Public School Library Censorship and the First Amendment [Censor]
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I. School Library Censorship and the Societal Role of the American Public School

Schools have long been considered fundamental to American society. "Education is perhaps the most important function of state and local governments...and the foundation of good citizenship."1 Traditionally, the public schools functioned as "an assimilative force by which diverse and conflicting elements in our society are brought together on a broad but common ground."2

In the historical American "melting pot" of the 19th century this assimilative philosophy was a workable one for the public schools. In the latter part of the 20th century, however, a "salad bowl" approach has replaced the "melting pot". An increasing cultural diversity, coupled with the

social revolution of the 1960's and 70's and the conservative backlash which followed has produced a "breakdown in the consensus of American values".3

Unlike the immigrants of the 19th and early 20th century, many of today's ethnic and religious minorities resist assimilation into the American mainstream, and are pressing to assert control over the ideas and values to which the experience of public education exposes their children.4 Values are often no longer uniform throughout a community, giving rise to conflict concerning which ones are to be promulgated by the schools.

Complicating the conflictual situation in American public education today is the dual role of the public school system. The schools have been called upon to support our democratic society in two separate and potentially conflicting ways, both of which are valid and necessary means to the end of preparing young people to become tomorrow's informed and responsible citizens. The schools have been our system's vehicle both for "inculcating fundamental values necessary to the maintenance of a democratic political system,"5 and for exposing students to differing viewpoints to choose among and evaluate in the "marketplace of ideas."
"Schooling is designed to socialize, that is, to convey the prevailing values and attitudes of the sponsoring community while at the same time opening the intellect to new options and new possibilities beyond those encountered in the home."6 It is this concept of the school library as a place where the intellectual exploration of new options can take place that lies at the heart of the issue of library censorship.

If courts view the traditional role of public schools as being centers of indoctrination and transmission of community mores, then schools have almost unlimited power to select and review library books...On the other hand, if courts view the public school as a marketplace of ideas, the constitutional rights of students and teachers must then be given full consideration.7 Library censorship cases encapsulize the continuing conflict of the elected school board, often allied with parent groups and symbolizing local control of the schools, with educational professionals and students, supporting the first amendment right to receive information. "Book banning brings two democratic principles into sharp conflict. Few traditions are as well-entrenched in American society as local control over public education. On the other hand, few notions are as anti-democratic as library censorship."8

The basic conflict in library censorship cases has been between the traditional authority of the school board to control day-to-day school operations and the student's first amendment rights, specifically the right to receive information and ideas. The main issue presented in these cases is whether the school board's removal of books from the school library constitutes a first amendment violation.

The lower federal courts struggled with this question and came up with conflicting answers until the Supreme Court case of first impression, Board of Education v. Pico was heard. Pico itself was a plurality opinion in which seven separate opinions were written, and set forth ambiguous guidelines, so that even more than a decade after the Supreme Court spoke to this question, the issue of school library censorship remains unsettled. The question of censorship of the

school library collection can be approached in more detail by reviewing the Pico decision, it's predecessors, and the later decisions in it's wake, followed by suggestions to help schools prepare for the possibility of library censorship attempts.

II. The Emergence of the Right to Receive Information

The issue of school library censorship integrates two separate concepts: (1) the application of first amendment rights to students in the public school setting and (2) the special status of the library as a forum for independent inquiry.

Plaintiffs in library censorship cases have asserted as their basic argument that their first amendment right to receive information is being implicated by the removal of certain books from the library based on their content. The right to receive information was initially recognized outside of the school context, and was later applied to secondary and junior high school students by the Supreme Court in the important Pico decision of 1982.

