

FROM THE FRONT LINE

Update on Help from SLATE

Charles Suhor, NCTE/SLATE Field Representative

Since my April *SLATE Newsletter* report on censorship cases, approximately 40 calls have come in—about 10 fewer than last year at this time, although many of the current cases have often been more complex and, sad to say, nastier. All calls received prompt telephone, fax, or e-mail responses, followed by other action when requested. Listed alphabetically below are some of the cases that deal with censorship of particular works. Actions taken are italicized. OUTCOMES (when known at press time) are reported. “Rationale(s) sent . . .” indicates that NCTE sent the teacher one or more rationales for the protested work. Letters of support were offered in all cases; they typically go to the school board president or the superintendent.

Interestingly, in every case reported in this issue the teachers offered a substitute work to students whose parents protested the work under study—a common practice that is both fair-minded and helpful in revealing whether the protestors’ goal is, reasonably enough, to guide their own children’s reading or to dictate book selection for every student in the class or district.

If you are experiencing a challenge to materials or methods, or if you know someone who is, call me at either 1-800-369-6283, ext. 400, or 334-280-4758.

Always Running by Luis Rodriguez. The parents of a tenth grader at a California high school protested this book because of alleged “pornographic” passages. The cause was taken up by a conservative Christian radio station. Subsequently, the English Department chair was harassed, called a “porno queen,” and threatened with criminal charges and actions toward revocation of her teaching credentials. She contacted the author and gathered support from students and community for the school board meeting at which the recommendation of a review committee would be

considered. *Censorship packet, review of the book by Roseann Gonzalez (NCTE Commission on Language) sent; letter of support sent to the school district.* OUTCOME: Board unanimously voted to support the review committee’s recommendation that the book be RETAINED as a supplemental text for grades 11 and 12 only, with parental permission.

Addendum. The English Department chair writes: *Thanks again for your pledge of support as I fear this is long from over. The radio stations have been besieged by calls and the board assaulted by threats of recall since their decision last night. I long for the day that I’m free from this conflict and able to devote my full attention to my teaching. . . . A surprising development last night was the appearance of one of my past students (who earned an “F” in my class last year) and her mother (who speaks only Spanish), who spoke courageously on behalf of the book and against censorship. There are some bright spots in this whole experience.*

The Bean Trees by Barbara Kingsolver. A school board member in an Illinois district went public with an objection to inclusion of this book in the curriculum. Rather than conferring with the teacher involved, he made headlines in the local paper by citing passages out of context and claiming that the book included obscene language, explicit sexual content, and negative depictions of religion. The board voted to withhold the book, calling on the English Department chair to appear at the next meeting for a public explanation of his choice. *Censorship packet, review from NCTE’s Books for You and English Journal sent to*

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teacher; letter of support sent to board.

OUTCOME: Book RETAINED; only the originally protesting board member voted to censor it.

Katherine, Called Birdy by Karen Cushman, and **Martian Chronicles** by Ray Bradbury. Confusion about and delay in selection processes were involved in protests against the Cushman and Bradbury books in a California district. The Cushman book had already been purchased in the absence of formal approval, which had been delayed through administrative inaction. Protest of *Katherine* focused on crude language and the protagonist's rebellion against her father. The Bradbury work was called unsuitable because of adult language and racial epithets. This agitation resulted in the belated forming of a review committee. *Censorship packet sent; reviews and/or rationales sent for both books; letter of support sent to chair of the review committee.* OUTCOME: UNKNOWN.

Deathwatch by Robert White. A challenge to the use of this book in grade 6 at a school in Maine centered on "nudity," (i.e., a character uses underwear to protect burning feet). The teacher met with the parent to explain the use of the book in a unit on the "Survival" theme, and at press time the English Department chair was set to meet with both the parent and the teacher. *Censorship packet sent.* OUTCOME: UNKNOWN.

