

A Comparative Case Study of Censorship in Public Schools: “The Chocolate Wars” and the “Battle of the Books”

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“There is more than one way to burn a book. And the world is full of people running about with lit matches. Every minority, be it Baptist/Unitarian, Irish/Italian/Octogenarian/Žan Buddhist, Žionist/Seventh-day Adventist, Women's Lib/ Republican, Mattachine/FourSquareGospel feels it has the will, the right, the duty to douse the kerosene, light the fuse. Every dimwit editor who sees himself as the source of all dreary blanc-mange plain porridge unleavened literature, licks his guillotine and eyes the neck of any author who dares to speak above a whisper or write above a nursery rhyme...”

- Ray Bradbury

The purpose of this study is to analyze book censorship in America, especially focusing on book censorship in the past 40 years in American public school systems. Since the inception of the written word, censoring has been a part of the literary culture. However, in the past 40 years an increasing number of court rulings related to students and censorship are the standards with which current censorship cases are judged upon. This study is important in helping to comprehend why certain books are repeatedly objected upon, and to develop a deeper understanding of why people choose to support censorship. In the literature review, the author will establish why certain works are actually censored or have been considered for suppression and the arguments used to debate the restriction of access. I will review court cases that involve not only book censorship in public schools, but First Amendment cases involving students in public schools. In order for book censorship to occur in a public school system, there must be court recognition of students' First Amendment rights or lack thereof. The particular cases evaluated in this study will be two highly publicized book debates from Fayetteville, Arkansas. “The Chocolate Wars” (1985) and the “Battle of the Books” (2005) are compared and contrasted to one another in order to recognize and analyze the censoring argument patterns made by each side of the debate. Many individuals involved in “The Chocolate Wars” and the “Battle of the Books” will give their opinions - often quite differing views - about the debates and the details of the stories. The study concludes with an analysis of the arguments made by both groups of objectors – their similarities and differences and their effectiveness or lack thereof.

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Since the invention of the Guttenberg Press, the written word has been challenged and debated. With Guttenberg's invention, texts became more accessible to the masses which in turn brought more ideas and thoughts to the world. This increase in availability and publicity of many ideas created a need for more censorship in the eyes of some, including some very powerful people. In the past fifty years there has been a consistent increase in the number of challenged books in school libraries and classroom curriculums. From 1963 to 1985 there were over 900 challenged book titles in the United States public school library system. These titles varied from *The Abortion: A Historical Romance* to J. D. Salinger's *Catcher in the Rye* (Burress, 1989). In 1992 a study done by People for the American Way (PAW) found 348 demands of library material removal in 44 states. This number was more than

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one-third the number of challenged books for over two decades (1963-1985). This indicates an ever growing challenge of books. The success rate of book removal was 41% for the 1991-1992 school year (Foerstel, 1994).

The first question researchers try to answer when analyzing book censorship is why objectors wish to remove books from school library shelves and classroom curriculum. According to the PAW study, libraries involved with the study identified the three most common reasons for book challenges. The first complaint surrounded the idea that materials were “anti-Christian,” “Satanic,” “New Age” or generally contrary to the challengers’ religious views. Of the 348 documented censorship attempts, 140 of them were based on a contrary to religion view. *Of Mice and Men* and *Catcher in the Rye* are two examples of books commonly linked with this first challenge. The second most common challenge stated that the materials in question contained profane or otherwise objectionable language. Almost one-third of the challenged books in the PAW study found this as their objection. Books often associated with this second complaint include Robert Cormier’s *The Chocolate War* and Judy Blume’s *Blubber*. The third reason for challenge was the materials’ inappropriate/excessive portrayal of sexuality. The content and context of the sexuality was deemed offensive by the objectors. One-fifth of the books in the study were challenged using this third rationale. The book titles that fell under the inappropriate/excessive portrayal of sexuality reasoning included: *Grapes of Wrath* and *Slaughterhouse Five* (Foerstel, 1994).

