card, so patrons must come to the library every day to get a complete set. (Teachers can see actual information about the Chapel Hill Public Library's trading cards at <http://chapelhillpubliclibrary.org/txp/index.php?id=1185>.) Project [slide 12](#) and/or [slide 13](#), both of which provide trading card artwork that won in the past. Ask students to discuss:
 - What do you see/first notice?
 - What book or author do you think this could represent? What makes you think this?
 - What message might the artist be trying to convey and what evidence makes you think this?
13. After discussing, provide students with information about the trading cards:
 - The art on [slide 12](#) is by Amy Hoppe and represents *Where the Wild Things Are* by Maurice Sendak.
 - Reason for Banning: Soon after its publication in 1963, many librarians found the book "too frightening" and psychologists found it "too dark" for children. Sendak's *In the Night Kitchen* is one of the most frequently challenged and banned books.
 - Excerpt from Artist's Statement: My work celebrates everything I remember from my countless readings - an imagined landscape of bold textures and patterns, a place where you can be a bit free for just a moment until the real world calls and says, "It's time for dinner."
 - The art on [slide 13](#) is by Jamie McPhail and represents *I Know Why The Caged Bird Sings* by Maya Angelou.
 - Reason for Banning: Has had thirty-nine public challenges or bans since 1983. The majority of complaints were from parents who objected to the book's depiction of sexually explicit scenes, including the rape and molestation suffered by the author as an eight-year-old, but it also has been challenged for being "anti-white" and encouraging homosexuality.
 - Excerpt from Artist's Statement: My painting is one in the medium of encaustic. Beeswax is mixed with damar resin and pigments, and applied to the wood while molten. This piece features a poem of the same title and depicts the young Maya as a beautiful bird, surrounded by the bars of her cage.

14. Tell students to imagine that they are an artist who has been hired by the library to create one of the trading cards to be distributed. Provide students with the attached culminating project description and go over the details of the project, in which students will design their own trading card for a challenged and/or banned book. (Teachers should decide whether to assign students a challenged/banned book, or whether to provide a list from which they can choose. Titles can be found at <http://www.ala.org/bbooks/frequentlychallengedbooks/top10>. Teachers should also determine if any class time will be provided for research or creation of the art work.) Let students know the due date.
15. On the day trading cards are due, have students display their work around the room and provide time at the beginning of class for students to rotate around the room and view each other's work. Teachers may want to provide students with a post-it note and tell them to place their post-it beside their favorite trading card. After students have reviewed the artwork, culminate with a discussion:
- Which trading card interested you the most and why? (Teachers may want to pull the trading cards with the most Post-It's for further discussion.)
 - Did you see any similarities, repeated themes, common opinions, etc. among any of the trading cards? Were there any outliers in terms of themes or opinions represented?
 - What most surprised you about what you've learned regarding book challenges/bans, censorship, etc. and why?
 - If a book is challenged and you don't want it banned, what can you do?
 - Why should every person care about the freedom to read and related issues of challenging and banning books?

**Additional Activities (OPTIONAL) –
School and Free Speech Jigsaw Activity**

Have students examine various Supreme Court cases that ruled on the issue of the First Amendment in schools. Divide the class into up to eight groups (or less should the teacher choose to omit some of the attached cases) and pass out copies of one of the "Schools and Speech" handout to each group. (Ideally, print each case handout on different colored paper. This will make the transition to the second group easier.) Ask students to read their case summary and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is at issue here?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

After 6-8 minutes, ask the students to jigsaw, so that new groups are re-formed with one person representing a different case in every new group. (At this point, each new group will have at least one person with each color of paper.) Provide students with the attached notes handout, tell each student to share a summary of their case with their new group, and instruct students to write three facts about each case while their classmates are presenting.

Reconvene as a class and discuss:

- Are there limits to the First Amendment? If so, what are they?

- Do students, and SHOULD students, have the same free speech rights as adults? Explain.
- Which Supreme Court case most relates to book banning and why? According to that case, is banning books from schools constitutional? Explain.
- In cases where a student's free speech rights were limited, what was the reasoning?
- Why is the First Amendment important?

Exploring Banned Books

Title: _____

Read the book and discuss:

- What messages/themes are present in this book? What lesson is being taught?
- Why do you think this book may have been challenged and/or banned?
- Does it surprise you that this book has been challenged and/or banned? Why or why not?

Read the article and discuss:

- What did you learn about why this book was actually banned/challenged? Do you agree or disagree with the concern that was presented regarding this book and why?

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Where the Wild Things Are

Where the Wild Things Are is a children's book written and illustrated by Maurice Sendak in 1963. Sendak spent 4 years in a tug of war with editors over the content of the storyline, but eventually won out, and the book saw print in 1967. Despite objections over the content, and being banned around the country immediately after its release, it went on to win dozens of awards, including the coveted Caldecott Medal for the most distinguished American picture book, and the affection of generations of fans.

Initial objections to the story were over its psychoanalytical interpretations, which takes issue with Max's process of learning to master his emotions. Max is a mischievous child. His behavioral issues consisted of nailing a sheet into the wall to make a tent, chasing his dog with a fork, and screaming at his mother that he will "eat her up." This realistic vision of childhood behavior was difficult for adults to contend with. These were not the sugarcoated, good boy images of childhood that existed in children's stories of previous generations- these were argumentative, disobedient beings that many remember from true life.