Deliverance by James Dickey. Seniors at a Connecticut high school were studying the Dickey novel in connection with a thematic unit on "The Journey." A parent objected to allegedly obscene language, degradation of women, and sexual descriptions in the book. Local TV and press picked up the story, which was also discussed on the David Imus call-in show in New York. The English Department chair gathered support, including that of Dickey's daughter, Bronwen Dickey, who attended the school board meeting. *Censorship packet sent; no rationale was available; letter sent to Board of Education.* OUTCOME: Book RETAINED.

Addendum. The English Department chair contributed her own rationale for the book to NCTE's collection, now on CD ROM. She writes that the Board "voted 7-1 to keep *Deliverance* in the curriculum for seniors. . . . Four of us from the English Department presented a strong defense of the novel. . . . We had a great deal of media coverage—four camera crews and a slew of print reporters. One of the crews from a local cable company filmed the entire meeting. . . . Thank you so much for your detailed letter supporting our cause. The BOE had it in front of them before and during the meeting. It helped!"

Go Ask Alice—Anonymous. While an eighth-grade class was in the process of reading this book, a parent complained about profanity, and the principal, in vio-

lation of district policy, immediately ordered the book to be picked up and removed from the library as well. *Censorship packet and rationales for the book sent; letter of support sent to school board.* OUTCOME: At the first meeting, the principal was reprimanded for failing to follow district policy and the book was retained in the library only, with a decision about classroom use postponed. The principal then proposed a policy whereby English teachers would be required to meet with all parents involved before teaching "any book that could be construed as controversial"—clearly, a policy that would produce the frostiest of all chilling effects. *Letter sent to the teacher involved for possible distribution and quotation at board meeting, explaining the chilling effect and testifying that no book is certifiably non-controversial.* OUTCOME: UNKNOWN

Martian Chronicles by Ray Bradbury. See entry for *Katherine, Called Birdy*.

Middle Passage by Charles Johnson. Lack of a clear policy for selection of books complicated this case, in which parents of a Pennsylvania tenth-grade student objected to sexual content, with overtones of concern about the teacher's "multicultural" emphasis. Because selection of works to be studied is done by each teacher individually in the school, colleagues of the teacher involved backed off, leaving her to do battle alone, even though the book was taught in a thoughtfully constructed thematic unit on heritages. *Censorship packet sent; no rationale available. Letter of support sent to teacher for appropriate circulation in the school and district.* OUTCOME: Book RETAINED. Support came from a local African American leader who endorsed the multicultural emphasis. Teacher is proposing a revision of the school's policy on selection of materials.

Addendum: The teacher writes: *I made copies of your letter and the NCTE Guidelines for Selection of Materials, wrote cover notes, and sent the packet . . . to the principal, assistant principal . . . and the librarian (activist for free speech). . . . I proposed that we . . . set up a multidisciplinary committee to revise our selection of materials policy . . . and agree how we will proceed once an objection is raised. . . . Thank you again for energizing me. With support one can tackle almost anything and gain from it.*

Of Mice and Men by John Steinbeck. A parent of a ninth grader in California objected to profanity in this book and went directly to the assistant superintendent rather than discussing the matter with the teacher. The parent expressed an interest in changing the entire curriculum so that it would "reflect Christian values." *Censorship packet and rationales sent; letter of support sent to school board president.* OUTCOME: Book RETAINED.

Power of One by Bruce Courtney. Objections to use of this book in a tenth-grade honors program and a twelfth-grade regular course in Florida were being handled successfully at the building level when a conservative newspaper reporter ran the story, followed by two negative editorials and numerous letters to the editor, many of them in support of the book. *Censorship packet and 12 copies of NCTE's "Students' Right to Read" sent; no rationale available.* OUTCOME: Book RETAINED.

The teacher writes that "*The newspaper . . . kept the controversy going with editorials and cartoons against the school system. [But the] parent never brought the book for review at the administrative level.*

Room With a View (movie) by E. M. Forster. The video of this movie was shown in a grade 11–12 elective course in 20th Century Literature in a Wisconsin school. Parents objected to the nude scene in the movie. *Censorship packet sent, including NCTE's "Dealing with Censorship of Nonprint Materials."* No rationale available. OUTCOME: Movie RETAINED.

