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American Booksellers for Free Expression  
Comic Book Legal Defense Fund

October 17, 2018

Dr. Gregory K. Adkins, Superintendent  
Lee County School District  
2855 Colonial Blvd.  
Fort Myers, FL 33966

Dear Dr. Adkins,

We are a group of Florida Education Defenders – literary and educational advocacy organizations dedicated to promoting the First Amendment and students' freedom to read. We were disturbed to learn from a recent [media report](#) that, in response to parental objections and in direct violation of [Policy 2.18](#), *City of Thieves* by David Benioff was removed from a Fort Myers High School 10<sup>th</sup> grade English class without review.

**We urge you to respect your students' constitutional rights by returning the book to Fort Myers classrooms while an ad hoc committee of educators reviews its merits.**

We understand that *City of Thieves* was one of eight books assigned to the 10<sup>th</sup> grade curriculum until a parent requested it removed due to explicit language. We also understand that parents and students were given the opportunity to request alternative assignments and, while some students opted out of reading *City of Thieves*, one parent complained to the district instead. In response, media reports indicate that you contacted school officials to request the book's removal, without review.

We have the following concerns: First, the premature removal of the book from the classroom without prior review violates your own policy and raises First Amendment concerns. Second, while every parent has the right to direct their own child's education, privileging the concerns of parents over the expertise of trained teachers chills intellectual freedom and undermines the integrity of the Lee County education system. We hope you will weigh the important legal and educational considerations we raise below and resolve this and future textbook controversies accordingly.

- 1. Removing a book from the curriculum in response to parental pressures and without academic review not only violates Lee County School District Policy 2.18, it raises serious First Amendment concerns.**

The Supreme Court has cautioned that, while school officials have broad discretion to direct the use of curricular texts, **school officials risk violating students' First Amendment rights when they remove books on the basis of viewpoint or impose restrictions on instructional materials that are not "reasonably related to legitimate pedagogical concerns."** See *Pico and Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 261 (1988).

Lee County School District policies on instructional materials outline clear procedures for addressing objections to classroom materials. Policy 2.18 mandates that designated school officials "shall meet with the complainant for the purpose of hearing the complainant's concerns and attempting to resolve the issue without removing material in question from the classroom." Instead of removing challenged texts, the policy outlines a process whereby a "committee consisting of teachers, administrators and lay members...review(s) the material in question in its entirety and submit(s) complete written findings of fact and recommendations to the Superintendent." Yet, in this instance, *City of Thieves* was improperly removed before a committee review could be performed.

Especially in light of recent legal changes that allow any Florida resident to challenge instructional materials, it is critical that school officials in Lee County understand and properly follow district policies in order to safeguard students' right to read freely.

- 2. In making decisions about instructional materials, school officials should rely on the insights of trained teachers on whether a book has educational value, not parental opinions or comfort levels.**

*City of Thieves* is a critically acclaimed novel and widely recommended for young readers. Set in 1940s Soviet Union, it tells the coming-of-age story of two young boys charged with capital theft who embark on an egg hunt in historic Leningrad to barter for their freedom. To [The New York Times](#), the deft writing in *City of Thieves* "lets its characters inhabit the human condition in all of its sometimes compromised versatility." Like many skilled writers, Benioff uses occasional moments of profanity as a literary device to inject authenticity into his Russian characters and "captures precisely the maternal obsessions of Russian swearing."

In addition to exposing students to the art of literature, books provide a safe space for students to explore difficult ideas as they develop a greater understanding of themselves and others. [Library Journal](#) praises *City of Thieves* for "elevat(ing) the boys-to-men story beyond its typical male ribaldry" and advocates that it "deserves a bright spotlight in most libraries to attract readers young and old to its compelling pages."

Teachers are the best qualified to appreciate the educational merits of literature and guide their students in exploring complex works. Ultimately, parents have the right to decide whether *City of Thieves* is suitable for their own child but no parent may dictate what other students read and learn. Basing curricular decisions on parental concerns

rather than pedagogical grounds undermines the expertise of Lee County teachers, encourages teachers to self-censor by avoiding potentially contentious topics and, ultimately, robs students of the innovation and intellectual rigor that define a quality education.

**We hope you will be guided by your commitment to the First Amendment and the quality education of Fort Myers students and return *City of Thieves* to the 10<sup>th</sup> grade curriculum while an ad hoc committee of educators examines its pedagogical merits.**

We would be happy to offer additional guidance and resources for resolving this and future challenges; please feel free to reach out to us at anytime.

Sincerely,



Chris Finan, Executive Director  
National Coalition Against Censorship



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Cc: Principal Robert Butz, Fort Myers High School