A boy throwing a tantrum was considered dangerous behavior and Sendak was accused of glorifying Max's anger, prompting psychologists to condemn it as "too dark and frightening." In a March, 1969 column for Ladies' Home Journal, child psychologist Bruno Bettelheim called the book psychologically damaging for 3- and 4-year-olds. He thought the idea that a mother would deprive a child of food was an inappropriate form of punishment, and that it would traumatize young readers.

Thus, it was banned heavily in the American South, and by libraries nationwide in the first years of its release for being frightening and too dark. *Where the Wild Things Are* has also been challenged over the years for images considered to promote witchcraft and supernatural elements.

But children continued to embrace it, and the story about the boy who went to world of the Wild Things changed not only their lives, but literature, forever.

Sources: *Christian Science Monitor*, *Yahoo*, *University of Virginia*, *Associated Content*
<http://bannedbooks.world.edu/2011/04/10/banned-books-awareness-wild-maurice-sendak/>



And Tango Makes Three

Who would have ever thought that a touching story about a penguin family who lived in the Central Park Zoo could cause such a tangle? The picture book *And Tango Makes Three* by authors Justin Richardson and Peter Parnell tells the true story of three Chinstrap penguins—Roy, Silo, and their adopted daughter, Tango. The book opens with a scene of Central Park and its Zoo as an idyllic place for children and families, including the zoo animals and their families. The Central Park Zookeeper observed that they had a pair of male penguins, Roy and Silo, who liked to do everything together. They built a nest together like the other mating penguins, but could not lay an egg. So one day, the Zookeeper bought the pair an extra egg that needed to be cared for, produced by another penguin couple. Roy and Silo took turns sitting on it to keep it warm—until it hatched. The Zookeeper named the chick Tango—because it takes two to make a Tango. Roy and Silo doted on her, and Tango became the first penguin chick at the zoo to have two daddies.

Despite the happy ending to the tale, *Tango* challenged some Americans' ideas and assumptions about homosexuality, age-appropriateness of the material, and raised the thorny question about what makes a family. Since its publication by Simon and Shuster in 2005, *And Tango Makes Three* has topped the ALA's 10 Most Challenged Books List.

Re-shelving the book was one way that libraries tried to get around the "problem" with *Tango*. Rolling Hills (Mo.) Library Director Barbara Read moved the book from the popular picture book section to the less-browsed non-fiction area when parents complained about the gay themes in the title. School Superintendent Edgar Hatrick III of Loudon, VA made a decision to move *Tango* from the Sugarland Elementary School to an area only accessible by parents and teachers after a parent complained about gay themes in the book. What helped *Tango* remain available in school and public libraries in some cases was the precedent set by the decision in *Island Trees School District Board of Education v. Pico* in 1981, which ruled that a Board of Education's decision to ban certain books from its school libraries violated First Amendment protections.

But if penguins can survive the brutal Antarctic winter, they can surely survive the challenges of access to *And Tango Makes Three*.

Source: <http://www.nypl.org/blog/2013/09/23/banned-books-week-and-tango-makes-three>



Shel Silverstein

For more than 40 years the books of Sheldon Allan “Shel” Silverstein have entertained and delighted readers as they are shared by fans and passed down to younger generations. *The Giving Tree* is one of the most beloved children’s stories of all time; *A Light in the Attic* and *Where the Sidewalk Ends* are many a child’s first introduction to poetry. These books have endured because Silverstein paints a whimsical world of fantasy that teaches us valuable and philosophical lessons, while at the same time making us laugh at absolute nonsense.

So what could be so evil about these tales that the American Library Association has Silverstein on its list of frequently banned books?

The controversy over *The Giving Tree* is mostly due to debate over its interpretation. Was the tree selfless or self-sacrificing? Was the boy selfish or reasonable in his demands of the tree? Some psychologists claim the book portrays a “vicious, one-sided relationship” between the tree and the boy; with the tree as the selfless giver, and the boy as the greedy person who takes but never gives.

A Light in the Attic has been challenged for containing “Suggestive illustrations.” The criticisms continued when, in 1985, challengers at Cunningham Elementary School in Beloit, Wisconsin, said that *A Light in the Attic* “encourages children to break dishes so they won’t have to dry them.” As soon as the news of one school district banning the books was revealed, other schools across the nation quickly jumped on the bandwagon. By the end of the 20th century it was at #51 for the 100 most banned books of the 1990’s.

The poem “*Little Abigail and the Beautiful Pony*” led to condemnation by the Fruitland Park Elementary School in Lake County, Florida since little Abigail, whose parents refused to buy her a pony, dies at the end. The decision was later overturned by an advisory committee of parents and teachers. Other objections included the mention of supernatural themes such as demons, devils, and ghosts in many of the poems. Such was the case at an elementary school in Mukwonago, Wisconsin, where the charges were made that the poems “glorified Satan, suicide, and cannibalism.”

