

NEWS CENSORSHIP

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Tusslin' Over Textbooks in Tennessee and Texas

In Tennessee and Texas, two states where the chainsaw-roar of censorship has been heard for generations, today's textbook censors are wielding subtler weapons in their efforts to get rid of ideas which don't conform to their political and religious beliefs.

In Tennessee, the state which played host to the infamous Scopes Monkey Trial of 1925, recent controversy focused on an AP biology textbook called *Asking About Life* and specifically on a passage which itself described the history of controversies over teaching evolution in public school:

"In 1973, antievolutionists in Arkansas, Tennessee, and Louisiana passed identical bills calling for 'equal time' for teaching evolution and creationism, the *biblical myth* [italics added] that the universe was created by the Judeo-Christian God in 7 days." The formal challenge claimed that to call creationism a "biblical myth" was an insult to Christian faith. The Knox County school board duly followed its protocol for textbook challenges and referred *Asking About Life* to a review committee.

The committee recommended retaining the book, but at an April board meeting passions erupted as TV cameras recorded the proceedings. The meeting threatened to career out of control until the chairwoman tabled the discussion and postponed the final vote. At the May 5 meeting, the board voted (6-3) to keep *Asking About Life* in the Knox County curriculum.

Things are not so simple in Texas, home of the late Mel and Norma Gabler, two prominent early campaigners against textbooks they considered "anti-Christian." Earlier this spring, the Texas State Board of Education voted to make hundreds of revisions to the state's social studies curriculum, largely to reflect the personal ideological

and religious beliefs of the board's majority. Concerned onlookers across the country have watched with alarm as the Texas Board has proceeded, as outgoing chairman Don McLeroy put it, to "stand up to experts."

Individually, many of the proposed changes are unremarkable. Historical events can, after all, be told from different perspectives. Cumulatively, though, the proposed changes are clearly intended to have the effect, as one aggrieved board member put it, of "rewriting history." Board members, with their own view of history, see this as simply setting the record straight:

"I reject the notion by the left of a constitutional separation of church and state." (David Bradley)

"... Americans fail to realize the socialistic, and even communistic, world views so inculcated into every area of our society." (Cynthia Dunbar)

"...we are a Christian nation founded on Christian

principles. The way I evaluate history textbooks is first I see how they cover Christianity and Israel. Then I see how they treat Ronald Reagan – he needs to get credit for saving the world from communism and for the good economy over the last 20 years..." (Don McLeroy)

It is no secret that holders of political power have always tried to impose their own views of history, and questions of emphasis and perspective will always be debated. However, the Texas Board of Education – a board composed chiefly of laypeople, not historians or educators – decided to "stand up to experts" and substitute their personal religious and ideological perspectives as fact. Teaching ideological conformity with any agenda – right or left – will not produce the informed, independent-minded citizens U.S. democracy urgently needs.



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Actors' Equity Association
American Association of School Administrators
American Association of University Professors
American Association of University Women
American Booksellers Foundation for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Federation of Television & Radio Artists
American Jewish Committee
American Jewish Congress
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 a Choice
Children's Literature Association
College Art Association
The Creative Coalition
Directors Guild of America Inc.
The Dramatists Guild of America
First Amendment Lawyers Association
Educational Book and Media Association
International Reading 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
The Newspaper Guild/CWA
Office of Communication, United Church of Christ
PEN American Center
People For the American Way
Planned Parenthood Federation of America
Screen Actors Guild
Sexuality Information & Education Council of the U.S.
Society of Children's Book Writers & Illustrators
Speech Communication Association
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
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The First Amendment in the Courts

What a year, and it's not over yet. Whether by happenstance or design, the Supreme Court is knee-deep in free speech cases. It's too early to say where we'll be when the dust settles.

We've already written on the two decided cases, *Citizens United v. FEC* and *US v. Stevens* (CN 111). To recap, in *Citizens United* the Court was asked to decide if the ban on electioneering communications before an election applied to a derogatory video about Hillary Clinton to be aired on pay-per-view cable. Instead of addressing that narrow question, the Court held that corporations are entitled to the same level of protection for political speech as natural persons and, overturning decades of precedent, struck down campaign-finance law restrictions on corporate spending on elections.