Martin v. City of Struthers heralded the first appearance of the "right to receive" doctrine in 1943, when the Supreme Court recognized that the right to distribute information included the right of the willing recipient to receive it. This decision invalidated a city ordinance prohibiting the door-to-door distribution of handbills, protecting both the right to distribute and to receive the literature.9 Justice Black, author of the plurality opinion, stated that the framers of the first amendment "chose to encourage a freedom which they believed essential if vigorous enlightenment was ever to triumph over slothful ignorance"10

Following Martin the Supreme Court expanded the doctrine of the right to receive information to protect the right of a pharmacist to advertise the price of a prescription drug. In 1976 the Court held in Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc. that the consumers' right to receive information about prescription drug prices was protected by the first amendment.11

In the late 1960's the Supreme Court decided three cases which legitimized the place of first amendment rights in the school setting. In Keyshian v. Board of Regents the Court struck down a University of Buffalo loyalty oath requirement for faculty members and pronounced the now famous quotation which was repeated in defense of student first amendment rights in many library censorship cases. "Our nation is deeply committed to safeguarding academic freedom...That freedom is therefore a special concern of the first amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."12

A year later in Epperson v. Arkansas the Supreme Court again restricted the state's power to control education to within constitutional bounds by holding that the prohibition of the teaching of the theory of evolution violated the first amendment.13

III. Applying the First Amendment to the Public School Setting

In 1969, the Court heard the landmark case of Tinker v. Des Moines Independent Community School District, the first Supreme Court case to deal directly with secondary school students' first amendment rights. Tinker followed the 1923 case of Meyer v. Nebraska in which the Supreme Court held that school officials may not operate with the goal in mind of "fostering a homogeneous people."14 In Tinker, students whose political views were different from those of the American mainstream, were protected in their expression of those views by the Court's decision that a prohibition against the wearing of black armbands in school to protest the war in Vietnam was an unconstitutional infringement on the first amendment freedom of expression. The Tinker Court penned the pronouncement often repeated in students' first amendment rights cases, that students do not "shed their constitutional rights at the schoolhouse gate"15

The Court in Tinker applied the "potential disruption standard" later applied in Pico and its progeny. Unless the prohibited exercise of first amendment freedoms would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school", its prohibition would be considered unconstitutional.16

The role of the first amendment in the school setting was examined as early as 1943 when the Supreme Court stipulated in West Virginia State Board of Education v. Barnette that the discretion of the board of education was limited by the Constitution. The Court found the mandatory flag salute to be an impermissible invasion of students' first amendment freedoms. In Barnette the Supreme Court "recognized the role of the first amendment in preserving individualism and cultural diversity in our society."17 This opinion produced another statement that was to become a rallying cry of students' first amendment rights supporters, "If there is one fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion."18

The first case to address the issue of removal of books from the school library by the board was President's Council v. Community School Board in 1972. Here the Second Circuit refused to review the board's action, and held that judicial interference in the management of the library collection by the board was inappropriate. The President's Council Court found that the infringement of constitutional rights involved in the removal of books from the school library was "minuscule" and therefore did not rise to the level of a constitutional violation, distinguishing Epperson and Tinker by the de minimis level of infringement.19 President's Council involved the removal of the book Down These Mean Streets by Piri Thomas, incidentally one of the books removed by the Island Trees School Board in Pico. The court commented that as the administration of any library involved the weeding and adding of books, such actions did not present a constitutional issue. The court spoke of the "selection and winnowing based not only on educational needs but financial and architectural realities." 20

The remarks of the Court show a lack of understanding of the workings of a library. Three basic misunderstandings are apparent. (1) The Court lacks an awareness of the thorough and professional nature of the acquisition process, and the librarian's responsibility for collection maintenance. (2) The Court fails to distinguish between book removal and weeding.

Judges and parents or school board members demanding the removal of library books should be made aware of the significant amount of effort and consideration that is necessary to place any book on the library shelf. A professional librarian consults a wide variety of sources for reviews of new materials. A decision to purchase is made on the basis of the school curriculum, the quality and student-appeal of the new book, currently popular authors or topics among the students, current events, the availability of similar materials already in the collection or the obsolescence of previously acquired materials, and budget and space constraints. Once the book has been ordered and arrives, it is cataloged and a decision made as to how it should be displayed or placed in the collection. Books that have been through this process have become school property as a part of the library, and should not be peremptorily removed at the whim of an easily offended parent or board member.

