

Members, Board of Education
Adams 12 Five Star Schools
1500 E. 128th Ave.
Thornton, CO 80241-2602

August 1, 2013

Dear Board of Education Members,

We are writing concerning a recent challenge to Toni Morrison's *The Bluest Eye* in the Advanced Placement English class at Legacy High School, in the Adams 12 School District. We understand that some parents object to the book because of language and sexual content and that the board will soon meet to review the challenge. We hope the following information will be useful in the reconsideration process. In brief, widely accepted legal and educational principles suggest that there is no basis for removing the book and doing so would raise serious constitutional questions.

The challenge to this book alleges that certain content in the book is "obscene," "toxic" and "harmful to minors." The language and situations in this work, as in any text under study, however, must be seen in the context of the entire work. The ethical and literary value of a work is distorted if one focuses only on particular words, passages, or segments. An author's broad moral vision, total treatment of theme, and commitment to realistic portrayal of characters and dialogue are ignored when protesters focus only on aspects that cause them discomfort. While there is shock value in isolating and listing selected passages from a book, this does not reveal anything about the fundamental message or theme in a work or provide insight into its literary and educational qualities, which must be the focus of school officials responding to such challenges.

In our experience with school curricula, we have found that there are few instructional materials that do not include something that is offensive to someone. Further, it would be wrong to assume that the disturbing scenes, profane language, negative events, etc., portrayed in a work are endorsed by the author, the teacher, or the school. In fact, classroom study provides a fertile ground for students to interpret surface aspects of literature and to exercise critical thinking as they discuss the characters and issues in a work.

Toni Morrison is one of the most famous and lauded American writers of our time. Morrison is the only living American Nobel laureate. Her work has been recognized by every meaningful literary honor and was awarded the Presidential Medal of Freedom in 2012. Her works are taught in high schools and colleges across

the country and has appeared in questions on the Advanced Placement exam for English some thirty times. *The Bluest Eye*, her first novel, deals bluntly and directly with pervasive systems of inequality that affect the lives of the book's characters and the lives of many Americans today. The book was approved for instructional use in Adams 12 schools over 10 years ago and was taught to hundreds of students without incident until 2010. This past year it was taught to an Advanced Placement course for students who elect advanced, college-level instruction. **While it was part of classroom instruction, no students were forced to read the book.**

The complaining parents invoke a wide variety of theories and sources to justify their opposition to the book. These are distractions that should not obscure the essential issue. The critical fact is that the parents seek to have the book removed because they object to its content and ideas. The reasons for their objections are irrelevant: removing a book because some object to, or disapprove of, its contents violates basic constitutional principles. Government officials, including public school administrators, may not prohibit "the expression of an idea simply because society finds the idea itself offensive or disagreeable." *Texas v. Johnson* (1989); see also *Board of Education, Island Trees Union Free School District No. 26 v. Pico* (1982) ("local school boards may not remove books from school libraries simply because they dislike the ideas contained in those books ...")

Passages of a work of literature cannot make the whole of it obscene if it otherwise has literary value. Obscenity is determined, not by a dictionary definition, but by the United States Supreme Court, which holds that a work is only "obscene" if the work as a whole appeals to the prurient interest and lacks serious literary, artistic, political and scientific value. (*Miller v. California*, 413 U.S. 15 (1973)). No one claims that *The Bluest Eye* lacks serious literary value, nor would such a claim be credible.

The idea that by reading *The Bluest Eye* in an advanced placement class, the school is somehow inviting or facilitating sexual harassment, is unpersuasive to say the least. In *Davis v. Monroe County Board of Education*, 526 U.S. 629, 633 (1999), the Supreme Court held that a school must have actual knowledge of harassment to which it is deliberately indifferent, and that the harassment must be so "severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit." None of the far-fetched scenarios contemplated by the complaining parents comes anywhere close to meeting this standard.

The task of selecting readings for the curriculum properly belongs to professional educators. Parents may be equipped to make choices for their own children but, no matter how well-intentioned, they simply are not qualified to make curricular decisions. Without questioning the sincerity of those who object to the book, their views are not shared by all and they have no right to impose those views on others.

Curricular choices are uniquely within the discretion of local school authorities so long as they are based on legitimate educational grounds. *Brown v. Hot, Sexy and Safer Productions, Inc.* 68 F.3d 525, 534 (1st Cir. 1995), cert. denied, 516 U.S. 1159 (1996). Thus, courts have held that a parent has no right "to tell a public school what his or her child will and will not be taught," *Leebaert v. Harrington*, 332 F.3d 134, 141 (2d Cir. 2003), or "to direct how a public school teaches their child." *Blau v. Fort Thomas Public School District, et al*, 401 F.3d 381, 395 (6th Cir. 2005). See also *Parker v. Hurley*, 514 F.3d 87, 102 (1st Cir., 2008). Any other rule would force schools to "cater a curriculum for each student whose parents had genuine moral disagreements with the school's choice of subject matter," *id.*, resulting in an unacceptably high burden on educators and in the process infringing the rights of the many students who are eager for a more inclusive and expansive education: The U.S. Court of Appeals for the Ninth Circuit held that, "a student's First Amendment rights are infringed when books that have been determined by the school district to have legitimate educational value are removed from a mandatory reading list because of threats of damages, lawsuits, or other forms of retaliation." *Monteiro v. Tempe Union High Sch. Dist.*, 158 F.3d 1022, 1029 (9th Cir. 1998.)

The teachers and administration at Legacy High School have already gone to considerable lengths to accommodate parents who do not wish their child to read *The Bluest Eye* and other materials, in accordance with district policies on instruction and controversial materials. As that policy states:

Whenever possible, appropriate learning alternatives, equivalent in value/quality to those to which parents object, shall be provided in a nonstigmatizing manner when a student's parent/guardian determines that the student should not be exposed to the assigned materials, methods, curriculum, activities or presentations. **This provision shall not be invoked so as to fundamentally alter District or school curriculum.** (6220:2.5)(emphasis added)

Removing books because some object to their content goes directly against the district's interest of establishing an "educational climate...which is conducive to rational thought, free inquiry, and reflect respect for the dignity of the individual." (Policy 6220:2.5) In addition, the practical effect of acceding to a request to censor materials will be to invite other book challenges and to leave school officials vulnerable to multiple, possibly conflicting demands. Board support for the judgment of the district's professional educators is also essential to protect the integrity of the educational program, as failure to do so would send the message that teachers select challenging material for students at their own risk.

In our view, there is no basis to remove or restrict this book. On the one hand, the book unquestionably has educational value; on the other hand, its removal is sought because some parents are offended by its content. While one may sympathize with the parents' concerns, the school has a duty to base its decisions on sound educational grounds and constitutional considerations. The students deserve no less.

Sincerely,



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Chris Finan
President
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Judy Platt
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cc: Christopher E. Gdowski, Superintendent