In *Stevens*, the Court took a different tack. In ruling on a federal law that made it a crime to create, possess or sell any "depiction of animal cruelty," the Court declined to address the broader question whether expression depicting or describing violence is fully protected under the First Amendment, which has been the law since 1948. Instead, the opinion was narrowly drawn, holding only that the statute's ban on "depictions of animal cruelty" is unconstitutionally overbroad.

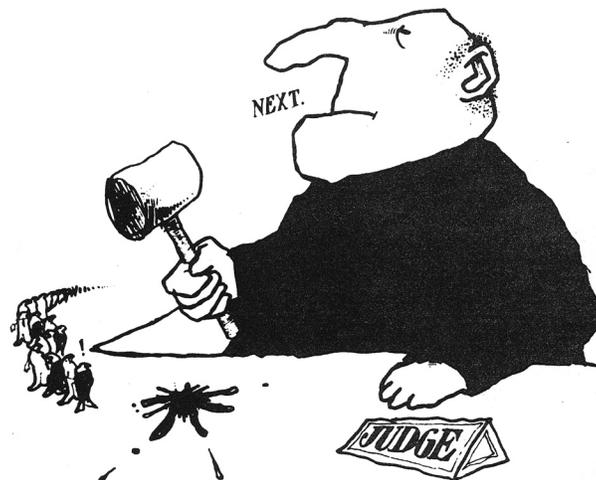
Less than a week later, the Court granted review in *Schwarzenegger v. Entertainment Merchants Association*, involving a California law restricting the sale of violent video games to minors. The Ninth Circuit struck down the law, relying on the long line of cases protecting violent expression, and on the fact that there is no evidence that violence in video games actually harms minors. The Court's decision in *Stevens* could well have disposed of this case. The fact that it didn't raises troubling questions about where the Court is headed in its approach to violent content.

It's also curious that the Court even agreed to hear the video game case. It is rare for the High Court to review a case unless there is a "split in the circuits" – meaning disagreement about the law in the lower

courts resulting in inconsistent decisions around the country. There was no such split among the many courts that have rejected state legislative efforts to regulate violent video games.

The same question arises in the Court's decision to hear another highly charged, but unique, case involving the Rev. Fred Phelps, whose anti-gay demonstrations at military funerals have drawn public opposition. The parents of a deceased soldier sued Rev. Phelps for damages for "intentional infliction of emotional harm." The Fourth Circuit Court of Appeals held that the speech, although "distasteful and repugnant," consisted of "rhetorical statements employing 'loose, figurative or hyperbolic language'" and could not be mistaken as "asserting actual facts." As such, the circuit court found that the speech was protected by the First Amendment.

The casual observer can be forgiven for thinking that the First Amendment isn't such a good idea if it protects the rights of corporations to influence elections and the freedom to sell dog-fighting videos, with the promise that in the near future it will include protection for violent video games and the right to picket funerals. While in each of these cases the First Amendment principle at stake is substantial, the concentration of cases that test public understanding and resolve is unfortunate. Which makes it all the more important to remember Justice Kennedy's observation that "the history of the law of free expression is one of vindication in cases involving speech that many citizens may find shabby, offensive, or even ugly."



Living in Interesting Times

Kids today have less time on their own to play, run around outside, ride their bikes aimlessly, or simply do nothing. Their lives are heavily programmed and supervised. They go to swimming or gymnastics classes, play on the soccer team, rehearse a school play, join school clubs, volunteer at a soup kitchen, do homework, or study for tests. This state of affairs makes it all the more important that children's imagination, curiosity, and intellectual development is not similarly programmed and supervised to limit their world to one that offers no unexpected challenge. Yes, of course we want kids to eat their broccoli – but it shouldn't be their whole diet.

Yet control over the minds of young people is the order of the day. Some of the fears fueling the urge to control are connected to the unforeseeable effects of new media: Internet filters, which are notorious for the large swath of educational material they block, are installed in both public library and school computers, and many states have tried to prevent minors from buying video games containing fantasy violence.