"Judges must be educated about the acquisition process in libraries. They must appreciate that, although a trained librarian usually makes the initial selection of a title, it is generally a lay person who subsequently seeks the removal..."21

The President's Council Court held that "books which become obsolete or irrelevant or were improperly selected initially, for whatever reason, can be removed by the same authority empowered to make the selection in the first place."22

The authority to make decisions regarding the library collection, however, has been delegated by the school board, through the principal, to the school librarians. Not only should the withdrawal of materials fall within the librarian's jurisdiction, but the suggestion that materials were "improperly selected" raises the implication that a serious error in professional judgement has been made. This is a charge that should not be made lightly, but should proceed through the proper channels, giving the librarian in question a chance to answer it. Likewise, withdrawal of materials by the board over the head of the librarians indicates the existence of exigent circumstances that should be looked into carefully. Why is the board in such a hurry to do away with certain materials that it engages in inappropriate micromanagement by invading the territory of its own salaried experts? If the desire for removal is content-based, first amendment protections may be triggered.

The Court also seems to lump all occasions for the withdrawal of a book from the library together. This is inaccurate. The library profession draws an important distinction between weeding and removal.23 Weeding is a standard procedure for withdrawing outdated, battered or stagnant materials for the purpose of keeping the collection up-to-date, fresh, attractive, and appealing to the library patrons. Removal, on the other hand, refers to the questionable process by which an item is withdrawn because someone has complained that he is offended by it. The first is standard operating procedure, the second is censorship.

In 1980, however, the Second Circuit qualified the broad power of the board to control library collections by their holding in Bicknell v. Vergennes Union High School Board of Directors that the board might remove from the library books which they deemed vulgar or indecent. The Bicknell court held that the school board had the authority to regulate vulgarity and explicit

sexual content in the school library. Materials considered by the board to be indecent could be removed. There was held to be no valid complaint to be made because the board used their own personal standards of vulgarity or indecency upon which to base their decision to remove the offensive books.24

The Sixth Circuit, however, lent a more liberal ear to school library censorship cases. In Minarcini v. Strongsville City School District the Sixth Circuit held that the school board's removal of Cat's Cradle and Catch 22 from the school library without any educational rationale for doing so was unconstitutional. The Sixth Circuit followed Virginia Board of Pharmacy in upholding the "first amendment right to know."25 The decision rested on the "right to receive information" and the fact that the decision to remove the books could not be explained in content-neutral terms, leading the court to conclude that the board's reason must be arbitrary. The court found that removal of materials because they are worn out or obsolete or due to lack of space is permissible, but that removal of books simply because they are incongruent with the social or political tastes of the board members is not.26 Clearly, however, the school board would not ordinarily concern itself with checking the library shelves for worn or outdated books. In regard to book removal, their actions are likely to be content-based.

Two district courts within the First Circuit followed Minarcini, adding the requirement that the school board must demonstrate a substantial and legitimate governmental interest in order to justify removal of materials from the school library: Right to Read Defense Committee of Chelsea v. School Committee of Chelsea (1978) and Savail v. Nashua Board of Education (1979).

The school board in Right to Read had removed an anthology of poems by teens entitled, Male and Female Under 18 from the library in response to a single parental complaint regarding street language and anatomical references in one poem.27 The book had been purchased by the school librarian in an order of 1,000 paperbacks as part of a participation in Prentice Hall Publishing Company's program to encourage reading.28 The librarian, admitted that, probably due to the unusual bulk purchase procedure, she had not read the poem in question, "The City to a Young Girl".29

Despite the inclusion in the poem of language that could be considered vulgar, the court ordered it returned to the library, stating "What is at stake here is the right to read and be exposed to controversial thoughts and language - a valuable right subject to First Amendment protection... The most effective antidote to the poison of mindless orthodoxy is ready access to a broad sweep of ideas and philosophies. There is no danger in such exposure. The danger is in mind control."30

The board in Savail v. Nashua Board of Education had removed all copies of Ms. magazine from the school library and canceled the subscription, finding references to sexual aides, witchcraft and trips to Cuba offensive.31 Not finding the magazine to be obscene under the Miller standard, as it was not "lacking in serious literary, artistic, political or scientific value,32 the district court ordered it back on the shelf.33

The approach of the Seventh Circuit contrasts sharply with the more liberal Sixth and First Circuit views on the question of the student's right to read. In 1980 the Seventh Circuit upheld the school board's removal from the school library of the book Go Ask Alice, an anonymous diary chronicling a teenage girl's downward spiral of experimentation with hallucinogenic drugs and casual sex, in Zykan v. Warsaw Community School Corp.,34 in support of the board's authority to instill students with community values. The court held that the marketplace of ideas concept did not apply to the secondary schools as students were insufficiently mature to make informed and meaningful choices between alternative viewpoints.35 The Zykan Court rejected the idea that books had a kind of tenure once they were added to the library collection. The Court devised a three prong test a plaintiff's case must pass before school library book removal will be seen as having violated his first amendment rights.

