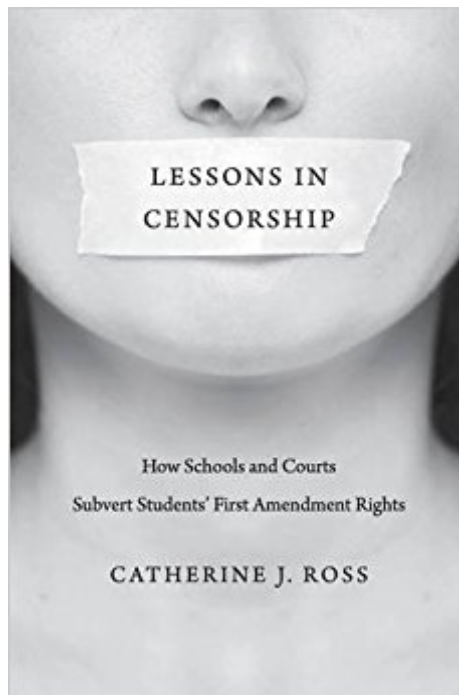


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Lessons In Censorship: How Schools And Courts Subvert Students' First Amendment Rights



Synopsis

American public schools often censor controversial student speech that the Constitution protects. *Lessons in Censorship* brings clarity to a bewildering array of court rulings that define the speech rights of young citizens in the school setting. Catherine J. Ross examines disputes that have erupted in our schools and courts over the civil rights movement, war and peace, rights for LGBTs, abortion, immigration, evangelical proselytizing, and the Confederate flag. She argues that the failure of schools to respect civil liberties betrays their educational mission and threatens democracy. From the 1940s through the Warren years, the Supreme Court celebrated free expression and emphasized the role of schools in cultivating liberty. But the Burger, Rehnquist, and Roberts courts retreated from that vision, curtailing certain categories of student speech in the name of order and authority. Drawing on hundreds of lower court decisions, Ross shows how some judges either misunderstand the law or decline to rein in censorship that is clearly unconstitutional, and she powerfully demonstrates the continuing vitality of the Supreme Court's initial affirmation of students' expressive rights. Placing these battles in their social and historical context, Ross introduces us to the young protesters, journalists, and artists at the center of these stories. *Lessons in Censorship* highlights the troubling and growing tendency of schools to clamp down on off-campus speech such as texting and sexting and reveals how well-intentioned measures to counter verbal bullying and hate speech may impinge on free speech. Throughout, Ross proposes ways to protect free expression without disrupting education.

Book Information

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Customer Reviews

This is one fine book – “intelligently organized and lucidly written, an essential text for any practitioner, legal scholar or lay reader who wants a broad yet scrupulously documented overview of constitutional precedents governing the First Amendment rights of public school students in America. Lessons in Censorship totals 299 pages, not including copious footnotes and a detailed index. Its eight chapters are divided into three main sections. In the first section, Ross examines a “legal quintet” of Supreme Court decisions that have set out – and have progressively blurred, she says – “constitutional guidelines governing pre-college student speech. She begins with Justice Jackson’s seminal decision in *West Virginia State Board of Education v. Barnette* (1943), where the court held unconstitutional the school’s requirement that Jehovah’s Witness students recite the Pledge of Allegiance. Significantly, Ross notes, the court grounded its decision in the Speech Clause rather than Free Exercise Clause of the First Amendment. The next milestone is *Tinker v. Des Moines Public School District*, handed down in 1969 at a time of growing student protest against the Vietnam War. *Tinker* built on *Barnette*’s free speech principles to expand dramatically the scope of constitutionally protected student speech in public schools. Writing for an 8-1 majority, Justice Fortas laid out what became known as the *Tinker* test for student speech: that is, expression must be permitted unless it (a) materially and substantially interferes with school discipline or the educational process, or (b) diminishes the rights of other students who simply want to be left alone.

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