However, the panic that makes parents want to shelter kids from "dangerous" content isn't confined just to new media: In Florida, there is an effort to make the library "label" books so as to identify any content that refers to illegal behavior, or is "inappropriate" for teens – reducing literature to a few numbers and letters. In New Jersey, a small but determined group wants to remove GLBTQ-

themed books from libraries. In Pennsylvania, a group of parents objects to the use of excerpts from R-rated films in high school classes.

Like every generation before them, young people today are growing up in an environment that is far different from the one their parents experienced. The fear and anxiety that underlie efforts to protect children from the confusion, risks and uncertainties of life are certainly not new but they are exacerbated by the pace of change, the unprecedented diversity of our communities, and parents' inability to keep up with the technological savvy of their web 2.0 children.

The effort to protect kids by insulating them is ultimately doomed. For better or worse social networking, texting, interactive media, etc. are here to stay. It's worth recalling that five hundred years ago, the invention of the printing press buried an old comfortable world of confined knowledge and completely transformed society. Something comparable is happening today.

Change and uncertainty are defining characteristics of life. Unfortunately, there have been no significant improvements in the crystal ball in the past 500 years. The best we can do for our kids is to help them acquire the knowledge and skills that will enable them to adapt successfully to whatever the future holds.

In the meantime, we have our work cut out for us, explaining to frightened parents that reading books like Toni Morrison's *Song of Solomon* in an Advanced Placement English class isn't what causes harm to children. It's NOT reading such books that does.

—Joan Bertin

THE LONG AND THE SHORT OF IT

- NCAC teamed up with EFF urging YouTube to remove its ban on an artist's videos containing nudity. YouTube promptly restored the videos to view. We are urging YouTube to clarify the application of its nudity guidelines to artwork and to institute a viable appeals process for removed videos.
- NCAC protested the removal of a painting of a nude from an art exhibit in Temecula, CA, and the city issued a formal apology to the artist. Since the city subsequently decided to have government officials directly involved in the selection of artworks for its exhibition spaces rather than adopt a written policy, more censorship is likely.
- The ACLU and others are challenging patents on genes associated with breast cancer, arguing that the patents inhibit scientific research and deny patients access to health. On March 29, a NY federal court ruled that the patents are invalid but didn't address the constitutional claims. This is the first time a court has found gene patents unlawful.
- NCAC urged Sugarloaf School in Summerland Key, FL, to retain Judy Blume's *Forever* in the school library after the parents of one student objected to the book's sexual content. *Forever* will remain in the library.
- Secretary of State Clinton has signed orders that end the exclusion of two prominent scholars who were barred from the United States by the Bush administration. The visa denials of Professors Adam Habib and Tariq Ramadan were challenged in separate lawsuits filed by the ACLU on behalf of American organizations that had invited the scholars to speak to audiences inside the United States.
- The Third Circuit vacated two previous, seemingly contradictory, opinions concerning student online speech in Pennsylvania. Both cases involved students who had created fake online profiles parodying the principals at their respective schools. *Layshock v. Hermitage School District* and *J.S. v. Blue Mountain School* will be reheard.
- The Rancocas Valley School Board (NJ) decided to remove one out of three challenged books from a high school library. A group of residents opposed the books because they were on a list of GLBTQ themed books created by the Gay Lesbian Straight Education Network (GLSEN).
- Tarleton State University canceled a student production of Terrence McNally's play *Corpus Christi* in response to pressure from the Catholic League and others. Texas Lt. Governor David Dewhurst called the play "morally reprehensible."
- Responding to a parent's demand that all R-rated films be removed from high school curricula, the Council Rock School Board (PA) decided that teachers may continue to use pre-approved R-rated movies in class.