(1) The book must be completely unavailable to students.
or
(2) Students must be forbidden to discuss the book.
or
(3) Removal of the book must have been part of a action of the board to "cleanse the library of materials conflicting with the school board's orthodoxy."36
Bare allegations that removal was based on the board members' "personal, social, political and moral beliefs"37 which would be sufficient under Minarcini standard would not suffice under Zykan.
IV. The Supreme Court Grants Public School Students the Right to Receive Information: Board of Education v. Pico

The Supreme Court's decision in Board of Education v. Pico in 1982 marked the first application of the "right to receive" doctrine to public school students. Justice Brennan, in his plurality opinion, stated that the removal of library books by the board could directly and sharply implicate the students' first amendment right to receive information, and that the school board did not have unfettered discretion to remove materials from the school library.38 The Pico Court recognized the students' right to be exposed to the variety of ideas contained in the school library's materials. "The Court viewed the library as a "marketplace of ideas," and reasoned that the unbridled book removal would cast a "pall of orthodoxy" over the library."39

The Pico decision was narrowly defined. The case at issue concerned only library books, not curriculum materials, and only the removal, not the acquisition of library books.
The Court agreed with the petitioners interest in maintaining the authority to transmit community values and in promoting respect for traditional values and authority through the school system.40 The special educational role played by the library, however, was taken into account. In the library "a student can literally explore the unknown, and discover ares of interest and thought not covered by the prescribed curriculum."41

Justice Brennan distinguished between the school board's claim of absolute discretion in matters of curriculum and its power within the unique boundaries of the school library. He found the Board's reliance upon its duty to inculcate community values misplaced when it attempted to

extend its claim of absolute discretion beyond the compulsory environment of the classroom and into the school library where students are free to select reading materials.42

The district court in Pico had upheld the school board's removal of nine books from the school library, stating that the board's decision was based on conservative educational principles, and noting that the board felt the books, while not constitutionally obscene, were vulgar, and therefore educationally unsuitable for secondary and junior high school students.43

In response to the removal of the books five students brought a Section 1983 action in the District Court for the Eastern District of New York, claiming that their first amendment rights had been violated by the board's action.44

The library books initially removed by the board were as follows:

Best Short Stories by Negro Writers (L. Huges ed.)
Childress, A Hero Ain't Nothin' But a Sandwich
Cleaver, Soul on Ice
Go Ask Alice (anon)
Lafarge, Laughing Boy
Moris, The Naked Ape
Thomas, Down These Mean Streets
Vonnegut, Slaughterhouse Five
Wright, Black Boy

All but one had been reviewed in the traditional sources at the time of publication and received highly positive reviews.45

The Second Circuit reversed and remanded the judgement of the district court for a trial on the merits. The court applied a two-part test: "a school board not only must demonstrate a substantial and material basis for removing books, but it also must act with sufficient procedural precision and sensitivity to prevent chilling the students' exercise of their legitimate first amendment rights."46 The school board then petitioned for and was granted certiorari. School board members had returned from a conference of the People of New York United, a conservative organization which produced an objectionable books list. Board members entered one school library while the school was open for an evening program, and removed the books on the list. The Board then called for a system-wide purge of the objectionable books, which was resisted by the Superintendent. The Board issued a press release describing the books as "anti-American, anti-Christian, anti-Semitic, and just plain filthy,"47 and open controversy broke out between the Board and the Teacher's Union.48

A joint decision was finally made to set up a book review committee of four Island Tree parents and four members of the school staff to evaluate the books on the list. The committee recommended that The Naked Ape and Down These Mean Streets be removed, and that parental approval be required for students to check out Slaughterhouse Five. The other books

were to be returned to the shelves. The Board, however, chose to reject the committee's recommendations insisting that all the books be removed.