Where the Sidewalk Ends was yanked from the shelves of West Allis-West Milwaukee, Wisconsin school libraries in 1986 over fears that it “promotes drug use, the occult, suicide, death, violence, disrespect for truth, disrespect for authority, and rebellion against parents.” Members of the Central Columbia School District in Bloomsburg, Pennsylvania objected to the poem *Dreadful* over the line “someone ate the baby” because they feared some of their more impressionable students might actually be encouraged to engage in cannibalism. *Sidewalk* was also challenged in the Xenia, Ohio, school district in 1983; and by the public school system in Minot, North Dakota in 1986.

Silverstein’s books have sold more than 20 million copies worldwide in 20 different languages, and he is the recipient of many literary awards, including a Grammy and an Oscar for his songwriting.

Source: <http://bannedbooks.world.edu/2011/08/15/banned-books-awareness-shel-silverstein>



Turning Grinch-Like on Dr. Seuss: Town's Loggers Want *The Lorax* Axed

September 14, 1989

LAYTONVILLE, Calif. — Beloved children's author Dr. Seuss is under attack by logging families in a rural upper Northern California town who want his 1971 classic, "The Lorax," chopped as required reading by their kids.

A special committee of the Laytonville Unified School District met Wednesday to consider a complaint that the book "criminalizes" tree-cutting. "It seems as though the battle lines are drawn right down the main street of Laytonville," an unincorporated community where both logging interests and environmentalists are prominent, District Supt. Brian Buckley said.

Teachers of the Mendocino County community, for the second year and with approval of the school board, have placed "The Lorax" on its required reading list for second graders. But Judith Bailey, with backing from other logging families, filed a complaint with the school district demanding that the book be at least downgraded to optional reading. Her husband, Bill, is a nationwide logging equipment wholesaler. He has posted warnings about "The Lorax" in his mail-order catalogue.

Petitions have been circulated through the community by both sides. Backers of the book defend its worthiness and the principal of academic freedom.

Dr. Seuss, 85, an award-winning humorous children's author whose real name is Theodor Geisel, and his publisher, Random House, have had no comment on the controversy.

The Baileys' 8-year-old son, Sammy, inadvertently set off the battle. He came home from school one day declaring: "Poppa, we can't cut trees down. It's not good. You take the houses away from the little animals."

Bill Bailey has charged that "The Lorax" "criminalizes a very legitimate and needed industry, implies we lack concern, ignores that we are planting trees, that we give a damn about the creeks and erosion . . . and that we are looking for sustained yield."

Considering the complaint against the book was a panel of two teachers, two community representatives, two school administrators, a school librarian technician and a librarian from outside the district. The committee will make a recommendation to the school board.

"The Lorax" was chosen for its readability, content and age appropriateness, Buckley said. "It has been taught before and will remain on the core literature list as required reading for second-graders unless the school board decides otherwise," Buckley said.

Of the dispute, Buckley said, "I think it's a local manifestation of a much larger issue"--the "timber wars" in Northern California, pitting lumber interests against conservationists. "The timber industry feels like it's under siege," Buckley said. "This area also attracts a large number of environment-oriented people who are concerned about the number of trees getting cut. We're the only governmental body for 50 miles, so this school district has become the stage on which the drama is played out. Everyone seems to have an opinion on the issue."

NOTE: In 1989, the Unified School District in Laytonville, CA made the final decision to ban the Lorax because it "criminalized the forest industry".

Source: http://articles.latimes.com/1989-09-14/local/me-485_1_school-board

Name confusion gets kids' author banned from Texas curriculum

Published: 25 January 2010 02:31 AM; Updated: 15 September 2011 08:32 AM



What do the authors of the children's book *Brown Bear, Brown Bear, What Do You See?* and a 2008 book called *Ethical Marxism: The Categorical Imperative of Liberation* have in common?

Both are named Bill Martin and, for now, neither is being added to Texas schoolbooks.

In its haste to sort out the state's social studies curriculum standards this month, the State Board of Education tossed children's author Martin, who died in 2004, from a proposal for the third-grade section. Board member Pat Hardy, R-Weatherford, who made the motion, cited books he had written for adults that contain "very strong critiques of capitalism and the American system."

Trouble is, the Bill Martin Jr. who wrote the *Brown Bear* series never wrote anything political, unless you count a book that taught kids how to say the Pledge of Allegiance, his friends said. The book on Marxism was written by Bill Martin, a philosophy professor at DePaul University in Chicago.

Bill Martin Jr.'s name would have been included on a list with author Laura Ingalls Wilder and artist Carmen Lomas Garza as examples of individuals who would be studied for their cultural contributions.

Hardy said she was trusting the research of another board member, Terri Leo, R-Spring, when she made her motion and comments about Martin's writing. Leo had sent her an e-mail alerting her to Bill Martin Jr.'s listing on the [Borders.com](http://www.borders.com) web site as the author of *Ethical Marxism*. Leo's note also said she hadn't read the book. "She said that that was what he wrote, and I said: '... It's a good enough reason for me to get rid of someone,'" said Hardy, who has complained vehemently about the volume of names being added to the curriculum standards.

In an e-mail exchange, Leo said she planned to make a motion to replace Bill Martin and sent Hardy a list of possible alternatives. Hardy said she thought she was doing what Leo wanted when she made the motion. Leo, however, said she wasn't asking Hardy to make any motions. She said she didn't do any "research."

