

**December 20, 2016**

Carmel Clay Schools  
Superintendent Dr. Nicholas D. Wahl  
Principal John Williams  
5201 E. Main Street  
Carmel, IN 46033

**By electronic mail:** [jwilliam@ccs.k12.in.us](mailto:jwilliam@ccs.k12.in.us), [nwahl@ccs.k12.in.us](mailto:nwahl@ccs.k12.in.us)

Dear Superintendent Wahl and Principal Williams,

On behalf of the Youth Free Expression Program, an initiative of the National Coalition Against Censorship that promotes minors' First Amendment rights, I write to address an incident in which administrators at Carmel High School allegedly removed a poster created by Carmel Teens for Life and advocating anti-abortion ideas. The removal of the poster raises concerns about viewpoint discrimination and Carmel Clay Schools' commitment to guaranteeing its students' rights to free expression.

While Carmel Teens for Life and school administrators disagree as to whether the group had permission to display the poster, attorneys for Carmel Teens for Life claim that the poster was removed only after students complained it was "offensive." Members of Carmel Teens for Life also allege that the administration has not taken down potentially controversial political signs posted by other student organizations such as a pro-LGBT group.

While a school may follow a viewpoint-neutral policy of approving student posters for display, school administrators may not remove or refuse permission to display a poster only because of its real or perceived potential to offend. Indeed, if offense were used as a justification to suppress political expression, discussions on polarizing societal issues such as immigration, terrorism, religion, contraception, marriage, and race would be purged from our high schools. Suppressing such discussions would undermine one of the core goals of public education: to encourage civic engagement and develop students' critical-thinking skills.

Courts have long recognized that students have the right to express their political views in public school so long as they do so in a non-disruptive manner; students do not "shed their constitutional rights to free speech or expression at the school-house gate" *Tinker v. Des Moines Independent Community School Dist.* (1969). In general, student political expression may only be restricted if administrators reasonably believe it will disrupt the educational activities of the school or if the speech is "vulgar and lewd" *Bethel School District v. Fraser* (1986). It is clear that the pro-life poster does not satisfy these requirements for restriction; its imagery can in no way be deemed "vulgar," nor

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

does its promotion of adoption as an alternative to abortion represent an inherent disruption of school activities.

While administrators have the right to implement reasonable time, place, and manner restrictions on student speech in school, they should apply such restrictions fairly and in a viewpoint-neutral manner. We hope that Carmel Clay Schools will take measures to ensure that its policy regarding student displays is clear and that student political expression is not censored simply because it offends observers.

As a final matter, we note that attorneys for Carmel Teens for Life have claimed school administrators demanded that the students “sign an agreement that they would not seek outside legal counsel or parental input, that they would have to receive prior approval for ‘all communications,’ and that they not use the word ‘abortion’ in any communications, including Facebook.” Such an attempt to prevent students from discussing, outside of school, an issue about which they are deeply passionate is of grave concern. We hope the demand, if true, is immediately reconsidered.

Please do not hesitate to reach out if we can be of any assistance in this matter.

Sincerely,

A handwritten signature in black ink, reading "Svetlana Mintcheva". The signature is written in a cursive style with a large, sweeping initial 'S'.

Svetlana Mintcheva, Director of Programs  
National Coalition Against Censorship