Along with establishing why certain books are often challenged, there is a desire to identify who wants works censored. Protests for certain books originate from many different places and groups of people. Women’s groups often object to books that exploit women or works that establish traditional roles for women and restrict them to those roles. Civil Rights groups often complain about books with racist language. This often includes Mark Twain’s *The Adventures of Huckleberry Finn*, a literary work known for its use of racial slurs (Phifer, 1984). A large portion of challenges come from conservative political groups, who feel students should not have access to books the political groups find unsuitable (Foerstel, 1994). In the PAW study, one fifth of the challenges came from conservative political groups. Organizations that are known for their previous work in trying to remove books from school libraries include: Citizens for Excellence in Education, the Blackstone Society, the Western Center for Law and Religious Freedom, and the American Family Association (Foerstel, 1994). Today’s immediate sources of censorship pressures on teachers and librarians are the parents of students in the schools (Burrell, 1989). J. D. Salinger’s *Catcher in the Rye* is the single most censored work in the United States’ school library systems (Phifer, 1984). The objectors have been parents, superintendents, school board members, ministers, and teachers. The list of specific reasons for its challenge varies from vulgarity and inappropriate language to blasphemy and objectionable references to homosexuality. The results of the challenges have also been vastly different among cases. The requests for removal have been denied and complied. In some cases the book was placed on a closed shelf, or the student was given an alternative book to read (Burrell, 1989).

There have been several court cases that have dictated standards and set precedent on book censorship in the U.S. These cases involved a variety of contexts involving student censorship including but not excluding novels. In *Tinker v. Des Moines Independent Community School District* (1969) students who opposed the Vietnam War wore black arm bands. This was thought to be inappropriate, and the principal told the students to remove the arm bands. Any students who refused to remove the arm bands would be subject to suspension. The case went to the Supreme Court and the justices ruled in favor of the students. The Court found “students may not be regarded as closed-

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circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved.”

One of the first important book censorship cases was the case of *Board of Education, Island Trees Union Free School District v. Pico* (1982). In this case a school board in New York received a list of objectionable books by parents associated with Parents of New York – United organization. The school board removed 11 books from the school district’s libraries. Pico, a 17 year old student, said the removal of the books violated his First Amendment rights. The case went to the Supreme Court and the justices ruled in favor of Pico. The Court stated “the right to receive ideas is a necessary predicate to the recipient’s meaningful exercise of his own rights of speech, press, and political freedom.” This decision set forth the standard on that any removal of an entire genre of books, books with a particular subject matter, or books by a single author would be immediately suspect as unconstitutionally motivated. In the *Pico* case, the Supreme Court recognized that a school library is an “environment especially appropriate for the recognition of the First Amendment rights of students.” Another important ruling in favor of a petitioner who felt her rights were being infringed upon is the case of *Billy Ray Counts and Mary Nell Counts v. Cedarville School District* (2003). The court found that Dakota Counts’ (child of Billy Ray and Mary Nell) First Amendment rights were being infringed upon by the defendants’ decision to restrict access to the Harry Potter books to those students whose parents signed a permission slip allowing them to check the books out of the school library.

As some cases favored the rights of students, others have favored the rights of school officials to censor students. The courts established the right of teachers, principals, and school boards to take action “within the school’s educational mission that might otherwise be unconstitutional” in the 1988 case of *Hazelwood School District v. Kuhlmeier*. The court saw no constitutional restraint on a Missouri school principal who removed portions of a student newspaper (Foerstel, 1994). The following year in Florida, the 11th Circuit ruled in favor of a school board that had removed a textbook from the curriculum of a humanities course in *Virgil v. School Board of Columbia County*. The Circuit panel held that school officials could remove books from the curriculum if they believed the works are too vulgar for students and there is a legitimate educational reason for the removal.

