

DONNA HULSIZER

Public Education on Trial

Court cases in Tennessee and Alabama challenge the purposes of public education and threaten democratic rights guaranteed by the First Amendment.



The plaintiffs and their supporters hail the decision as a victory for parents' rights. The defendants warn that the ruling will create chaos in the classroom and turn public education into a process of teaching children *what* to think rather than *how* to think. The case is *Mozert et al. v. Hawkins County Public Schools et al.*,¹ now on its way to federal appeals court.

The plaintiffs, a group of fundamentalist Christian families in Hawkins County, Tennessee, charge that a Holt, Rinehart, and Winston reading series in use in the county schools offends their religious beliefs. The offensive materials include such children's classics as *The Wizard of Oz* and *The Diary of Anne Frank*, and such broad topics as the Renaissance, evolution, pollution, Roman Catholicism, Islam, and Buddhism. On 24 October 1986 Federal Judge Thomas G. Hull ruled that the children of the plaintiff families could be taught reading at home by their parents and could go to the library or study hall during instruction in that subject.

Press reports highlighted the long list of parents' objections, some of which may appear trivial or even humorous at first glance. Some are issues, such as gun control or the respective roles of men and women, that

many of us would consider secular. But their objections are sincere, and the issues raised by this case, as well as a related one in Mobile, Alabama, are far from trivial. They involve fundamental rights protected by the First Amendment and the purpose and process of public education.

Sectarian Education in Public School

Examination of the plaintiffs' testimony in the Tennessee case makes clear that they want a sectarian education in public school. They object to a range of ideas and methods common to almost all nonsectarian basal reading series in use in schools across the country. They want, according to plaintiff Vicki Frost, to have their children "taught from a Christian perspective."

This perspective, as revealed in the testimony, discourages use of the imagination "beyond the limitation of scriptural authority." A story about Leonardo da Vinci and the Renaissance, for example, came under fire because it "talks about the idea that the human mind has unknown capabilities for imagination, intelligence, and creativity." Tolerance, particularly with respect to religion, is not part of this perspective. As Frost put it, "We can-

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not be tolerant in that we accept other religious views on an equal basis." This view would discourage the teaching of evolution on the grounds that it does not support the biblical account of creation. It would inhibit discussion of controversial issues, such as disarmament, strengths and weaknesses of the American government and economy, and global problems. One of their beliefs, Frost confirms, is that the free enterprise system of capitalism is ordained by God.

Several assumptions underlying the plaintiffs' approach to education bear scrutiny. The first is that mere exposure to contradictory ideas will undermine a child's faith. Testifying as an expert witness, child psychiatrist Robert Coles argued that such exposure would not necessarily undermine belief and might actually work to strengthen it. He noted also that it is virtually impossible for parents to protect their children from different viewpoints, that if they are not exposed to them in the classroom, they will encounter them in their reading, on television, or among their peers.

A second assumption is that children must not be taught to question or to wonder, but simply to accept what is put before them. At a time when educators are struggling to improve higher-level thinking skills, this approach would stifle critical thought.

A third assumption is that scripture and science both provide *scientifically* valid accounts of natural phenomena. One, however, is a matter of faith, and the other is a product of scientific method and empirical verification. In fact, they need not necessarily be pitted against one another, but they do not arrive at their conclusions by the same path. Tacking on the word "science" to "creation" does not make creationism scientific. To claim that these two accounts are equally scientific betrays a deep misunderstanding of science.

A final assumption is that protecting the plaintiffs' free exercise of religion and access to a free public education means that the curriculum must reflect their particular sectarian perspective. Judge Hull acknowledged this when he noted in his ruling that "considerable evidence indicated that no single, secular reading series on the state's approved list would be acceptable to

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the plaintiffs without modification."

Similar issues are at the heart of the Alabama case, *Smith et al. v. Board of School Commissioners of Mobile County*.² In this instance, several hundred fundamentalist parents charged that the curriculum in use in the Mobile schools promotes the "religion of secular humanism," which violates the First Amendment prohibition against the official establishment of religion. The plaintiffs also claim that the textbooks censor information about Christianity, in violation of the constitutional right to free exercise of religion. On 4 March 1987, Judge W. Brevard Hand ruled that secular humanism is a religion, and that it is being promoted unconstitutionally in the Alabama Public Schools. He ordered the immediate

Implications of the Tennessee Textbook Controversy for Public Education

C. Glennon Rowell

The court's ruling in *Mozert et al. v. Hawkins County Public Schools et al.*¹ and the subsequent awarding of payments to the plaintiffs may be remembered not only for permitting students to specify what they or their parents find acceptable in the curriculum, but also as the point at which our government's judicial branch transcended its role of interpreting the Constitution to that of refereeing the affairs of public education. The following implications of the ruling are cause for concern among public school officials and parents who view public education in a broader context than do these plaintiffs.

1. *Potential problems with widespread censorship.* Although the plaintiffs' attorneys have argued that their case is not one of censorship, their contention is spurious given the case-method nature of judiciary decision making in this country. If the decision stands, we can anticipate a deluge of parental objections to curricular materials in the schools.

