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Superintendent Arthur McMillan
Biloxi Public Schools
160 St. Peter Ave
Biloxi, MS 39530

By electronic mail: c/o Jennifer Pyron (Media Relations)
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Dear Superintendent McMillan:

As organizations dedicated to protecting the freedom to read, the First Amendment, and high quality public education, we are deeply concerned about the recent removal of *To Kill a Mockingbird* from middle school classrooms in Biloxi. We understand that the book was removed from the middle school curriculum in response to complaints over its “uncomfortable” and racially sensitive subject matter.

Removing a challenged book absent a complete committee review of its educational value violates Biloxi district policies governing instructional materials and raises serious educational and legal concerns. **We strongly urge you to follow district policies by keeping *To Kill a Mockingbird* in Biloxi classrooms while convening a review committee to determine the book’s educational merits.**

Harper Lee’s *To Kill a Mockingbird* is an essential part of the American literary canon. It is included on the Library of Congress’ list of “Books That Shaped America” and has been taught in schools throughout the country for many years. *To Kill a Mockingbird* is lauded for its value in helping students understand the role of racism in American history. Winner of the Pulitzer Prize in 1961, the novel has sold over thirty million copies since its publication in 1960. In 1998, the *Library Journal* named it the “Best Novel of the Century.” In 2007, Lee was awarded the Presidential Medal of Freedom for “help[ing] focus the nation on the turbulent struggle for equality.”

While the use of historically accurate language in conversations about racism is deeply discomforting to many readers, it is a necessary aspect of any realistic account of our nation’s history. A pedagogically sound approach to curricular selection requires educational professionals to ask whether a book has educational value, not whether it is comfortable.

Understandably, members of the Biloxi community may find derogatory language and racial

slurs offensive and painful. However, educators have a responsibility to teach students to engage with works that may create discomfort in order to glean a more complex understanding not only of history, but also of present day society. Jonna Perrillo, a historian with the National Council for Teachers of English, recently observed the richness *To Kill a Mockingbird's* exploration of racial inequality can bring to classroom discussions, if teachers challenge students to think critically about its resonance with modern day society:

How many teachers encourage students to debate the adequacy of Atticus's moralism? How can students "walk in another person's shoes" with schools more racially and economically segregated now than they have been in sixty years? How have the courts and criminal justice system changed and not changed in the eighty years since the novel was set? The book begs these questions precisely because it continues to be taught as a lesson in overcoming prejudice...In missing out on more nuanced and complex conversations, students fail to learn that it is possible to question a book and still value it. And they lose an opportunity to develop a more multifaceted understanding of civic life and their role in it.

[Excerpted from *More Than a Read*, Sept. 25, 2017](#)

In addition to these educational considerations, **removing the books would raise serious First Amendment concerns.** The Supreme Court has cautioned school officials against removing books "simply because they dislike the ideas contained in those books and seek by their removal to 'prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.'" *Board of Education v. Pico*, 457 U.S. 853, 872 (1982)(plurality opinion).

Bound by these constitutional considerations, Biloxi School officials have a duty not to give in to pressure to suppress unpopular or controversial ideas. Indeed, circuit courts have indicated that, even in the face of public pressure, schools that preemptively remove pedagogically sound materials in response to subjective content objections might be liable for damages to other students. *Monteiro v. Tempe Union High School District*, 158 F.3d 1022, 1029 (9th Cir., 1998) ("(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.")

Biloxi Public School Policy IFAB clearly bars school officials from "*withdraw(ing) an item without referring it to a Review Committee which determines whether the material should be withdrawn from any or all schools.*" Yet, the Biloxi School administration **violated this policy with its decision to preemptively remove *To Kill a Mockingbird* from classrooms before a committee had even been convened, let alone reached a determination.**¹

Removing challenged works without any review allows a single complainant to disrupt the education of all students. It privileges the views of the complaining parent over those of other parents and the teachers and librarians who selected the works. It also puts the district in legal jeopardy for violating the rights of other students whose parents do not object to the books.

¹ As of this writing, the district has not responded to multiple inquiries, and we have consequently been unable to determine whether a written complaint was filed, as required by school policies. If not, the legitimacy of the entire process by which the books were removed is questionable.

Removing books without review could also enable parents to wreak havoc upon a curriculum. The same parent can, by filing multiple complaints, direct the removal of books until the teacher finally selects a book of which the parent approves. This conflicts with the law as articulated by multiple federal appellate courts, which have held that no parent has the right “to tell a public school what his or her child will or will not be taught.” *Blau v. Fort Thomas Public School District, et al.*, 401 F.3d 381, 395 (6th Cir. 2005). See also *Littlefield v. Forney Indep. School*, 268 F.3d 275, 291 (5th Cir. 2001); *Parker v. Hurley*, 514 F. 3d 87, 102 (1st Cir. 2008); *Leebaert v. Harrington*, 332 F.3d 134, 141 (2d Cir. 2003); *Swanson v. Guthrie Indep. School Dist.* 135 F.3d 694, 699 (10th Cir., 1998); *Fleischfresser v. Directors of School Dist. 200*, 15 F. 3d 680 (7th Cir. 1994); *Mozert v. Hawkins County Board of Education*, 827 F.2d 1058 (6th Cir. 1987).

We regularly guide school administrators in drafting educationally sound book challenge policies. The overwhelming majority of school districts with which we have worked—both in Mississippi and across the nation—allow challenged materials to remain in classrooms and libraries unless and until the educational value of the material has been professionally assessed. **We strongly urge the Biloxi District to follow Policy IFAB and reinstate *To Kill a Mockingbird* pending an evaluation of its educational value for the middle school curriculum.**

Please do not hesitate to contact us for further assistance.

Sincerely,



Chris Finan, Executive Director
National Coalition Against Censorship



Charles Brownstein, Executive Director
Comic Book Legal Defense Fund



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