The precedent set forth by previous court decisions convey a mixed message as it pertains to students’ rights, school system’s discretion, and censorship in public schools. In *Tinker*, *Pico*, and *Counts*, the students’ First Amendment rights were upheld and the censorship by school officials was deemed inappropriate and illegal. However, in the *Hazelwood* case, the courts decided that the school system had discretion as to whether or not something could be printed in a school newspaper, and in *Virgil*, the courts decided school officials could remove a textbook if they deemed it inappropriate. The *Hazelwood* and *Virgil* decisions state that students do have restricted First Amendment rights when it comes to censorship. This quandary of legality leads to continuing questions and arguments as it pertains to censorship in school systems. The purpose of this study is to compare and contrast “The Chocolate Wars” (1985) and the “Battle of the Books” (2005), and to determine what arguments (or lack of arguments) did those supporting restrictions on the novels fail to make.

Narrative

In the fall of 1985, Ms. Cassandra Stone, a Fayetteville High School English teacher, assigned *The Chocolate War* by Robert Cormier to her Expository Writing Class, a junior level, elective course. The novel tells the story of

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Jerry Renault, a student at a Catholic high school, who tries to stand up to a secret society, which manipulates and intimidates students, by refusing to sell chocolates – a school fundraiser supported by the headmasters of the school. The novel follows the pressures to conform and how the struggle against conformity sometimes has unfortunate consequences (Foerstel, 1994). Ms. Stone chose the novel in order for the class to conduct a character analysis. The novel was part of classroom curriculum in the high school in past years and received no complaints, but instead with a multitude of praises. According to Judy Schwab (at the time Judy Gregson), a high school English teacher and the Language Arts Coordinator for Fayetteville Public Schools in 1985, a number of parents asked for a reading list after their student read *The Chocolate War*. “This book turned their child on to reading like no other book had” (J. Schwab, personal communication, November 12, 2006). Teachers had become aware of the novel through a well-known teacher’s journal, *The English Journal*. The journal raved about the novel and how it could impact students (J. Schwab, personal communication, November 12, 2006). The New York Times named the novel “Outstanding Book of the Year for Young Adults” in 1974. That same year it was named “Best Book for Young Adults” by the American Library Association (ALA) (Eggert, January 15, 1986).

A substitute teacher handed the novel out to the class without any special instructions in the fall semester of 1985. The lack of any special instructions created an extraordinary situation. In previous years teachers had attached a warning note to the novel. The teacher would tell the class that if they found anything offensive in the book they were to let the teacher know and an alternative book would be assigned. According to Schwab, this was a known non-policy act teachers performed to help students who felt offended by the novel. The known non-policy was not a written policy; however, the teachers discussed with one another the importance of allowing students the opportunity to have an alternative reading assignment. This non-policy had been in place for many years. It gave students a way to express concerns and read another book in order to fulfill the character analysis assignment. Schwab had informed Stone about this accepted non-policy; however, the new teacher did not incorporate it at any time during the initial process of dispersing the book and did not instruct the substitute to do so (J. Schwab, personal interview, November 12, 2006).

On November 1, 1985, Robert Gross, a third year law student at the University of Arkansas-Fayetteville Law School, submitted a formal request to the Fayetteville School Administration to have *The Chocolate War* removed from the curriculum of the English writing courses. The official complaint was known as a Patron Request for Reconsideration of a Work. Gross found several portions of the novel to be inappropriate and not beneficial to his 11th grade daughter. These reservations included the use of profanity and vulgarity. Gross detailed those incidents in his six page complaint. Gross said his daughter was “embarrassed by the vulgarity and crudeness of language and was emotionally disturbed by the profanity, she was afraid to mention it to her parents for fear of academic reprisals from the teacher” (Gross, 1985). Don Deweese, the Administrative Assistant for Information Services for the Fayetteville School District, said Gross’ request was the “most detailed and thoughtful response” he had ever seen to that point in his tenure, which was ten years at the time of the debate (D. DeWeese, personal interview, September 23, 2006). Gross had first become aware of the questionable material when his wife had dropped in on their daughter as she prayed. Ms. Gross asked her daughter what she had been praying about. The daughter informed her mother that “she was actually praying that God would forgive her for having to read the book, since reading it so greatly violated her conscience and her spirit that she considered it a sin to do so” (R. Gross, personal