"Since I didn't check it out, I wasn't about to make the motion," Leo said, adding that she never meant for her "FYI" e-mail to Hardy to be spoken about in a public forum. Hardy said that her interest was in paring down that list and she didn't mean to offend anyone.

For some, however, the mix-up is an indicator of a larger problem with the way the elected board members have approached the update of state curriculum standards. Board members will take up social studies standards again in March. They plan a final vote on updates in May.

Hardy's motion is "a new low in terms of the group that's supposed to represent education having such faulty research and making such a false leap without substantiating what they're doing," said Michael Sampson, Martin's co-author on 30 children's books.

Source: Traci Shurley, Fort Worth Star-Telegram

<http://www.dallasnews.com/news/state/headlines/20100125-name-confusion-gets-kids-author-banned-from-texas-curriculum.ece>

Name: _____

A Brief History of Book Banning
from the First Amendment Center
(<http://www.firstamendmentcenter.org/banned-books>)



Book-banning in school libraries is only the latest battleground in a centuries-old war over the censorship of ideas. In ancient times, when hand-scribed books existed in only one or a few copies, destroying them (usually by burning) guaranteed that no one would ever read them. Once the invention of the printing press around 1450 by Johann Gutenberg made it possible to circulate many copies of a book, book-burning, though still highly symbolic, could no longer effectively control the distribution of texts.

Twenty years after Johann Gutenberg's invention, the first popular books were printed and sold in Germany; within another 20 years, Germany's first official censorship office was established when a local archbishop pleaded with town officials to censor "dangerous publications." In England, Henry VIII established a licensing system requiring printers to submit all manuscripts to Church of England authorities for approval and in 1529, he outlawed all imported publications. In 1535, the French king Francis I issued an edict prohibiting the printing of books. By 1559, in reaction to the spread of Protestantism and scientific inquiry, the Roman Catholic Church issued the *Index Librorum Prohibitorum*, likely the first published and most notorious list of forbidden books. The purpose of the *Index* was to guide secular censors in their decisions as to which publications to allow and which to prohibit, since printers were not free to publish books without official permission. At a time when society was dominated by religion, religious and secular censorship were indistinguishable. The Catholic Church continued to print this *Index*, which grew to 5,000 titles, until 1966, when Pope Paul VI terminated the publication.

Censorship followed the European settlers to America. In 1650, a religious pamphlet by William Pynchon was confiscated by Puritan authorities in Massachusetts, condemned by the General Court and burned by the public executioner in the Boston marketplace. The incident is considered to be the first book-burning in America.

The pioneer of modern American censorship was Anthony Comstock, who founded the New York Society for the Suppression of Vice in 1872. In 1873, using slogans such as "Morals, not art and literature," he convinced Congress to pass a law, thereafter known as the "Comstock Law," banning the mailing of materials found to be "lewd, indecent, filthy or obscene." Between 1874 and 1915, as special agent of the U.S. Post Office, he is estimated to have confiscated 120 tons of printed works. Under his reign, 3,500 people were prosecuted although only about 350 were convicted. Books banned by Comstock included many classics: Chaucer's *Canterbury Tales*, *The Arabian Nights*, and Aristophanes' *Lysistrata*. Authors whose works were subsequently censored under the Comstock Law include Ernest Hemingway, James Joyce, F. Scott Fitzgerald, Victor Hugo, D.H. Lawrence, John Steinbeck, Eugene O'Neill and many others whose works are now deemed to be classics of literature.

The Comstock Law merely formalized what had been a "gentleman's agreement" among publishers, booksellers and librarians enforcing a Victorian "code" of literary propriety. In the 1920s, nationally publicized court battles over such novels as James Joyce's *Ulysses*, began to erode this code. The frightening specter of the Nazi book-burnings in Germany in 1933 crystallized anti-censorship sentiment in the United States. Within a few months after the book-burnings in Germany, the landmark federal court decision in *United States v. One Book Called "Ulysses"* clearing *Ulysses* broke the back of the Comstock Law.

Book-banning now

Despite the lessons of the past, incidents of book-banning have continued to the present. Many of the most recent incidents occur at a local level, in public schools and libraries.

Henry Reichman, in *Censorship and Selection: Issues and Answers for Schools*, defines censorship as:

“[T]he removal, suppression, or restricted circulation of literary, artistic or educational material — of images, ideas and information — on the grounds that these are morally or otherwise objectionable in light of standards applied by the censor.”

People trying to ban books from libraries do not usually regard their efforts as censorship. A member of the community, school board member or parent objects to, or “challenges,” a book, requesting its removal or sequestration so that students may not have free access to it. Most frequently, books are challenged because they contain profanity or violence, sex or sex education, homosexuality, witchcraft and the occult, “secular humanism” or “new age” philosophies, portrayals of rebellious children, or “politically incorrect,” racist or sexist language. The American Library Association has documented more than 6,000 such challenges in the United States between 1990 and 2000.

If enough people protest the challenge, the book may not be removed. But sometimes no one notices: A book is removed and stays lost to a school or community. Sometimes a parent, community member or even a librarian fearing controversy will quietly remove the book from the shelf. It is impossible to document and quantify this form of “stealth censorship.” Judith F. Krug, the American Library Association’s director of the Office for Intellectual Freedom, estimates that for every recorded book challenge, as many as four or five challenges go unreported.