The Second Circuit's holding focused on the Board's "irregular and ambiguous handling" of the removal procedure.49 The court feared that the Board was overstepping its bounds and creating, by its "unusual and irregular intervention in the school library's operation,"50 an atmosphere chilling to freedom of expression. Judge Sefton, writing for the majority, held that school board members were expressing "an official policy with regard to God and country...to be ignored by pupils, librarians, and teachers at their peril."51

The Supreme Court plurality opinion of Justice Brennan, joined by Marshall and Stevens, contained a test for whether the removal of books constituted a first amendment violation. The test involved the Board's intent and is known as the "decisive factor test".

"If petitioners intended by their removal decision to deny respondents access to ideas with which petitioners disagreed, and if this intent was the decisive factor in petitioners' decision, then petitioners have exercised their discretion in violation of the Constitution."52 Bd. of Educ. v. Pico, 457 U.S. at 863.

The plurality's two-prong test could be understood as follows:
(1) Did the School Board intend to deny students access to ideas with which its members disagreed?
(2) If so, was that motivation a decisive factor in the decision?
The School Board was permitted to remove materials from the library if it did so for reasons of "educational suitability" or because the materials were "pervasively vulgar", but not for narrowly partisan or political reasons or in order to deny students access to particular ideas.53 "If a Democratic school board... ordered the removal of all books written by or in favor of Republicans, few would doubt that the order violated the constitutional rights of the students denied access to those books."54

Unfortunately, these standards are vague enough to be open to a variety of interpretations. The Court did not delineate just what constitutes an "educationally unsuitable" or "pervasively vulgar" book, nor did it expand on which "political" concerns would invalidate a school board's removal decision. Thus, the lower courts will be forced to fashion their own interpretations of the opinion to accommodate these ambiguous phrases.55

Meanwhile, as the Court fashioned guidelines for the case on remand, the School Board, wishing to avoid further litigation, returned the books to the library shelves.56

The members of the Court wrote seven separate opinions in Pico, indicating the highly divisive nature of the issue. Justices Blackmun and White concurred in the judgement, and Chief Justice Burger and Justices Powell, Rehnquist, and O'Connor dissented.

In his concurrence, Justice Blackmun refused to recognize the student's right to receive information and "instead focused on the very narrow issue of whether book removals by a school board resulted in discrimination between ideas. Blackmun, however, did adopt the plurality's holding that school officials may not remove library books for the sole reason that those officials disagree with the ideas contained therein."57

Justice White also concurred in the judgement of affirmance, but felt that since the facts had not been fully developed, the constitutional question should not be decided.
Chief Justice Burger and Justices Powell, Rehnquist and O'Connor each wrote a separate dissenting opinion focusing on two main points:

1) The school board should have broad discretion over determining educational policy including the suitability of books, and judicial intervention in such matters is unsuitable.
and
(2) The doctrine of the right to receive information does not apply to elementary or secondary schools.

Justice Rehnquist, in particular, saw the school as "a place for the selective conveyance of ideas" and believed that school boards should have almost absolute discretion in matters involving school administration.58 Justice O'Connor agreed.

Chief Justice Burger, justifiably, attacked the "educationally unsuitable" standard as being as "standardless", and promoted local control of the schools by parents through their election of school board members.59

Justice Powell argued that the board should be able to prohibit the promotion of ideas that are "repugnant to a democratic society" or which promote hatred or racial intolerance.60 Powell's argument resembles a doctrine currently in use in the United Kingdom, where a statute against speech which would incite to violence or racial hatred is in place. It has not, however, been the accepted philosophy in American jurisprudence, where first amendment freedoms command the highest protection, and controversial and even repugnant ideas have been allowed into the light rather than suppressed until they explode into violence. Powell's argument could be used to support the removal of a book on communism, for example, from the school library shelves - a clear example of the suppression of ideas.61

The failure of the Court to present a coherent united decision weakened the effectiveness or the Pico holding. The Pico opinion "in which none of the justices' seven opinions garnered majority support, indicated a Court that was struggling to define the scope of student rights and school authority."62

V. Thought Police: Backlash in the Wake of the Pico Decision

In over a decade after Pico the federal and state courts have continued to come to varying interpretations of the student's right to receive information and ideas. In the 1980's, the

conservative Reagan Court decided three cases which, while not directly concerned with the school library, made significant inroads on the first amendment rights of students.

