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THE FIRST AMENDMENT IN SCHOOLS: CENSORSHIP

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A. Understanding Censorship: Censorship is not easy to define. According to Webster's Dictionary, to "censor" means "to examine in order to suppress or delete anything considered objectionable." Its central characteristic is the suppression of an idea or image because it offends or disturbs someone, or because they disagree with it. In many countries, censorship is most often directed

at political ideas or criticism of the government. In the United States, censorship more often involves social issues, and in school is commonly directed at so-called “controversial” materials.

Advocates for censorship often target materials that discuss sexuality, religion, race and ethnicity—whether directly or indirectly. For example, some people object to the teaching of Darwin’s theory of evolution in science classes because it conflicts with their own religious views. Others think schools are wrong to allow discussion about sexual orientation in sex education or family life classes, and others would eliminate *The Adventures of Huckleberry Finn* from the English curriculum because of racial references.

Most pressures for censorship come from parents who disapprove of language or ideas that differ from or affront their personal views and values, but demands can emerge from anywhere across the religious, ideological, and political spectrum. The range of “controversial” topics appears to be limitless: religion, science, history, contemporary and classical literature, art, gender, sexuality, “one-worldism,” health, multiculturalism, and on and on. Many demands appear motivated by anxiety about changing social conditions and traditions. Feminism, removal of prayer from schools, the emergence of the gay rights movement, and other trends with implications for family structure and personal values, have all generated calls for censorship.

Censorship demands require educators to balance First Amendment obligations and principles against other concerns – such as maintaining the integrity of the educational program, meeting state education requirements, respecting the judgments of professional staff, and addressing deeply held beliefs in students and members of the community. Challenging as these circumstances may be, educators are on the strongest ground if they are mindful of two fundamental principles derived from the Supreme Court’s First Amendment decisions: 1) educators enjoy wide latitude in exercising their professional judgment and fulfilling their educational mission if their decisions are based on sound educational and pedagogical principles and serve to enhance the ability of students to learn; and 2) the decisions that are most vulnerable to legal challenge are those that are motivated by hostility to an unpopular, controversial, or disfavored idea, or by the desire to conform to a particular ideological, political or religious viewpoint.

Pursuant to these principles, lower courts generally defer to the professional judgments of educators. As discussed in Fact Sheet #8, this sometimes means that the courts will uphold a decision to remove a book or to discipline a teacher, if it appears to serve legitimate educational objectives, including administrative efficiency. However, administrators and educators who *reject* demands for censorship are on equally strong or stronger grounds. Most professional educational organizations strongly promote free expression and academic freedom as necessary

to the educational process. Access to a wide range of views and the opportunity to discuss and dissent are all essential to education and serve the schools' legitimate goals to prepare students with different needs and beliefs for adulthood and participation in the democratic process. It is highly improbable that a school official who relied on these principles and refused to accede to pressures to censor something with educational value would ever be ordered by a court of law to do so.

There are practical and educational as well as legal reasons to adhere as closely as possible to the ideals of the First Amendment. School districts such as Panama City, Florida and Hawkins County, Tennessee have been stunned to find that acceding to demands for removal of a single book escalated to demands for revising entire classroom reading programs. The school district in Island Trees, New York encountered objections to 11 books in its library and curriculum, including *Slaughter House Five* by Kurt Vonnegut, *Black Boy*, by Richard Wright, and *The Fixer* by Bernard Malamud. Other jurisdictions have been pressed to revise the science curriculum, the content of history courses, sex education, drug and alcohol education, and self-esteem programs. Experience has shown far too many times that what appears to be capitulation to a minor adjustment can turn into the opening foray of a major curriculum content battle involving warring factions of parents and politicians, teachers, students and administrators.

B. Distinguishing Censorship from Selection: Teachers, principals, and school administrators make decisions all the time about which books and materials to retain, add or exclude from the curriculum. They are not committing an act of censorship every time they cross a book off a reading list, but if they decide to remove a book because of hostility to the ideas it contains, they could be. As the National Council of Teachers of English (NCTE) and International Reading Association (IRA) note, there is an important distinction between selection based on professional guidelines and censorship: "Whereas the goal of censorship is to remove, eliminate or bar particular materials and methods, the goal of professional guidelines is to provide criteria for selection of materials and methods."

For example, administrators and faculty might agree to take discussion of evolution out of the second grade curriculum because the students lack sufficient background to understand it, and decide to introduce it in the fourth grade instead. As long as they were not motivated by hostility to the idea of teaching about evolution, this would not ordinarily be deemed censorship. The choice to include the material in the fourth grade curriculum tends to demonstrate this was a pedagogical judgment, not an act of censorship.

Not every situation is that simple. For example, objections to material dealing with sexuality or sexual orientation commonly surface in elementary schools and middle schools when

individuals –often parents or religious leaders – demand the material’s removal with the claim that it is not “age appropriate” for those students. On closer examination, it is clear their concern is not that students will not understand the material, but that the objecting adults do not want the students to have access to this type of information at this age. If professional educators can articulate a legitimate pedagogical rationale to maintain such material in the curriculum, it is unlikely that an effort to remove it would be successful.