Rosemary's Baby by Ira Levin. This book was used in an Indiana high school in connection with themes of good and evil and the Puritan tradition. The objections centered on depictions of "witchcraft." The case was complicated by the fact that the complainant is a fellow parishioner in the church attended by the school principal, and the pastor is a member of the school board. *Censorship packet sent; no rationale available.* OUTCOME: UNKNOWN.

Valley of the Horses by Jean Auel. A parent wrote a letter to a newspaper in a New Jersey township, calling for the firing of the librarian and banning of the book from the school library because of sexual content. The protest went to a district committee for review and recommendation to the school board. *Censorship packet sent; no rationale available. Case referred to American Library Association, with offer to write a letter of support. Chair of NCTE Standing Committee Against Censorship, Jerry Weiss, located in New Jersey, is active in the case.* OUTCOME: UNKNOWN.

A Yellow Raft on Blue Water by Michael Dorris. A protest against this book at the high school level. *Lynn Carhart, Region 1 SLATE Representative, sent a defense of this book to the superintendent and school board.* OUTCOME: Book RETAINED.

Addendum: In an earlier action, Carhart discovered that a district had a censorship policy that called for removal of books when complaints came in—a true "censorship policy"! She successfully proposed a district policy that includes an orderly review of complaints, consistent with the principles of NCTE's "Students' Right to Read."

Update Coda 1—Expert testimony in two censorship cases

My April report included protest of *Damned in the USA*, an award-winning video shown by a high school teacher in a California Advanced Placement class. The teacher had previously been reprimanded, appropriately, for not following officially approved district procedures before showing the video; but a group of parents took action to have the teacher's license revoked in the state of California. I gave expert testimony in San Diego earlier this year, noting appropriateness of the video for the teaching context and the student population involved, and pointing to the chilling effect of a disproportionate punishment for an essentially procedural offense. OUTCOME: The judge recommended RETENTION OF TEACHER'S LICENSE, and the state licensure board concurred. Criticism of the procedural error, previously acknowledged by the teacher, was part of the judge's text; more significantly, the judge included high praise for the teacher's record as an outstanding educator and noted that students should not be deprived of his excellent teaching abilities.

I also gave expert testimony in a New York case in which a group of parents, supported by a conservative Catholic lawyers' association, is suing a school district for curriculum content/materials and classroom methods that allegedly reflect religious viewpoints inconsistent with their own persuasions. The protests focused in part on world mythologies that included various non-Judeo-Christian tales. Among the methods protested were relaxation exercises in physical education class and hands-on arts projects that involved sculpting figures from world mythologies. In the written phase of the testimony, I discussed the validity of studying religious literatures of various cultures *as literature*, defended the nonsectarian use of methods such as guided imagery and centering exercises, and challenged the notion that promotion of a "New Age" philosophy is afoot in the district.

Update Coda 2—Outcomes of previous cases reported

Several cases noted as "OUTCOME: UNKNOWN" in previous reports are now known and are listed below.

The Drowning of Stefan Jones by Bette Greene (Alabama). OUTCOME: Book RETAINED.

The Giver by Lois Lowry (Georgia). OUTCOME: Book RETAINED.

Huckleberry Finn by Mark Twain (Kansas). OUTCOME: Book RETAINED.

I Am the Cheese by Robert Cormier (Indiana). OUTCOME: Book RETAINED.

I Know Why the Caged Bird Sings by Maya Angelou (California). OUTCOME: Book RETAINED.

Montana by Larry Watson (Texas). OUTCOME: Book RETAINED

Native Son by Richard Wright (Ohio). OUTCOME: Book RETAINED.

Snow Falling on Cedars by David Guterson (Illinois). OUTCOME: Book RETAINED.