Classic literature such as Mark Twain’s *The Adventures of Huckleberry Finn* and John Steinbeck’s *Of Mice and Men* were among the top 10 most frequently challenged books from 1990 to 2000, according to the ALA’s Office for Intellectual Freedom. Of the 448 recorded challenges in 2001 (down from 646 in 2000), the most often challenged were those in the Harry Potter series, for its focus on wizardry and magic and “Satanic influence.”

The Pico decision

In 1975, several members of the school board from the Island Trees School District on Long Island, N.Y., obtained a list of books deemed “objectionable” by Parents of New York United, a conservative organization. The board determined that the district’s school libraries contained several titles on the list, such as *Slaughterhouse Five*, by Kurt Vonnegut Jr. and *Black Boy*, by Richard Wright. The school district’s established policy required the school superintendent to appoint a review committee upon a receipt of a complaint about a book. Nevertheless, the board members arranged to have the books “unofficially” removed from the libraries without appointing a committee. (To see the full book list, go to <http://www.firstamendmentcenter.org/banned-books>)

When word of its actions reached the news media, the board issued a press release that characterized the books as “anti-American, anti-Christian, anti-Semitic and just plain filthy.” They said the books contained “obscenities, blasphemies, brutality and perversion beyond description,” and concluded that “it is our duty, our moral obligation, to protect the children in our schools from this moral danger as surely as from physical and medical dangers.”

A committee later appointed by the superintendent determined that several of the books should be placed back on the shelves. The board rejected the recommendations of the committee and again ordered that the books be removed. Steven Pico, a 17-year-old high school student, led a group of students who sued the board in U.S. District Court, claiming a denial of their First Amendment rights. The district court found in favor of the board, citing “respect for the traditional values of the community and deference to a school board’s substantial control over educational content.” The students appealed to the 2nd U.S. Circuit Court of Appeals, which reversed the decision and sent the case back to the district court for trial. The school board then appealed to the U.S. Supreme Court.

A closely divided Supreme Court ruled 5 to 4 in favor of the students. Writing for the plurality, Justice William Brennan reasoned that the First Amendment right to *express* ideas must be supported by an implied right to *receive* information and ideas. While school officials do have significant authority to control the content of speech in schools, that power is not absolute: "...students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate." School officials "cannot suppress 'expressions of feeling with which they do not wish to contend.'"

Brennan noted that the "special characteristics of the school library make that environment especially appropriate for the recognition of the First Amendment rights of students." Nevertheless, he emphasized that his decision was a narrow one, limited to the *removal* of books from a school library, and not extending to the *acquisition* of books or their use in the school curriculum. Brennan also recognized that local school boards had "broad discretion in the management of school affairs," and said that if a board acted solely upon the "educational suitability" of the books in question or solely because the books were "pervasively vulgar," such actions would not be unconstitutional.

Since *Pico*, First Amendment litigation involving book censorship in schools has usually turned on the rights of a school board to control classroom curricula by prohibiting the use of certain texts and/or an inquiry into whether a certain challenged text is "vulgar."

In 1989, the 11th U.S. Circuit Court of Appeals upheld a Florida school board's removal of a previously approved classroom text because of its perceived vulgarity and sexual explicitness (*Virgil v. School Board of Columbia County*). Interestingly enough, the high school literature textbook was banned because it contained selections from Aristophanes' *Lysistrata* and Chaucer's *The Miller's Tale*, two authors whose works were among the thousands banned under the Comstock Law in the late 19th century.

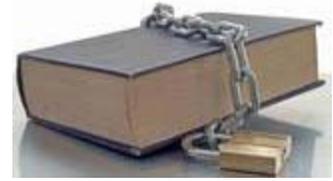
Source: <http://www.firstamendmentcenter.org/banned-books>

Answer:

1. What is censorship?
2. Why was censoring books easier in ancient times?
3. What impact do you think the invention of the printing press had on the spread of information and ideas?
4. Why do you think censorship increased as the availability of books increased?
5. What was the Comstock Law?
6. Many books considered literary classics have been challenged and censored throughout history – why do you think this is the case?
7. What led to the Comstock Law and censorship being questioned more?
8. Where do most attempts to ban books occur today?
9. Is trying to have a book banned a form of censorship in your opinion? Why or why not? Why do you think most people challenging books don't view their actions as censorship?
10. What are the most frequent reasons books are challenged and/or banned?
11. Why do you think many challenges and bans of books go unnoticed?
12. Summarize the US Supreme Court case, *Island Trees School District v. Pico*. What was the decision in this case?
13. How would you describe Steven Pico?
14. Why do you think Justice Brennan reasoned that school libraries are especially appropriate for the recognition of the First Amendment rights of students?
15. While Justice Brennan seemed to favor First Amendment rights, how did this decision still leave the door open for school districts to ban books? Do you agree that school districts should have this right? Why or why not?