Of course, hardly anyone admits to “censoring” something. Most people do not consider it censorship when they attempt to rid the school of material that they think is profane or immoral, or when they insist that the materials selected show respect for religion, morality, or parental authority. While parents have considerable rights to direct their own child’s education (see Fact Sheet #9), they have no right to impose their judgments and preferences on other students and their families. School officials who accede to demands to remove materials because of objections to their views or content may be engaging in censorship. Even books or materials that many find “objectionable” may have educational value, and the decision about what to use in the classroom should be based on professional judgments and standards, not individual preferences. Efforts to suppress a disfavored view or controversial ideas are educationally unsound and constitutionally suspect.

The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.— *Pierce v. Society of Sisters*, 268 U.S. at 535 (1925).

C. Consequences of Censorship: What’s so bad about getting rid of materials containing profanity? Many people don’t want their children using that kind of language even if they do it themselves, and many parents believe that seeing profanity in books or hearing others swear encourages youngsters to do the same, especially if the act goes unpunished. Yet profanity appears in many worthwhile books, films and other materials for the same reasons many people use it in their everyday language—for emphasis or to convey emotion. As Shakespeare’s Hamlet says to the players, the purpose of drama is “to hold, as ’twere, the mirror up to nature.”

Works containing profanity often contain realistic portrayals of how an individual might respond in a situation, and some teachers intentionally select such materials to remove the allure from cursing. But even minor use of profanity has not shielded books from attack. Katherine Paterson’s award-winning book *Bridge to Terabithia* contains only mild profanity, but it has been repeatedly challenged on that ground, as have long-acknowledged classics like *Of Mice and Men*, by John Steinbeck. Profanity, however, is only one of many grounds on which books are challenged. Almost every classic piece of literature — including *The Adventures of Huckleberry Finn* by Mark Twain, *The Diary of Anne Frank*, and Shakespeare’s *Romeo and Juliet* — has been for some reason,

in some place, at some time.

As these examples illustrate, censorship based on individual sensitivities and concerns restricts the world of knowledge available to students. And that world could get smaller and smaller. Based on personal views, some parents wish to eliminate material depicting violence, others object to references to sexuality, others to racially-laden speech or images. Some parents oppose having their children exposed to fiction that doesn't have a happy ending, teach a moral lesson, or provide noble role models. If these and other individual preferences were legitimate criteria for censoring materials used in school, the curriculum would narrow to including only the least controversial and probably least relevant material. It would hardly address students' real concerns, satisfy their curiosity, or prepare them for life.

Censorship also harms teachers. By limiting resources and flexibility, censorship hampers a teacher's ability to explore all possible avenues to motivate and "reach" students. By curtailing ideas that can be discussed in class, censorship takes creativity and vitality out of the art of teaching. Instruction is reduced to bland, formulaic, pre-approved exercises carried out in an environment that discourages the give-and-take that can spark a student's enthusiasm for learning. To maintain the spontaneous give and take of the classroom setting, teachers need latitude to respond to unanticipated questions and discussion, and the freedom to draw on their professional judgment and expertise, without fear of consequences if someone objects, disagrees, or takes offense.

When we strip teachers of their professional judgment, we forfeit the educational vitality we prize. When we quell controversy for the sake of congeniality, we deprive democracy of its mentors. – Gregory Hobbs, Jr (dissenting in *Board of Education of Jefferson County School District R-1 v. Alfred Wilder*)

Censorship chills creativity and in that way impacts everyone. In a volume entitled *Places I Never Meant To Be*, author Judy Blume, whose books are a common target of censorship efforts, has collected statements of censored writers about the harms of censorship.

According to one frequently censored author, Katherine Paterson:

When our chief goal is not to offend someone, we are not likely to write a book that will deeply affect anyone.

Julius Lester observed:

Censorship is an attitude of mistrust and suspicion that seeks to deprive the human experience of mystery and complexity. But without mystery and complexity, there is no wonder; there is no awe; there is no laughter.

Norma Fox Mazur added:

...where once I went to my writing without a backward glance, now I sometimes have to consciously clear my mind of those shadowy censorious presences. That's bad for me as a writer, bad for you as a reader. Censorship is crippling, negating, stifling.. It should be unthinkable in a country like ours. Readers deserve to pick their own books. Writers need the freedom of their minds. That's all we writers have, anyway: our minds and imaginations. To allow the censors even the tiniest space in there with us can only lead to dullness, imitation, and mediocrity.

Censorship represents a tyranny over the mind, said Thomas Jefferson—a view shared by founders of our nation—and is harmful wherever it occurs. Censorship is particularly harmful in the schools because it prevents youngsters with inquiring minds from exploring the world, seeking truth and reason, stretching their intellectual capacities, and becoming critical thinkers. When the classroom environment is chilled, honest exchange of views is replaced by guarded discourse and teachers lose the ability to reach and guide their students effectively.

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