Wolf Rider by Avi (Georgia). OUTCOME: Book RETAINED.

Update Coda 3—Policy on Films in the Classrooms Urged

When a seventh-grade teacher in a New York district was challenged for showing *The Last of the Mohicans* (James Fenimore Cooper) in the recent film version (with Daniel Day-Lewis) in connection with the study of United States history, a protest resulted in a district policy that adopted the motion picture industry's ratings, further stating that "No videos rated over G may be shown without prior permission from the parent," and prohibiting R-rated movies altogether.

This question of movie ratings arises with increasing frequency. A letter was sent to the superintendent and others, along with a copy of NCTE's "Guidelines for Dealing with Censorship of Nonprint Materials." The letter summarized the Council's position as follows:

If I understand the [district] policy correctly, the criteria for selection of videos admirably emphasize educational value and the curricular applications of a given video. These positive points are not consistent, though, with absolute prohibition of films rated R by the motion picture industry. Many such pictures have great educational value and are extremely relevant to the English language arts curriculum. As noted in the enclosed publication entitled "Guidelines for Dealing with Censorship of Nonprint Materials," the industry ratings are made with no concern whatever of the educational value of a film. There are some PG movies that are educationally unsuitable and some R movies that can contribute powerfully to students' education in a given course or classroom. Rather than summarily rejecting all R-rated movies, NCTE endorses selection from the total field of videos those that (a) meet the educational needs of particular groups of students and (b) have curricular relevance at the local level.

SLATE ELECTION RESULTS

SLATE members recently elected two regional leaders to the SLATE Steering Committee, and three 1999 Nominating Committee members. Following are the new Steering Committee members, whose three-year terms of office begin officially after the Nashville Convention.

Agathaniki (Niki) Locklear, Simon Kenton High School, Kentucky, Region 2

Sharon Chaney, Hunters Lane High School, Nashville, Tennessee, Region 3

Ellen Y. Swain, Cimarron High School, New Mexico, Region 6

Mary Sheehy Moe, Helena College of Technology, Montana, Region 7

Retiring members of the Steering Committee include: Hazel K. Davis, Athens, Ohio (Region 2); Daniel McQuagge, Delta State University, Cleveland, Mississippi (Region 3); Shirley Wright, Longview ISD, Texas (Region 6); and Driek Zirinsky, Boise State University, Idaho (Region 8). Continuing on the committee are Lynn Carhart, Monmouth Regional High School, New Jersey (Region 1); Keith Younker, Southridge High School, Huntingburg, Indiana (Region 4); Dale Allender, Grinnell College, Iowa (Region 5); and William G. McBride, Colorado State University, Ft. Collins (Region 8).

The SLATE Steering Committee consists of eight persons, all of whom are elected by SLATE members. Each SLATE leader has responsibility for a designated region; the SLATE regions are determined on the basis of affiliate regions for the purpose of holding periodic leadership conferences. The term of office for members of the committee is three years, with terms occurring in a staggered sequence.

Following are the newly elected 1999 SLATE Nominating Committee members:

Daniel A. Heller, Brattleboro Union High School, Vermont, Chair

Greg Bouljon, Bettendorf Schools, Iowa

Lois M. Rosen, University of Michigan, Flint

The Nominating Committee will hold two open meetings at the Annual Convention. The first is scheduled for 10:30–11:15 a.m. on Saturday, November 21, and the second for 8–9 a.m. on Sunday, November 22. The committee will nominate two candidates each for Regions 1 and 4 and six candidates for next year's SLATE Nominating Committee. Please bring your nominations to the open meetings or send nominations by December 1 to Daniel A. Heller, 1251 Ames Hill Rd., Brattleboro, VT 05301.

The CD-ROM, *Rationales for Challenged Books*, was prepared in partnership with the International Reading Association under the leadership of M. Jerry Weiss, chair of SCAC. It extends SLATE and SCAC's continuing efforts to help teachers in defending books against protests, selecting works, and planning specific lessons. Intended mainly for middle and high school levels, the CD-ROM includes over 200 rationales for more than 170 books and films, organized by title and author. NCTE Stock #38276. \$29.95 member, \$39.95 nonmember. For ordering information about any of the above resources, call 1-800-369-6283.