Call for Local Artists to design Banned Books Trading Cards

Your local library wants to celebrate Banned Books Week in an interesting, fun, and unique way. They are commissioning trading cards on banned books and related themes (i.e., freedom to read, First Amendment, censorship, etc.) to be designed, and one card will be given out each day of Banned Books Week – this means the public can collect an entire set of Banned Books Trading Cards if they visit the library each day!

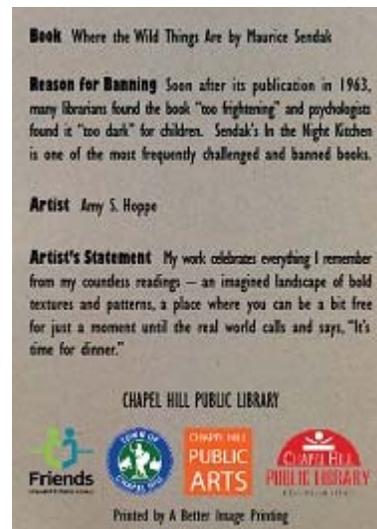
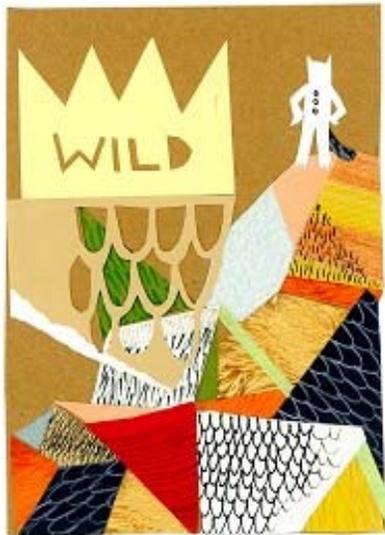


Imagine that you are an artist who has been hired by the library to create one of the trading cards to be distributed. Your task is to:

- Design a small post-card sized (e.g., 3 x 5 or 4 x 6) work of art inspired by a banned/challenged book or author. You will need to research your book to learn about its history, and when and why it was challenged/banned.
- Your card should contain artwork on the front that represents the challenged/banned book and/or its author in some way. The artwork can be literal, interpretive, abstract, etc. It can contain text, drawings, images, etc. It can be:
 - Original art done by hand
 - Graphic art designed via a computer
 - A combination of original art and other materials (i.e., a collage or mosaic)
 - Something else! You can be creative as long as your trading card represents a banned/challenged book.
- On the back of the card you must include an “artist’s statement.” In this statement, you should include information about the highlighted book or author. This must include the name of the book and author and information about challenges or bans of the book. You should also include a brief statement regarding what you are illustrating about the book/author in your art. (What message or point are you trying to convey with your art?)

Example:

Due date: _____



***The back of your card will have more room for a 1-2 paragraph artist statement, since you will not need to include organizational logos.

Schools and Speech

Bethel School District v. Fraser

Facts:

A public high school student delivered a nominating speech on behalf of another student at a student assembly. The speech contained elaborate and immature sexual innuendo. The school suspended the student for violating the school's no-disruption rule, which prohibited "obscene, profane language." The student contended that the suspension violated his First Amendment rights because his speech caused no disruption of school activities within the meaning of Tinker.

Issue:

Whether school officials may prohibit a vulgar and lewd student speech at a student assembly even if the speech does not create a substantial disruption.

Holding:

In a 7-2 decision, the Court held that school officials may prohibit student speech before a student assembly that is vulgar, lewd and plainly offensive.

Reasoning:

Public school officials have a responsibility to "inculcate values" into students. "Surely, it is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse." The vulgar sexual allusions of the student in this case differ markedly from the pure political message of the black-armband case of Tinker. School officials were not censoring speech based on viewpoint. Rather, they were punishing the student for using vulgar and lewd terms at a student assembly.

Majority:

"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." (Chief Justice Warren Burger)

Dissent:

"It does seem to me, however, that if a student is to be punished for using offensive speech, he is entitled to fair notice of the scope of the prohibition and the consequences of its violation. The interest in free speech protected by the First Amendment and the interest in fair procedure protected by the Due Process Clause of the Fourteenth Amendment combine to require this result." (Justice John Paul Stevens)

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Schools and Speech

Board of Education, Island Trees Union Free School District v. Pico

Facts:

After several of its members attended a conservative educational conference, an upstate New York school board determined that nine books in a high school library, including *Slaughter House Five* by Kurt Vonnegut and *Black Boy* by Richard Wright, should be removed because they were inappropriate for young people. Several students and parents challenged the school board's decision to remove these books from the library.

Issue:

Whether school officials can, consistent with the First Amendment, remove books from a school library because they find the books inappropriate or objectionable.

Holding:

By a 5-4 vote, the Court held that school officials cannot remove books from a school library simply because they find the ideas in the books objectionable.

