

Leave Your Liberty At the Door

When students enter the gates of their school, do they leave their free speech rights at the door? In *Tinker V. Des Moines*—where that same question was asked—the court held that schools should not interfere with a student’s First Amendment right to freedom of speech unless that speech can substantially interfere with the school’s operations and activities. In *loco parentis*, schools have a legal responsibility and obligation to protect students. But to what extent is that obligation allowing schools to restrict freedom of speech and freedom of accessibility of information? What is so particular about a school environment that those fundamental rights can be regulated?

As of recently, one of the most prevalent issues of free speech rights in schools is book banning. An increase of books, especially those with anti-racist or pro-lgbtq+ themes, have been subjected to removal from classrooms and libraries across the country. School districts are banning, restricting, and removing unprecedented numbers of books, taking away valuable information that students should be able to access.¹

Indeed, the Supreme Court of the United States has only heard one case about book banning: *Board of Education, Island Trees Union Free School District No.26 V. Pico by Pico*. The Board removed multiple novels from the districts’ schools, namely those that contained “anti-American, anti-Christian, and anti-Semitic” views or were considered “plain filthy.”² In a narrow vote, the court ruled that under the First Amendment, the Board isn’t allowed to remove books for the sole reason of disagreeing with the content being displayed. The purpose of pursuing education, and even mandating education, is to encourage young generations of future members of society to think critically about their surroundings and the nuances within their

¹ [Does Banning Books Violate the First Amendment? - New Jersey State Bar Foundation](#)

² [Board of Education, Island Trees Union Free School District No. 26 v. Pico by Pico | Oyez](#)

environments. Without proper access to certain books, many viewpoints are discriminated against in the grand scheme of education, and provide a disservice to students who deserve to have bountiful information.

Unfortunately, despite the court's ruling in *Board of Education V. Pico*, institutions are still trying to remove books containing "non-agreeable" content from schools. In Escambia County, the School Board took away several books, most of which were written by or about people of different color or sexuality. Subsequently, the ACLU sued the School Board for violating student's free speech rights.³ The problem with the school board banning books based on what they consider as appropriate is the arbitrary nature of those opinions. Who's to decide what is truly appropriate? Today it may be a book about critical race theory, or a book about two girls falling in love, and in ten years it may be a book about George Washington, or even the Bible.

As a high school student myself, I fear the day I can't check out a book from my school library just because the school district doesn't agree with it. I look to my peers and understand that everyone has their own access to information and may do with it what they like, which is exactly what education should seek to do. By undermining certain identities, concepts, and philosophies through book bannings, school districts are actively setting their students up for failure.

Paper and ink are not the only channels of information being restricted. Camdenton R-III School District employs a software that blocks certain content from being accessed in schools. The software blocks all websites that include any supportive information about the LGBTQ+ community, even information that is inherently non-sexual and school-appropriate, to be

³ [Case 3:23-cv-10385-TKW-ZCB Document 1 Filed 05/17/23 Page 1 of 59](#)

displayed in a school environment. However, the school allows websites with anti-lgbtq+ sentiment to be accessed, meaning only pro-lgbtq+ stances are restricted through the program.⁴

The sentiment behind these bans is extremely apparent. What precedent is being presented to students who identify with the lgbtq+ when information regarding their community is being taken away or limited? Are their very beings not “appropriate”?

Every idea has a place in society, even student’s. As Justice Holmes stated in his dissenting opinion in *Abrams V. United States*, “But when men have realized that time has upset many fighting faiths, they may come to believe...that the ultimate good desired is better reached by free trade in ideas”⁵ The marketplace of ideas benefits from the inclusion of all ideas, even ones of “fighting faiths.” In each book-banning case, or website-restricting case, the institution obstructs an idea from being shown to students. To create a better understanding of the world, one must accept the marketplace of ideas and determine for themselves which ideas they shall have the most faith in through their own briefings and research. Actively taking specific ideas away introduces a pervasive sentiment that attributes a subjective “good” or “bad” to those viewpoints.

I volunteer at the Chinatown Daycare Center located in the Lower East Side of Manhattan. Every week I walk into the classroom and notice the little children's books on the bookshelf are replaced. A rotation of Lunar New Year books, Easter books, and even Black History Month books, make their way through the shelves. Those kids have the right to read about all topics, as every kid in the world does. It would be incredibly irresponsible to their development and education to build a dam in the flowing river of free speech. Although schools

⁴ [PFLAG v. Camdenon R-III School District | American Civil Liberties Union](#)

⁵ [Abrams v. United States \(1919\)](#)

do have the responsibility to take care of their students and protect vulnerable, susceptible minds, that protection should not come at the cost of restricting information.

Schools are the backbone of society, especially with the education system being arguably the most important system in our lives. In order to uphold the standard of receiving quality education, school districts shouldn't ban books or restrict websites containing content they don't agree with. When a student walks in through the gates of the school building, they don't leave their liberty at the door. Instead, it should be the officials and higher-ups who surrender their biases at the school gates, and ensure that students have ample access to various types of viewpoints in order to develop a better understanding of life outside of the school building.