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communication, November 29, 2006). Gross also felt the novel could lead to “an unwanted effect in students who are already unsuccessfully dealing with depression and lack of self worth” due to the “depressing and hopeless feeling that pervades the novel” (Gross, 1985). According to Gross, the family mutually agreed the girl should ask for an alternative reading assignment; however, Ms. Stone, the English teacher, denied her request. Gross believed the entire situation could have been avoided if Stone would have warned the students about the content and provided them with an alternative assignment (R. Gross, personal communication, November 29, 2006). This belief is in contrast with Schwab, the Language Arts Coordinator, who believes there was a certain political climate during this time in Fayetteville. There were those looking for a case of “indecentcy” in the school system, and Stone provided it with her failure to provide a warning of the book’s content. The situation could not have been avoided (J. Schwab, personal communication, November 12, 2006).

Within a week of the complaint being filed, Deweese, the Administrative Assistant for Information Services, began work with two assistant superintendents, one elementary librarian, and one secondary education librarian, to appoint a review committee to make a decision on Gross’ complaint. Deweese followed a policy that had already been put in place since he obtained his Administrative Assistant position. The procedure included the following: a formal complaint was filed then the Library Council (Deweese and his peers) would appoint a four member committee to review the complaint. After reaching a decision, the committee’s recommendation would then become the standard for the book in question within the school system. Deweese and his colleagues tried to bring together a well-balanced committee, without bias, that could look at the situation and reach an appropriate and acceptable decision. The Committee was composed of a representative from central administration staff, a representative from building level administrative, a materials specialist, and two classroom teachers familiar with the subject matter of the materials involved, two parents, and a student. These members were chosen based on their qualifications. Each was from a Fayetteville junior high school (except for the student) instead of Fayetteville High to avoid biasing and to keep the representatives away from the school in question. Each committee member was asked to read the book, look over the complaint, and was given copies of reviews of the material from several recognized sources, including the ALA (D. DeWeese, personal communication, September 23, 2006). On Nov. 15, 1985, the Evaluation Committee concluded to keep the book in the curriculum; however, they did recommend that a standard practice be put forth that each teacher should preface the book with a disclaimer that if at any point a student felt the book contained objectionable material they would have the opportunity to read an alternative book (Fayetteville Public Schools, 1985). In essences, the Committee believed the known non-policy, the teachers had already established, should be a policy. Gross found the committee’s decision inadequate and appealed the decision. At that point, the complaint went to the Fayetteville School Board.

From mid-November to the December 17th School Board meeting, the debate continued with editorials in the local newspaper and the formation of groups that opposed and supported the use of the novel in the curriculum. The first group to form was the Citizens for Excellence in Education (CEE) with Gross serving as its president. This group was not a chapter of the national CEE, but its own separate entity. CEE felt the novel should be taken out of the curriculum. A few days prior to the Dec. 17th School Board meeting, Fayetteville High School parents received a 13 page packet from CEE. The packet included: summarization of the issue, school board members and their phone numbers, copies of Gross’ complaint, the Evaluation Committee’s report, and a statement from Stone and

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Schwab to the School Board. The packet asked parents “if after reviewing the enclosed materials you have an opinion about whether the book entitled *The Chocolate War* should be used in the Fayetteville Public Schools, please contact the School Board members with your comments. Then attend the December 17 meeting to support your comments” (Citizens for Excellence in Education, 1985). CEE had its counterpart in the Students for Enlightened Education (SEE). SEE was a group of high school students who formed not only in response to CEE, but also because they believed in the importance of *The Chocolate War* as a novel. The students believed the book provided “valuable thematic material in the form of a warning about conforming behavior and its consequences and a view of the dark side of human nature” (Students for Enlightened Education, December 16, 1985).