Reasoning:

The First Amendment protects the right to receive information and ideas. A school library is a special place, "the principal locus of such freedom." The First Amendment prohibits the suppression of material simply because government officials, including school officials, dislike the material. "Local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to 'prescribe what shall be orthodox in politics, nationalism, religion, or other matters of public opinion'"

Majority:

"[T]he special characteristics of the school library make that environment especially appropriate for the recognition of the First Amendment rights of students." (Justice William Brennan)

Dissent:

The dissent argued that federal courts should not superimpose their judgments about what books should be included in school libraries. "Were this to become the law this Court would come perilously close to becoming a 'super censor' of school board library decisions." (Chief Justice Warren Burger)

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Schools and Speech
Hazelwood School District v. Kuhlmeier

Facts:

Students produced a school newspaper as part of their journalism class. One issue was to include student-written articles about teen pregnancy and the impact of divorce on kids. The principal objected to the stories, believing they were inappropriate for the younger students and unfair to the pregnant students who might be identified from the text of the article. He also believed that the parents of the students quoted in the divorce article should have been given an opportunity to respond. He deleted the articles from the school newspaper. Three students sued, claiming a violation of their First Amendment rights under the *Tinker* standard.

Issue:

Whether school officials can censor school-sponsored student publications when they believe material is inappropriate for younger students, or for reasons other than the prospect of material and substantial disruption of the educational process.

Holding:

By a 5-3 vote, the Court held that school officials can censor school-sponsored student publications when they have purposes reasonably related to legitimate educational concerns.

Reasoning:

There is a fundamental difference between private student speech and student speech that occurs in school-sponsored activities. Educators have greater authority to control school-sponsored student speech because the public might reasonably believe such speech bears "the imprimatur of the school." Educators "do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns." A publication created as part of a class is clearly school-sponsored and a part of the curriculum. The school never adopted a policy whereby the publication simply became a public forum open to any and all views. The school administration thus properly acted as editor of the newspaper.

Majority:

"A school must also retain the authority to refuse to sponsor student speech that might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or 'conduct otherwise inconsistent with the shared values of a civilized social order,' or to associate the school with any position other than neutrality on matters of political controversy." (Justice Byron White)

Dissent:

The dissent argued that the majority erred in making a distinction between student-initiated and school-sponsored speech. The *Tinker* standard of material and substantial disruption should govern all student free-expression cases. "The case before us aptly illustrates how readily school officials (and courts) can camouflage viewpoint discrimination as the 'mere' protection of students from sensitive topics." (Justice William Brennan)

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Schools and Speech

Pickering v. Board of Education

Facts:

A high school science teacher wrote a letter to the editor of a community newspaper, criticizing the board of education's allocation of funds between academics and athletics. The school board terminated the teacher, saying that the letter contained false statements that impugned the integrity of the school system. The teacher sued, claiming that the board violated his First Amendment rights by terminating him for exercising his right to freedom of speech.

Issue:

Whether school officials violate the First Amendment by terminating a teacher for writing a letter to the editor that discusses important matters of public concern.

Holding:

By a 8-1 vote, the Court held that school officials do violate the First Amendment when they terminate a public school teacher for speaking out as a citizen on matters of public concern.

Reasoning:

Public school teachers, as public employees, are entitled to some First Amendment protections. "The problem in any case is to arrive at a balance between the interests of the teacher, as a citizen, in commenting upon matters of public concern and the interests of the State, as an employer, in promoting the efficiency of the public services it performs through its employees." In this case, the teacher was speaking more as a citizen than as an employee when he wrote the letter to the editor. The statements in the letter did not target any school official that the teacher dealt with on a daily basis.

Majority:

"While criminal sanctions and damage awards have a somewhat different impact on the exercise of the right to freedom of speech from dismissal from employment, it is apparent that the threat of dismissal from public employment is nonetheless a potent means of inhibiting speech." (Justice Thurgood Marshall)

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Schools and Speech

Reno v. American Civil Liberties Union

Facts:

Congress passed provisions in the Communications Decency Act of 1996 to protect minors from harmful material on the Internet. Two provisions criminalized the display of "indecent" or "patently offensive" online communications. The American Civil Liberties Union and many other groups challenged the constitutionality of these provisions in federal court. They argued that these provisions infringed on First Amendment free-speech rights. A lower federal court ruled the two provisions violated the First Amendment. The government appealed to the U.S. Supreme Court.

Issue:

Whether federal laws prohibiting the display of "patently offensive" and "indecent" online speech violate the First Amendment.

Holding:

By a 7-2 margin, the Court held that the two provisions did violate the First Amendment.

Reasoning:

The government has a very important interest in protecting minors from harmful material. But the government cannot silence adult free-speech rights simply to protect minors and these provisions swept in sexual speech that was not obscene. "In order to deny minors access to potentially harmful speech, the CDA effectively suppresses a large amount of speech that adults have a constitutional right to receive and to address to one another."

Majority:

"[O]ur cases provide no basis for qualifying the level of First Amendment scrutiny that should be applied to this medium [the Internet]." (Justice John Paul Stevens)

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Schools and Speech

Tinker v. Des Moines School District

Facts:

Several students planned to wear black armbands to school to protest U.S. involvement in the Vietnam War and mourn the dead on all sides. School officials learned of the impending protest and quickly adopted a no-armband rule (even though they allowed students to wear other symbols). The students nonetheless wore the armbands to school. School officials suspended them for violating school policy. The students sued, claiming violation of their First Amendment rights.

Issue:

Whether school officials can censor non-violent student speech without showing that the speech will cause a material and substantial disruption of school educational activities or collide with the rights of others.