In 1985 the Supreme Court made a distinction between the school environment and the outside world, indicating that lesser protections might be appropriate in the school environment. The school was seen as a special environment involving special state interests. The rights of students in the school context are not identical to the rights of school age citizens at large.63 This difference has been illustrated in the Court's treatment of students' fourth amendment rights. In New Jersey v. T.L.O. the Court found that the reasonable suspicion standard was all that was needed to activate a search of students and their effects on school property, in contrast with the more stringent probable cause standard operating in society in general.64 This lower standard of protection was held to exist, however, only in the presence of exigent circumstances. This restriction of fourth amendment rights in the school context foreshadows the possibility of a similar curtailment of students' first amendment rights.

Two additional Supreme Court cases provided examples of situations in which the school was seen as a special context in which special and more restrictive rules were appropriate than in society at large. In 1986, the Supreme Court in Bethel School District v. Fraser upheld the suspension of a student for making a speech full of sexual innuendo at a school assembly. Rather than overrule Tinker, the Court distinguished it for it's political speech context.65 Two years later in Hazelwood School District v. Kuhlmeier, the Court upheld the deletion of two articles from the school newspaper by the principal. One dealt with student pregnancy, the other, parental divorce. Tinker was again distinguished as representing a toleration of student speech, rather than an official school endorsement as would be implied by publication of said speech in the school newspaper.

The Court emphasized that the school was not a public forum, so that censorship of the paper did not implicate first amendment violations so long as it was motivated by legitimate pedagogical concerns.66 The Tinker "material disruption" standard was replaced by a "reasonableness" standard, expanding the authority of school officials.67

Justice Brennan, in his dissent, warned of the school's potential role as "thought police...to cast a perverse and impermissible pall of orthodoxy over the classroom."68

Three circuit court cases heard in 1989 continued to inhibit free speech in the schools and enhance the censorship authority of school officials. In Poling v. Murphy. the Sixth Circuit rejected a student's claim that his first amendment rights had been violated when his candidacy in a school election was barred as a result of "rude" remarks he made in his campaign speech criticizing the school administration. The holding was based on the "legitimate pedagogical concern" of the teaching of manners to students.69

The same year the Ninth Circuit upheld the school authorities' right to ban controversial speech by supporting their refusal to publish adds for Planned Parenthood in the school yearbook.70

Again in 1989, the Eleventh Circuit, in Virgil v. School Board, upheld the removal of a textbook containing "The Miller's Tale" by Chaucer and "Lysistrata" by Aristophanes from an elective humanities course on the basis that the sexuality and vulgarity contained were inappropriate to the students' age, and that the materials were still available in the school library, thus reinforcing the distinction between the library and the curriculum emphasized in Pico.71

VI. State Level Protections of Students' Right to Read

A California State Court case introduces an unusual viewpoint on the school board's authority to remove library books. In Wexner v. Anderson Union High School District Board of Trustees 72, the court relied on California State Statutes rather than on the constitutional argument used by the federal courts. Using both Education Code section 48907, concerning state policy regarding free speech in the public schools, and a provision in the Code with permitted the removal of library books which were in poor condition, the Court held that according to the Education Code and by virtue of the rule, "expressio unius est exclusio alterius" (the listing of one justification excludes by implication others not listed), that perceived offensive content is not an acceptable reason for book removal.73

California's response indicates that student first amendment rights may have different and possibly promising protection to be explored at the state level. Maryland's Education Code, MD Educ SS 23-105, delegates responsibility for the development of standards and policies for both public and school libraries to the Division of Library Development and Services (D.L.D.S.), a body with ties to the American Library Association whose Intellectual Freedom Committee traditionally has been active in the protection of first amendment freedoms. The oversight of school libraries by D.L.D.S. may impact positively for the preservation of the "right to receive information" in Maryland school libraries.