The December School Board meeting would end up being a hot ticket in town; over 150 Fayetteville citizens attended the meeting. The School Board listened to both sides of the debate. In the end they came to the decision to leave the book in the curriculum, but to make it policy that students be given a “warning” of the novel’s content and inform students that an alternative assignment would be available (May, December 18, 1985). The School Board’s decision remained a hot topic throughout the beginning of 1986 and became a vital issue in the School Board election held in March.

Prof. Howard Brill, a law professor and active member of the community, decided to run for one of the two open spots on the Board. When Brill decided to run he believed the issue of *The Chocolate War* had been decided, but instead he discovered there was lingering resentment and controversy surrounding the issue (H. Brill, personal communication, November 15, 2006). When publicly asked about the issue, Brill responded “I would have voted on Dec. 17th to remove *The Chocolate War* from the list of approved reading materials” (Citizens for Excellence in Education, 1986). The CEE supported Brill and a fellow candidate in the second race. The CEE placed an ad in the *Northwest Arkansas Times*, a Fayetteville newspaper, March 7, 1986. The ad contained quotes from each candidate regarding their stance on *The Chocolate War* issue and excerpts from the book CEE deemed inappropriate. There were many who felt the ad was inaccurate and unethical to be published during the race. These objectors included Feriba McNair, School Board President at the time, who had voted to keep *The Chocolate War* as part of the curriculum. McNair stated “No student in the Fayetteville schools is or ever has been required to read *The Chocolate War*, and it is very disappointing when people attempt to influence the democratic process by misrepresenting the facts of a situation. This sets a very bad example for our youth when adults are not honest in resolving their political differences” (May, March 9, 1986). McNair would later recount this statement and state that some teachers had indeed assigned *The Chocolate War* as required reading. A group of English teachers also placed an ad in the same paper expressing their rationale for choosing the book. Some in the community felt that the English teachers wanted to establish their authority as instructors and in making decisions about their curriculums. Brill stated that the English teachers “took the position that it was improper interference with their professional judgment what book should be read.” Brill felt citizens and parents should be entitled to have an influence on the books their children read, and that the burden of asking for an alternative assignment should not be placed upon the student and parent but the teacher. He never felt the novel should be removed from the school library, and instead felt the novel could be placed on an alternative reading list. In the end, Brill lost the election in a close race to Sue Gohn. When asked about the book issue and its impact on the race, Brill believed the teachers’ organization’s support of his opponent (Gohn had agreed with the teachers’ standpoint on *The Chocolate War*) had a great impact on his loss (H. Brill,

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personal communication, November 15, 2006). “The Chocolate Wars” was over, but it was not the end of book censorship debating in Fayetteville.

Twenty years later a book debate would again consume the Fayetteville community, albeit a very different debate due to not only the material but why it was being objected upon. Instead of the debate concerning the use of a certain book in the classroom curriculum, the 2005 “Battle of the Books” (as it would become known) revolved around the access of certain books in the Fayetteville Public Schools Library. In early 2005, Laurie Taylor, a mother of two girls, ages 10 and 12, received a letter from a large conservative organization she financially supported. The letter informed Taylor of Robie Harris’ novel, *It’s Perfectly Normal*, a book considered by the organization to contain inappropriate material (L. Taylor, personal communication, October 10, 2006). *It’s Perfectly Normal* is a novel about sexual discovery, which contains drawings showing the stages of sexual development in boys and girls, the many various different kinds of bodies people have, drawings of genitalia and the reproductive organs, different forms of contraception, tampons and pads, and people engaged in talking about sex and even having sex (Candlewick Press, 2004a). Taylor bought the book at a local bookstore and read it. She was flabbergasted by the work’s content and its availability to her children. “I was grieved and so incredibly saddened that this type of book was available to my children without my knowledge” (L. Taylor, personal communication, October 10, 2006).