CHRIS CRUTCHER WINNER OF NCTE/SLATE INTELLECTUAL FREEDOM AWARD

Chris Crutcher, author of *Staying Fat for Sarah Byrnes* and *Ironman* has been named the winner of the national Intellectual Freedom Award, according to M. Jerry Weiss, Chair of the Joint Committee (SLATE and the Standing Committee Against Censorship) on the award. The Committee chose Crutcher because of all that he has done to promote anti-censorship activities for young adult literature.

Chris Crutcher will be presented with a plaque at the NCTE Annual Convention in Nashville on Sunday, November 22 at 1:15 p.m. during session J.32, where he is scheduled to speak.

The other members of the Joint Committee for the national Intellectual Freedom Award were Edd Armstrong and Jeff Kaplan for the Standing Committee Against Censorship, and Lynn Carhart and Keith Younker of SLATE. A call for nominees for next year's award will appear in the next issue of the SLATE *Newsletter*. Note that individuals and groups are eligible for nomination. For further information, see the forthcoming announcements or write to Marcia Loeschen, NCTE, 1111 W. Kenyon Road, Urbana, IL 61801-1096.

NCTE AFFILIATES CONFER INTELLECTUAL FREEDOM AWARDS

Another part of the Intellectual Freedom Awards program involves NCTE state, regional, and provincial affiliates, who were invited to make such Freedom Awards within their own constituencies. Millie Davis, NCTE Director of Affiliate and Member Services, reports that the following affiliates participated and commented on their awards as noted below:

The Houston Council of Teachers of English recognizes Writer in the Schools (WITS). Since 1983 WITS has sent professional poets, fiction writers, and playwrights into classrooms to share their love and knowledge of the written word with students and their teachers. At the very center of this work is the belief that the skills children develop while making art—those of observation, interpretation, communication, and creative expression—are among those most vital to intellectual freedom. The creative exploration and the resulting self-confidence can have a positive effect on the self-esteem of almost any child, regardless of race, gender, or class. WITS offers year-long writing workshops to over 6,000 students each year.

The Indiana Council of Teachers of English recog-

nizes Rebecca McElroy and Sandra Kelley. Becky McElroy (teacher) and Sandra Kelley (principal) demonstrated stellar protection of students' right to read in a year-long battle to retain Brock Cole's *The Goats* in the language arts curriculum at Sarah Scott Middle School. In January 1997, McElroy began receiving anonymous phone calls denouncing her use of the book, accusing her of being "un-Christian," and threatening her with challenges to her principal and school board. As principal, Kelley informed central administration and school board members about the tactics used by challengers and reminded all parties—including the challengers and the media—of the school district's policy for handling book challenges. For ten months the challengers did not use the Vigo County School District policy. Instead they used Web sites, letters to the editor, anonymous phone calls, and local ministers to denigrate the novel and school personnel. However, support of the book and adherence to the policy by McElroy and Kelley resulted in a Materials Review decision of 7–0 to retain the book and an affirmation of that decision in an appeal to the school board.

The Kentucky Council of Teachers of English/Language Arts recognizes Harold Fenderson, Principal, and the Central High School Site-Based Decision Making Committee. In November, 1997, two parents formally addressed the Jefferson County Public School's Reconsideration Committee and demanded that the book *Invisible Life* by E. Lynn Harris be removed from the classroom library of English teacher Dr. Dee Hawkins due to inappropriate content. The Committee considered the challenge and ultimately recommended that the book stay in the classroom library, but that a synopsis be made available for parents to read, along with a letter for them to sign before students could check out the book. The decision was followed by months of negative media exposure—newspaper articles, and radio and television call-in talk shows claiming that the teacher was guilty of promoting homosexuality and influencing the student killings in Paducah, Kentucky. Finally, however, Central High School's principal Harold Fenderson and the Site Based Decision Making Committee voted to support the teachers' intellectual freedom to keep the book on the classroom shelf.