Holding:

By a 7-2 vote, the Court held that school officials cannot censor student speech unless school officials reasonably forecast that the speech will cause a material and substantial disruption of school activities or collide with the rights of others. Mere apprehension of disturbance or an offense given is not enough.

Reasoning:

Students do not lose their constitutional rights at the schoolhouse door. School officials' duties to provide a safe learning environment must be balanced against students' free-expression rights. School officials may not censor student speech because of an "undifferentiated fear or apprehension." They must reasonably forecast that the student speech will cause a substantial disruption or invade the rights of others. In this case, "the record does not demonstrate any facts which reasonably may have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred."

Majority:

"It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." (Justice Abe Fortas)

Dissent:

This case will help usher in "a new revolutionary era of permissiveness in this country fostered by the judiciary. . . I wish, therefore, wholly to disclaim any purpose on my part to hold that the Federal Constitution compels the teachers, parents, and elected school officials to surrender control of the American public school system to public school students." (Justice Hugo Black)

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Schools and Speech

West Virginia State Board of Education v. Barnette

Facts:

The West Virginia Board of Education adopted a measure requiring that all public school students salute the flag and recite the Pledge of Allegiance. Students who did not participate could be expelled; their parents could even lose custody of them. A group of Jehovah's Witnesses challenged the law on First Amendment grounds. They argued that the forced flag salute conflicted with their religious beliefs against idol worship and graven images, and therefore violated their free exercise of religion and freedom of speech rights under the First Amendment.

Issue:

Whether a compulsory flag-salute law for school children violates the First and Fourteenth Amendments.

Holding:

By a 6-3 vote, the Court held that school officials do violate the First Amendment by compelling students to salute the flag and recite the Pledge of Allegiance.

Reasoning:

The First Amendment prohibits government officials from compelling individuals to speak or espouse orthodox beliefs that are at odds with their conscience and values. "There is no doubt that, in connection with the pledges, the flag salute is a form of utterance." The purpose of the First Amendment is to ensure that individuals have an individual sphere of freedom of thought and belief that the government cannot invade. "Authority here is to be controlled by public opinion, not public opinion by authority."

Majority:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." (Justice Robert Jackson)

Dissent:

"An act compelling profession of allegiance to a religion, no matter how subtly or tenuously promoted, is bad. But an act promoting good citizenship and national allegiance is within the domain of governmental authority and is therefore to be judged by the same considerations of power and of constitutionality as those involved in the many claims of immunity from civil obedience because of religious scruples." (Justice Felix Frankfurter)

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Schools and Speech

Morse v. Frederick

Facts

Joseph Frederick, a senior at Juneau-Douglas High School, unfurled a banner saying "Bong Hits 4 Jesus" during the Olympic Torch Relay through Juneau, Alaska on January 24, 2002. Frederick's attendance at the event was part of a school-supervised activity. The school's principal, Deborah Morse, told Frederick to put away the banner, as she was concerned it could be interpreted as advocating illegal drug activity. After Frederick refused to comply, she took the banner from him. Frederick originally was suspended from school for 10 days for violating school policy, which forbids advocating the use of illegal drugs.

Issues

Whether a principal violates the Free Speech Clause of the First Amendment by restricting speech at a school-supervised event when the speech is reasonably viewed as promoting illegal drug use.

Ruling

No.

Reasoning

In *Tinker v. Des Moines* (1969), the Court stated that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker* held that the wearing of armbands by students to protest the Vietnam War was constitutionally protected speech because it was political speech. Political speech is at the heart of the First Amendment and, thus, can only be prohibited if it "substantially disrupts" the educational process.

On the other hand, the Court noted in *Bethel v. Fraser*, 478 U.S. 675, 682 (1986) that "the constitutional rights of students at public school are not automatically, coextensive with the rights of adults." The rights of students are applied "in light of the special characteristics of the school environment," according to the U.S. Supreme Court in *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 266 (1988).

In the present case, the majority acknowledged that the Constitution affords lesser protections to certain types of student speech at school or school-supervised events. Finding that the message Frederick displayed was by his own admission not political in nature, as was the case in *Tinker*, the Court said the phrase "Bong Hits 4 Jesus" reasonably could be viewed as promoting illegal drug use. As such, the state had an "important" if not "compelling" interest in prohibiting/punishing student speech that reasonably could be viewed as promoting illegal drug use. The Court, therefore, held that schools may "take steps to safeguard those entrusted to their care from speech that can reasonably be regarded as encouraging illegal drug use" without fear of violating a student's First Amendment rights.

Directions: Read the above summary of your case and discuss the following questions as a group:

- The mission of schools is to educate. How might this mission conflict with the First Amendment?
- What type of speech (religious, political, etc.) is involved in this case?
- Do you agree with the Supreme Court's decision? Why or why not?
- Why do you think public schools (which are government agencies) are allowed to regulate speech in ways that other government agencies are not?

Name _____

Schools and Speech NOTES

Bethel School District v. Fraser

Board of Education, Island Trees Union Free School District v. Pico

Hazelwood School District v. Kuhlmeier

Pickering v. Board of Education

Reno v. American Civil Liberties Union

Tinker v. Des Moines School District

West Virginia State Board of Education v. Barnette

Morse v. Frederick