2. *Limitation of diverse materials/controversial topics in schools.* How unfortunate if schools must attempt to teach only that which offends no one. Parental intervention cannot be allowed to destroy the school's function as a place where children learn how to handle conflicting opinions.

3. *Interference with organization/management of instruction.* While individualization of instruction is encouraged, basic reading instruction occurs in small groups. For parents to demand that their children be provided content different from the carefully sequenced, core reading materials being used in the classroom denies educators the right to organize and manage instruction as they have been trained to do. It is likewise contrary to the idea that the collective interests of children taught in groups come before the interests of any individual in the group. Clearly, the rights and education of the majority of children in a classroom would be jeopardized as organization and management of instruction deteriorated (as surely would happen).

4. *Interference with the reinforcement of reading instruction throughout the day.* Ideally, direct reading instruction is provided as an integrated entity. However, reading instruction consists of skills, concepts, and vocabulary. Obviously, not all elements can be reinforced to the same degree, but teachers should not be limited concerning where they can reinforce them, nor should they be restricted in drawing connections to the content in reading where these elements were initially introduced.

5. *Problems with viewing balance in the school program through the reading curriculum only.* Judge Hull stated that "many of the objectionable passages in the Holt, Rinehart, and Winston books would be rendered inoffensive, or less

removal of 45 history, social studies, and home economics textbooks from all Alabama public school classrooms.

Both cases constitute an attack on the methods, content, and basic purpose of public education, but there are important differences between them. In Tennessee, parents objected to a reading series and wanted alternative materials. In Alabama, virtually the entire curriculum was at issue. Judge Hand permitted the plaintiffs to make their suit a class action, with the class so broadly defined that the case will affect all Alabama public schools. A possible consequence in Mobile—and one endorsed there by Governor George Wallace—might be placing textbook selection under the supervision of a federal court.

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offensive, in a more balanced context.” It is not feasible to decide that the way to provide a more balanced view of content is to adjust only one segment of a school’s program (in this case, reading). It is probably fair to say that at least some of the themes the plaintiffs found objectionable in the Holt series are counterbalanced by themes found in the textbooks of other subjects. Since only the Holt series was singled out, it could be argued that the plaintiffs found the other textbooks provided by the Hawkins County Schools acceptable.

6. *Problems involved when all phases of student development are not promoted.* The school environment must further children’s social, emotional, psychological, and physical development in addition to their academic growth. Permitting children to choose home schooling greatly hampers social and civic growth. Likewise, putting children in situations where their peers will view them as different or as the recipients of special treatment can be harmful.

7. *Potential for destroying the true purpose of the public school as a basic cornerstone for freedom.* There are times when an individual’s or a small group’s preferences must yield to societal goals. At the same time that the First Amendment protects each individual’s free exercise of religion, reason, logic, and the good of society as a whole must also be preserved.

8. *Further disruption of the school day.* Judge Hull’s ruling that the plaintiffs’ children be allowed to exit their reading classes to go either to the library or study hall and be taught reading at home may sound like a neat solution, but it further promotes what educators call “chopped-up” days, resulting when students exit periodically for one activity or another. Teachers value and wish to preserve the continuous large blocks of teaching time existing in the elementary school.

Educators at the district and state levels must make a concerted effort to prevent the kind of attack on public education that Hawkins County, Tennessee, is experiencing. Only through united, well-planned endeavors can such abuse of the First Amendment be halted. Even if higher courts overturn the Eastern Tennessee U.S. District Court’s decision, protection against further action is necessary to prevent other groups from advancing their religions at the expense of the common good.

1. *Mozert et al. v. Hawkins County Public Schools et al.*, United States District Court for the Eastern Division of Tennessee, Northeastern Division, Greeneville, Tennessee, No. CIV-2-83-401, 1986.

—C. Glennon Rowell is Associate Dean for Graduate Studies in the College of Education at the University of Tennessee, 212 Claxton Education Bldg., Knoxville, TN 37996-3400.

The Effects on Classrooms

What are the potential effects of these cases on life in schools and classrooms themselves? Let’s begin with the books themselves. Partly in response to challenges like these, textbook publishers have grown increasingly reluctant to include controversial material in their books. Many history texts, for example, almost ignore religion, despite its influence on the formation of our country and on such important contemporary events as the civil rights movement. Evolution suffers similar neglect in science and biology texts. The result of this caution is bland, intellectually uninspiring textbooks that also teach a distorted view of history and science. These two court cases have considerably expanded the notion of what is controversial, which will increase publishers’ wariness and produce textbooks even further impoverished by the systematic muting or omission of topics susceptible to such challenges.

When we turn our attention to curriculum, the problem becomes more complex. In Tennessee, Judge Hull limited his ruling to a particular group of children and one particular reading series. In Alabama, Judge Hand’s decision is an unprecedented intrusion into the curriculum by a federal court. In an act that amounts to judicial book burning, he has left students and teachers with a gutted curriculum in the middle of the school year. He has given the country its first judicially created religion, and the first religion to be defined by its opponents. While these rulings at present affect only the jurisdictions covered by the decisions, the reality of both public education and the legal process makes it unlikely that the issue will rest there.