The Minnesota Council of Teachers of English recognizes Richard Fischer. Richard Fischer has been Censorship Chair of the Minnesota Council of Teachers of English since 1992 and president of the Minnesota Coalition Against Censorship (MCAC) from 1994–95. In these roles he has successfully advocated for teachers whose school boards have sought to remove books such as Pat Conroy's *The Lords of Discipline* and John

Steinbeck's *Of Mice and Men*. He was also instrumental in helping the MCAC pass an Internet Use Policy which became the NCTE guideline as well. He has conducted several workshops on censorship issues and written reports on censorship concerns to MCTE. Fischer notes in his acceptance letter that he accepts the award as a member of MCAC rather than as an individual and that he wants recognition to go to MCAC and to Professor Fran McDonald for their support of First Amendment Rights and for the help they have given him during his term as Censorship Chair.

The Nebraska English Language Arts Council recognizes Carol Gulyas. Carol Gulyas has been a defender of the public schools, of the expertise and professionalism of Nebraska teachers, and of the importance of local decision-making power on issues of curriculum and instruction. On the issue of controversial state standards, Gulyas expressed her opinion in letters to the Commissioner of Education and the State Board themselves and worked with the State Department of Education on the Nebraska Frameworks and the Standards and English teacher education requirements. In addition, she shared her expertise with others through the Nebraska Writing Project, the Rural Schools Program, and her college classroom. Gulyas continues her influence through the publication of newspaper articles and scholarly papers and presentations.

The Texas Council of Teachers of English recognizes Shirley Wright. Shirley Wright is being honored for her belief in a democratic education for all students. Wright holds high expectations for public schools as institutions that must serve students of all backgrounds. As co-chair of the Texas Education Agency's Reading and Language Arts Committee, formed to write the Texas Essential Knowledge and Skills document, Wright, despite adversity and racism, never relinquished her belief that all children are entitled to receive outstanding instruction on a common store of ideas and skills to prepare them for satisfying and useful lives now and in the future.

In addition to receiving recognition from the affiliates, awardees will be honored at the NCTE Annual Convention in Nashville at the affiliate breakfast on Sunday, November 22.

INTOLERANCE AND RACISM REPORTED IN U.S. SCHOOLS

In the "For the Record" section of *Klanwatch Intelligence Report* (Spring 1998), The Southern Poverty Law Center (SPLC) reports on incidents of racism and intolerance throughout the country. The list below, which focuses solely on incidents in

schools—elementary through university—is excerpted from SPLC's larger list. "For the Record" items are drawn primarily from media sources and police reports, not all of which have been verified by *Klanwatch*. For more information about the Klanwatch project write to SPLC, P.O. Box 548, Montgomery, AL 36104-0548.

Lodi—Jan. 10, 1998

A cross was burned at a high school. Gary Lee Howard Jr., 22, and Shawn Vernon Lyman, 28, were charged in February with a hate crime and conspiracy to commit a hate crime.

Santa Ana—Feb. 10, 1998

Richard Machado, 20, was convicted of civil rights violations for sending threatening e-mail to several Asian students at UC-Irvine in September 1996.

Denver—Feb. 21, 1998

Racist literature was sent to the office of a black student group at the University of Colorado at Boulder. A derogatory message aimed at a Native American organization was also written on a message board at the office.

Athens—Feb. 19, 1998

A white man, Jerry Kennedy, was charged with arson and false report of a crime for allegedly fabricating a hate crime at his residence at the University of Georgia in January.

Augusta—March 3, 1998

A cross draped with a Klan robe was erected at a high school. Graffiti was also spray-painted at the school's athletic field.

Champaign—February 1998

Literature from Odin Saves Ministry was left at residence halls at the University of Illinois at Urbana-Champaign.