On February 16, 2005, Taylor filed a Patron’s Request for Reconsideration of Work form. In her complaint, Taylor stated she felt the purpose of the work was “to perpetuate sexual immorality, to entice young children to experiment both heterosexually and homosexually.” On the request form, there were three options as to what the patron wanted to happen to the work. The three options included: do not assign or recommend it to my child, withdraw it back from all students, or send it back to the proper department for reevaluation. Taylor marked that she wished the novel to be withdrawn from all students (Taylor, 2005a). According to Taylor, if there would have been a different option that was more feasible to the situation she would have marked it, but not feeling any of the other options were adequate she requested the removal of the book.

The policy that had been used during “The Chocolate Wars” was essentially the same except for the actual membership of the Materials Evaluation Committee. However, the actual complaints were very different from those expressed. The Committee would again be comprised of a representative from central administration staff, a representative from building level administrative, a materials specialist, and two classroom teachers familiar with the subject matter of the materials involved, two parents, and a student. Within two weeks, the Committee was organized and established to evaluate the request and come to a decision as to what would happen with the book. This decision would then be implemented throughout the school system. On March 2, 2005, the Committee came to the decision to leave the book in the libraries without any restrictions. The Committee felt “a decision of access (or not) does constitute one parent (or group of parents) deciding what the children of other parents are allowed (or not allowed) to see/read” (Fayetteville Public Schools, 2005a).

Before the Committee had come to a decision on *It’s Perfectly Normal*, Taylor filed two more complaints about two other novels on February 25, 2005, and had once again asked for the books’ withdrawal from the school libraries. The two books were Robie Harris’ *It’s So Amazing*, a novel about sexual development, love, reproduction, adoption, sexually transmitted diseases, and Jeremy Daldry’s *The Teenage Guy’s Survival Guide*, a novel described as a humorous guide for boys ages ten to fourteen, offering advice on dating, sex, body changes, and social life

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(Candlewick Press, 2004b). Taylor stated in her complaint for each book that if a student read either book that he/she would be “compelled to sexual titillation and exploration” and that it would “desensitize children to sexual immorality both heterosexually and homosexually”(Taylor, 2005). The same evaluation committee was once again used to review Taylor’s new complaints, and once again on March 15th they came to the same conclusion to leave the books in the libraries’ circulations. Again the Committee based their decision on the idea that the right of a parent to exclude what his/her child can read cannot be applied to all parents in the school system and circumvents their authority (Fayetteville Public Schools, 2005b).

Taylor did not feel the Committee had come to an appropriate decision and felt that by allowing her children to have access to these books she was losing her right to parent as she saw fit. According to Taylor she did not want to ban the books, although she did mark that they be withdrawn from the libraries. Instead she wanted a way in which books with “questionable” material would be identified, so she could inform her children they were not allowed to check out such books. Taylor appealed the Committee’s decision on the three works and the issue was brought to the School Board in their May meeting. On May 26, 2005, Dr. Bob New, Superintendent of Fayetteville Public Schools, made a series of recommendations to the Board on the appeal of the Material Evaluation Committee’s decision. These recommendations included putting the books on parental shelves in the libraries and to require a documented effort be made to contact the student’s parents for approval before the book *It’s So Amazing* is made available to a student. The Board voted 4-3 to approve Dr. New’s recommendations. The three books, *It’s So Amazing*, *It’s Perfectly Normal*, and *The Teenage Guy’s Survival Guide* would remain available on the parent shelves in school libraries and would be unavailable for checkout by students (Fayetteville School Board Minutes from 26 May 2005).