If the Renaissance is an objectionable topic in reading, then how is it to be treated when the class comes to that era in its history lesson? If a story about dinosaurs is troubling because it suggests an evolutionary process not in conformance with scripture, then how is evolution to be dealt with in biology class? In a well-designed curriculum, information is presented and reinforced across subject areas. Judge Hull apparently chose to ignore testimony that in Hawkins County reading instruction in grades one through four is integrated throughout the curriculum. In both cases, most of the topics

considered objectionable are part of our human and cultural heritage, and they pervade education. They are not neatly confined to this book or that lesson, and so protecting the plaintiff children from the offending material is not a simple matter of offering an alternative short story. In Alabama, Judge Hand has circumvented the democratic process by which textbooks are selected for the state's public schools, leaving educators and parents to guess about how books and curriculums will henceforth be developed and evaluated.

The Tennessee case is being invoked as precedent in challenges to texts and curriculums in places as disparate as Albany, New York, and Glendale, Arizona. There have been challenges to materials and curriculums in at least 24 states, in which the accusation leveled was "secular humanism." The door is now open to any students whose beliefs are contradicted in the classroom to participate selectively only in inoffensive parts of the curriculum. The Protestant fundamentalists involved in these cases are not alone in seeing religious implications in public school instruction. Our country is made up of hundreds of other religious sects whose members hold strong views on many issues that are discussed in public schools.

The Effects on Teachers

It is primarily the classroom teacher who will bear the burden of this curricular selectivity. To paint the picture in hypothetically broad strokes, imagine an elementary classroom in which the teacher is faced with excusing even as few as five children from different religious backgrounds from different lessons because those lessons offend their religious beliefs. Is a teacher to do so every time an objectionable topic is mentioned, even in passing? If, as indicated in Judge Hull's ruling, teachers are required to excuse the children only for reading, how are they to respond when the offending topics appear in another lesson or in the questions of other students? When parents' objections are so broadly defined, teachers will need to become amateur theologians to determine what might offend the beliefs of their students

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Good teachers constantly make accommodations to the individual needs of students, and parents who object to a particular book or story usually find their concerns assuaged with substitute material. These adjustments are made, without fanfare, in public schools all over the country. But adjustments are far more difficult when the objections are as pervasive as in these cases. The chilling effect on texts may spill over into teaching as well, with teachers avoiding controversial subjects and shying away from activities such as open-ended questions, debate, and role play (also a target of objections under the secular humanism label) that make instruction vivid and engaging for students.

Some have argued that students are excused from regular classrooms all the time to attend one or another special activity—counseling, remedial programs, and so forth—and that this practice is not, therefore, necessarily impractical and disruptive. But such activities generally have a remedial purpose, and their ultimate goal is to enable the student to participate more fully and more profitably in the regular course of instruction. It is never their purpose to segregate children according to religious belief or to shield them from unfamiliar ideas, which will be the exact result of these rulings.

The distinction is an important one. Regulations governing the education of disabled children in public schools, for example, are cited as an example of the feasibility of allowing children

to receive alternative instruction. But those regulations were carefully crafted to ensure that wherever possible those children receive special help as part of the regular course of instruction. The goal is "mainstreaming"; special classes or programs are a last resort.

The Purpose of Public Education

These disputes take their toll in time, energy, good will and trust, and community cohesiveness. Morale on all sides suffers. The quality of education is diminished, sometimes briefly, sometimes indefinitely. Costs can be financial as well. In the Tennessee case, Judge Hull awarded damages to the plaintiffs, in part to compensate them for the costs of placing their children in private Christian schools pending the outcome of the case. The Hawkins County school board is liable for these damages. In Alabama, the costs of removing only 4 of the 45 texts in Mobile County alone have amounted to \$90,000.

The purpose of public education in this country is to prepare citizens for full and responsible participation in a pluralistic democracy. Such participation requires the ability to think critically, to understand contradictions, and to respect differing points of view. In Alabama and Tennessee, the battle lines are drawn. On one side are those who would suppress critical thought and imagination, set examples of intolerance, and replace public education with the teaching of particular sectarian beliefs. On the other side are those who would promote critical thought and tolerance and protect religious freedom for all. □

1. *Mozert et al. v. Hawkins County Public Schools et al.*, U.S. District Court for the Eastern Division of Tennessee, Northeastern Division, Greeneville, Tennessee, No. CIV-2-83-401, 1986.

2. *Smith et al. v. Board of School Commissioners of Mobile County*, U.S. District Court for the Southern District of Alabama, Southern Division, Mobile, Alabama, No. CIV-82-0544-BH, No. CIV-82-0792-BH, 1987.

Donna Hulsizer is Deputy Issues Director/Education Issues Manager, People for the American Way, 1424 Sixteenth St., N.W., Suite 601, Washington, DC 20036.

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