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To Read, or Not to Read, That is the Question

This April school administrators of Franklin Township in Indiana pulled Nobel Prize-winning author Toni Morrison's *Song of Solomon* out of the hands of AP English students, who were half-way through reading the book. The following comments, selected from a heated discussion on a local paper's website, shed light on what's at stake for students, parents, and community members whenever a book censorship incident occurs.*

"If you think your children have not been exposed to sex, violence and profanity, you're living in a world of denial. ... this is not a book which is advocating such behavior but a realistic portrayal of life around us. Students who read this are not going to turn into sex addicts, or become violent or profane simply because of it... It is time we stop being so afraid that we feel we have to prevent students from learning how to engage in critical thinking. The lack of critical thinking in our society is becoming a pox on it."

"By the way, just because my children are exposed to sex, drugs, crime, violence, profanity, racism and general stupidity in the media, at school and in the community, doesn't make these things OK, nor should I – as a parent – accept that it is desirable for my community to promote these ideals. This type of 'parenting' or 'education' leads to an incremental acceptance of all that is vulgar, uncultured and ignorant about humanity. Hence, the argument that 'your kids are already exposed to this stuff' is a cop out."

"The whole goal of reading (and most other education) is to expose the student or reader to new ideas and experiences that promote thought. I'm sure the teachers involved didn't condone the behavior in the novel, they talked about it and its effect on the people in the novel. That's teaching and learning which is what we expect teachers and students to do."

"Why not just pass out hard-core porn to the

students, huh? Anything goes, right? After all, they might learn something, and we certainly wouldn't want to ever censor anything. Better to have a polluted and decadent mind than to be subjected to censorship."

"I attended Franklin Central and I read this book in my AP English class... I still own the book. It's not one of my favorites, but it made me consider certain topics that I wouldn't have bothered with otherwise, because I was more concerned with teenage drivel at the time. Thanks to a very competent teacher who taught us through the literature of this book, I gained college credit and didn't have to take my Intro to English course when I got to college. Despite the controversial material, it is a worthwhile novel to read and helped me to consider race. After all, I was the only minority in my AP class of 35 kids."

"In 1950 there was still a broad cultural consensus that impressionable and immature youth should be insulated from adult material. Of course things are much better now after 60 years of 'broad-minded' education. Marilyn Manson. Columbine. Sexting. Bullying. Yes, things are going well now, thanks."

"Censorship isn't illegal or unconstitutional or even wrong. In this particular case it is entirely appropriate. Any student who wishes to read that book is free to do so – they can do it on their own time. There is no good reason, however, to put that book in a classroom."

"*Song of Solomon* is a beautiful, heart-touching book with a lesson. Life isn't all rainbows and unicorns, so why shelter our kids from FICTION? Do you not trust your kids to be able to discern literature from reality? It IS difficult fiction, but it also teaches history and social context. It's a shame that Franklin doesn't have the guts to stand up to one ranting board member. Censorship is one step away from book burning."

"Kids for the most part are clueless. They are NOT adults so they have no say."

"Do not assume, for one second, that a child is clueless. When you do that, you are setting up that generation to fail like so many have before us. Let them read the book and make a ... decision on their own as to whether or not it is obscene. Don't take away their choice in the matter."

"The form that AP parents sign has not listed the books in an effort to let teachers be flexible. It just says the kids will be exposed to adult themes. Well, everyone's definition of 'adult themes' is different. [My] definition says this book crosses the line. In the future, the form should list the books. Parents should read the books ahead of time and voice their opinion... I've seen people say parents need to be more involved but I've also seen educators and administrators ignore any parent or community input with the idea that they are more educated and know more than parents. So it's an issue of communication and defining 'adult themes' that both sides must work to resolve."

"I am conservative, in general, but ... I believe juniors in high school who elect to take an AP class with their parents' knowledge are going to be challenged above the norm. Perhaps rather than 'banning' the book, those students whose parents complained about the book could be offered an independent study opportunity of their own choosing, within parameters to meet requirements for the class with no penalty."

"Now I want to read this book!"

*The book was subsequently returned to the classroom. Comments have been edited for length. You can access the full article and commentary here: <http://www.indystar.com/article/20100429/LOCAL1801/4290404/District-pulls-book-from-hands-of-students>

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