Manchester—March 16, 1998

Racist e-mail messages were allegedly sent to several minority and exchange students at Manchester College.

Martinsville—January 1998

Several black high school students and fans at a basketball game were allegedly threatened and called racial epithets by opposing team players.

Portland—Jan. 22, 1998

Two white hockey players, Shawn Mansoff and Matt Oliver, were charged with civil rights violations for allegedly leaving a racist, threatening message on a black hockey player's answering machine at the University of Maine in December. Bryan Masotta, who is also charged in the complaint, pleaded no contest in the incident.

Palmer Park—Feb. 19, 1998

Racist graffiti was scrawled at a high school. Two 15-year-olds were arrested.

Clinton—Feb. 20, 1998

Racial graffiti was scrawled in a bathroom at a high school. Two 15-year-old white students were charged with racially motivated damage to property and vandalism.

Ronkonkoma—Jan. 25, 1998

Racist and anti-Semitic graffiti was scrawled at a high school. Joseph Grohs, 19, and Ryan Gromon, 16, were charged with criminal mischief and making graffiti.

Greensboro—February 1998

A white woman campaigning for a student government office at Guilford College was allegedly attacked at the school and a racial epithet was written on her body.

Waynesville—Jan. 25, 1998

A cross was burned at a middle school.

Oxford—Jan. 19, 1998

A black student and a white student walking on the Miami University campus were allegedly attacked by two white men who used anti-gay epithets and racial slurs.

Corvallis—Feb. 2, 1998

A high school student was allegedly beaten by three youths who used anti-gay epithets. Robert P. Huffaker and Michael B. Nash, both 16, and Cyle A. Schroeder, 15, were charged with third-degree assault and first-degree intimidation.

Johnson City—Jan. 14, 1998

National Alliance neo-Nazi literature was sent to the assistant activities director at East Tennessee State University.

Strafford—January 1998

A derogatory slogan aimed at disabled students was spray-painted on the students' bus.

Everett—Feb. 12, 1998

A racist, threatening flier was posted on several bulletin boards located at Everett Community College.

Pullman—Feb. 17, 1998

Swastikas were scrawled on a Black History Month display erected at Washington State University.

Pullman—Feb. 22, 1998

Anti-Semitic graffiti was scrawled at a residence hall at Washington State University.

La Crosse—March 3, 1998

Literature from the neo-Nazi National Alliance was sent to the student government president at the University of Wisconsin-La Crosse.

TEACHERS FIRED OVER CLASSROOM PRACTICES LOSE APPEALS

By Mark Walsh

Two public school teachers who were fired for using controversial methods or materials in the classroom have lost their separate court appeals.

The Colorado Supreme Court recently upheld the dismissal of Jefferson County teacher Alfred E. Wilder, for showing the Bernardo Bertolucci film "1900" to his high school logic and debate class.

"Epic, Artful"

In the Colorado case, Mr. Wilder had shown "1900" to 17- and 18-year-old seniors at Columbine High School in 1995. The movie depicts the history of fascism in Italy from 1900 through World War II.

Mr. Bertolucci, the director, testified by phone from Italy in defense of the teacher at one administrative hearing. But the school board fired Mr. Wilder, citing the showing of the film and what the board said was a history of his not fulfilling his classroom duties.

A state appeals court ordered the teacher reinstated, saying the board had violated his First Amendment free-speech rights.

A divided Colorado Supreme Court ruled for the school board on June 29. The majority said it should have occurred to Mr. Wilder that the film clearly fell within the controversial-materials policy because of its "full frontal nudity, oral sex, masturbation, profanity, cocaine abuse, and graphic violence."

The dissenting justices described the film as "generational, epic, artful," and defended a teacher's right to use professional judgment in selecting curriculum materials.

Deborah Fallin, a spokeswoman for the Colorado Education Association, which is defending Mr. Wilder, said no decision had been made on whether to appeal to the U.S. Supreme Court.