VII. Supporting Intellectual Freedom Through School Library Policies

In the Spring of 1980, the Association of American Publishers, the American Library Association, and the Association for Supervision and Curriculum Development sponsored a survey, the first comprehensive look at censorship in this country. The findings make frightening reading and demonstrate that censorship problems are nationwide, occurring in small towns and big cities, and, in general, are directed toward titles characterized as "vulgar" and sexually oriented.74

"The office of Intellectual Freedom of the American Library Association (A.L.A.) estimates that six times as any attempts to remove books were reported during the last ten years (prior to 1987) than in the preceding decade. By 1981 the A.L.A. reported over 900 book removal controversies a year. Such an extraordinary increase demands some explanation."75 Censorship is congruent with the conservative trend of the past decade. Various forces contribute to this trend. Certain groups support censorship of ideas which challenge their own beliefs which they wish their children to share. Many parents fear that exposure to profanity or sexual explicitness in books will have a negative impact on the behavior of their children. The

focus of censorship on the schools can be viewed as another manifestation of the modern trend of society's expectation the schools can and should solve all the problems of young people from after-school care to sex education and drug abuse prevention. Perceived high crime and unemployment rates cause parents to fear for their children's future, and to attempt to protect them from what they see as a manifestation of a sickness in modern society. Schools who would choose to support intellectual freedom in the library, which is the intellectual heart of any school, would be well advised to have a clear and neutral complaint policy in place should the necessity to confront a censorship attempt occur.

A possible complaint procedure could go forward as follows:

(1) An individual or group makes a complaint verbal complaint to a library staff member. The library should have a policy specifying who is eligible to make a complaint which will be followed through bureaucratic channels, for example: members of the school community only, school district, county, or state residents, or anyone.
(2) The complainant will be given a complaint form and advised to make his complaint in writing. Forms will be given to the librarian on duty. Forms will ask what part of the book the complainant objected to, why he found it objectionable, for whom it might be appropriate, whether he had read the entire book, whether he thought there were other redeeming features about the book, and how he would suggest the book be safely used.
Forms will also explain in brief the library's acquisition and withdrawal policies, it's complaint policy, and it's commitment to the students' "right to receive information".
(3) Complaint forms will be reviewed by the highest ranking school librarian on site or the librarian responsible for the portion of the collection including the book in question, under the supervision of the head librarian. The librarian will study both complaint and book, and make a decision as to the merit of the complaint.
(4) If the librarian feels the complaint is without merit, she will locate professional reviews of the book in question, notify the principal of the complaint, and schedule a meeting with the complainant. The principal may attend this meeting if he or the librarian feel it to be advisable. The burden of persuasion should be on the complainant to show why the material should be removed. If the complainant drops the complaint at this point, the incident is written up and placed in a complaints file. If not, the librarian will proceed to #5.
(5) A standing Complaint Committee will already be in place, made up of the school librarians and representatives from the faculty, including at least one English teacher, a member of the school board, a parent, a member of the local State Library Association, a law librarian, and an ex-officio student representative.

Complaints with merit, or those which the complainant insists on pursuing beyond the initial conference, will be referred to the Complaint Committee. This committee will meet and decide whether the book should be retained or removed, using the school's policy, and in keeping with state, local, and constitutional law.

The committee will have a chance to meet, and for the members to read the material in question before meeting with the complainant.

Committee members and the complainant will be encouraged to work toward compromise solutions such as special sequestered shelves available to senior high school students only or parental permission slips for sensitive materials demanding maturity.

Complainants may request an open forum meeting.

(6) A final committee hearing, following the basic rules of procedure, may be granted in an attempt to avoid litigation. Attorneys may be present for both sides. Decisions of the committee will be final.

Naturally, any school library acquisition policy will be necessarily selective. The school library is faced with budgetary and space constraints, as well as those of appropriateness, and materials selection decisions must be made with care by library professionals.

This is not to say that the students' right to receive information and ideas should not reasonably be regulated. For example, it would not be unreasonable to deny a minor student access to a book entitled How to Make Cyanide For Use in Cold Capsules. But, with respect to less harmful reading materials, students should not be precluded from having access to them merely because the students are minors.76

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