

National
Coalition
Against
Censorship

Principal Tonya Waddell
Richmond Early College High School
1042 West Hamlet Avenue
Hamlet, NC 28345

By electronic mail: tonyawaddell@richmond.k12.nc.us

May 15, 2017

Dear Principal Waddell,

On behalf of the National Coalition Against Censorship, an organization devoted to protecting students' freedom of expression, I write to raise serious concerns about the decision to cancel yearbook distribution due to one senior's controversial quote. The decision undermines educational goals and as well as core First Amendment principles as applied to the school environment. We respectfully urge you to reconsider your decision and allow yearbook distribution to proceed as planned.

It is our understanding that you cancelled yearbook distribution because a student selected "Build that wall!" as her senior quote, attributing the words to President Donald Trump. On May 9, Richmond County Schools posted a statement to Facebook, claiming that the yearbook had "errors and inappropriate comments" and that the district "will not tolerate inappropriate conduct toward any of our students." The statement notes how you "immediately collected the distributed yearbooks." According to local media, students will not get a yearbook this year.

While school officials do have the right to prevent inappropriate *conduct* directed at other students, mere *advocacy* for a border wall by no means constitutes harassment or bullying that can justify restrictions on purely political speech. The student who selected "Build that wall!" as her yearbook quote sought to convey her viewpoint on an incredibly important political issue: immigration policy. This viewpoint is—regardless of its merits or lack thereof—shared by millions of Americans including prominent political leaders such as governors, congressmen, and President Trump. By censoring expression of this commonly held position, you have set a dangerous precedent and implied that any viewpoint on controversial issues such as immigration is subject to censorship as long as someone finds it "inappropriate." This arbitrary action demonstrates to students that allegedly offensive ideas should be met with censorship rather than reasoned debate.

This raises serious First Amendment concerns. As the Supreme Court observed decades ago, "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." *West Virginia v. Barnette* 319 U.S. 624, 642 (1943). Needless to say, you violated this mandate by declaring advocacy for President Trump's proposed border wall to be unorthodox.

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Joan E. Bertin
Executive Director

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of School Administrators
American Association of University Professors
American Association of University Women
American Booksellers for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators Association
American Orthopsychiatric Association
American Society of Journalists & Authors
Americans United for Separation of Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center
People For the American Way
Planned Parenthood Federation of America
Project Censored
SAG-AFTRA
Sexuality Information & Education Council of the U.S.
Society of Children's Book Writers & Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

One of the primary goals of the public school system is to prepare young adults to exercise the responsibilities of citizenship by promoting democratic values such as free expression, tolerance, and diversity—including diversity of opinion. A school’s mission is not to insulate students from controversy but to expose students to a variety of ideas so that they may critically analyze them. Schools that fail to do so inadequately prepare their students for the real world, where they will be exposed to controversial – and possibly offensive - ideas in the media on a daily basis.

Although school administrators have considerable authority over student-created content in school-sponsored publications such as yearbooks, that authority is not unlimited. The Supreme Court held in *Hazelwood v. Kuhlmeier*, 484 U.S. 260, 273 (1988), that “educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored publications such as newspapers and yearbooks *so long as their actions are reasonably related to legitimate pedagogical concerns*” (emphasis added). It is difficult to see how restricting student expression on immigration policy is “reasonably related to legitimate pedagogical concerns.” On the contrary, a critical function of public education is teaching students how to address such issues intelligently and “inculcating ... an appreciation for the cherished democratic liberties that our Constitution guarantees.” *Id.* at 290 (Brennan, J., dissenting).

Please let me know whether I can be of any additional assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Svetlana Mintcheva". The signature is written in black ink on a white background.

Svetlana Mintcheva, Director of Programs
National Coalition Against Censorship