The court ruled 4-3 that the teacher violated the school's policy on controversial teaching materials by failing to get the principal's approval to show the R-rated 1977 film, which includes frontal nudity, sexual scenes, drug use, and graphic violence.

Meanwhile, a federal appeals court has thrown out a \$750,000 jury award won by Cecilia "Cissy" Lacks, a Missouri high school teacher who was fired for allowing her students to use profanity in their creative-writing assignments.

The three-judge panel of the U. S. Court of Appeals for the 8th Circuit ruled unanimously that the Ferguson-Florissant school board was justified in firing Ms. Lacks in 1995 for failing to enforce the student-discipline code's prohibition against profane language.

"The school board has a legitimate academic interest in prohibiting profanity by students in their creative writing," U. S. Circuit Judge Richard S. Arnold said in the June 22 ruling.

Ms. Lacks' case has attracted nationwide attention. She was a 22-year teaching veteran in the Ferguson-Florissant district when she allowed her Berkeley High School students, most of whom were African Americans, to use street language in short plays they wrote for a class assignment in the fall of 1994.

The plays, as well as some students' poetry that was also at issue, dealt with sex, teenage pregnancy, gangs, and drugs and included a steady stream of obscenities, street jargon, and "black dialect." (*See Education Week, June 21, 1995.*)

After viewing videotapes of classroom performances of the student plays, administrators charged Ms. Lacks with violating school board policy.

In a lengthy public hearing before the board in the spring of 1995, Ms. Lacks and others defended her teaching methods as "student-centered" and designed to unleash creativity in disaffected students.

Administrators argued that the student discipline code, which all teachers were required to enforce, prohibited profanity, even in creative assignments. They said Ms. Lacks had been warned before about profanities in the student newspaper, which she once edited.

The school board dismissed Ms. Lacks. She sued the district, alleging violations of state law and the First Amendment guarantee of free expression. She also alleged racial discrimination: Ms. Lacks is white and the principal and an assistant superintendent involved in reviewing the case are black.

“Social Order”

A federal district judge ordered Ms. Lacks reinstated in her job, saying that her firing was not supported under state law by substantial evidence. A jury awarded her \$500,000 on her First Amendment claim and \$250,000 on her race-discrimination claim.

The 11,000-student school district appealed to the St. Louis-based 8th Circuit court. In its ruling, the appellate panel held that the school board had enough evidence to conclude that Ms. Lacks “willfully” violated board policy by allowing profanity in the creative-writing assignments.

Judge Arnold cited a 1986 U.S. Supreme Court decision, *Bethel v. Fraser*, which upheld the discipline of a student for using sexually suggestive language in a speech before a student assembly.

The high court said in *Fraser* that “schools must teach by example the shared values of a civilized social order.”

Jeremiah A. Collins, one of Ms. Lacks’ lawyers, said the full 8th Circuit court would be asked to throw out the panel’s ruling and rehear the case.

“We think the opinion is wrong on the law on a number of points,” he said.

SLATE Newsletter is sent to individuals who contribute \$15 or more per year to support the activities of the NCTE/SLATE Steering Committee on Social and Political Concerns. Send your contribution to NCTE/SLATE, 1111 W. Kenyon Road, Urbana, Illinois 61801-1096.

Editor: Dan McQuagge, Delta State University, Mississippi

NCTE Staff Liaison: Millie Davis

NCTE Staff Editor: Kathy Robinson

SLATE TO YOU—The function of SLATE is to influence public attitudes and policy decisions affecting the teaching of English language arts at local, state, and national levels and to implement and publicize the policies adopted by NCTE. As part of its charge, SLATE is officially recognized as NCTE’s intellectual freedom network.

In this issue . . .

- **From the Front Line**
- **SLATE Election Results**
- **Affiliate and National Intellectual Freedom Award**
- **Intolerance and Racism Reported in U.S. Schools**
- **Teachers Fired Over Classroom Practices Lose Appeals**

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