However, New’s decision to change the Materials Evaluation Committee’s recommendation disturbed many citizens in the community. To these citizens any sort of restriction was a form of censorship and censorship of any sort was unacceptable. Included in those who felt the changes were not only inappropriate but also not legal was the school system’s own attorney, Judge Rudy Moore, who had been at the May meeting. “I got concerned because I felt like the restrictions were more than what I anticipated” (R. Moore, personal communication, October 1, 2006). Many in the community became disillusioned and shocked by the School Board decision. This included two practicing physicians in the community, Dr. Janet Titus and Dr. Kat Paulson. Titus and Paulson both had children in the public school system. In June of 2005, Paulson and Titus began organizing a group of like-minded people to counteract Taylor, who by this time had created a list of 54 novels she felt were inappropriate and wanted out of the reach of her children. Among these novels were several award winners. These awards included: two Nobel Prize, one Pulitzer, two Parent’s Choice, three National Book Critics Circle Awards, and the list goes on (Associated Press, July 19, 2005). Titus and Paulson’s group, Don’t Ban Books (DBB), contacted School Board members and other school officials, organized meetings, and created an email listerv that kept the group up-to-date and in contact with one another (K. Paulson, personal communication, October 12, 2006). During the summer months, no books could be requested for removal because of the summer break – essentially everything was put on hold. The Evaluation Committee could not be formed and the vast number of books on Taylor’s list would take a substantial amount of time to review. In fact, it had taken the committee eighteen hours to come to their decisions on Taylor’s first three complaints (Associated Press, July 19, 2005). However, during this time the American Civil Liberties Union (ACLU)

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became more actively involved via Titus and Paulson's group. The ACLU had been keeping an eye on the situation and once some of the books were restricted became actively involved. Titus and Paulson's group maintained contact not only with the local ACLU representative, but also the State Representative from Little Rock, AR. Both attorneys informed Titus and Paulson that the law was on their side, and that precedent for this type of case had already been set with a case in Arkansas, *Counts vs. Cedarville*. In this case, the court had ruled that restriction of access to a book infringed upon a student's First Amendment rights. They assured the group that if the School Board did not re-evaluate its decision there could, and would, be repercussions.

In the end, DBB would count upwards of 80 members. To counteract Taylor's claims about the newly 54 questionable books, the group divided up the works among themselves to see if they could find objectionable material within the novels. According to Paulson, "We felt Bobby New had tried to appease Taylor with the parental library restriction, but instead he made the situation worse. We wanted the school system to honor its policy." The DBB group wanted each novel to be looked at on an individual basis, and for the decisions of the Materials Evaluation Committee to be honored and not "tweaked" by school officials.

After successfully reading all 54 of the new books and the initial three books, members of DBB found no reason any of the books should be restricted and/or removed. In fact, the majority felt the books were very beneficial. Paulson found no dishonesty or inaccuracy in *The Teenage Guy's Survival Guide* and decided to read it together with her then 12-year-old son. In fact, Paulson was so impressed with the book she gave it to friends who had children and put it along with, *It's So Amazing* and *It's Perfectly Normal*, in her practice's office (K. Paulson, personal communication, October 12, 2006). Titus and Paulson were not the only ones with support in the community. Taylor formed the organization Parents Protecting the Minds of Children (PPMC) in August. The organization had about 60 members who met and discussed the books' objectionable content, which included, in their opinion, promotion of homosexuality and pornography (Associated Press, August 19, 2005).

In August, the issue was formally requested to be put on the School Board's September agenda by Superintendent New. Steve Percival, School Board President, decided in August to hold a town meeting in order to give both sides of the debate a chance to speak their mind. The town meeting was set for September 13, 2005, in the high school gym. Percival informed both Titus and Paulson's group along, with Taylor's group, about the meeting and rules on how it would be conducted. Each group would be given an allotted amount of time for speakers. The town meeting was limited to the 300-seat capacity of the Fayetteville High School auditorium (Associated Press, September 14, 2005). DBB decided they wanted to have a variety of speakers, each talking about one specific issue and how if restrictions were enacted on the books this would affect the community. The speakers included parents, students, professionals, and professors. One of the main speakers for DBB was Professor Tim deNoble, an architecture professor who at the time had two children in the Fayetteville School System. deNoble had gotten involved with DBB because the situation had "ruffled my feathers that someone was trying to assert my role as a parent." Due to the groups desire to have a wide variety of speakers and not appear to represent just one part of the community, but instead represent the entire community, deNoble was chosen because as he admits to, he is a "plain-speaking, good ol' male" (T. deNoble, personal communication, November 5, 2006). The main point of deNoble's speech was the comparison of the book restrictions in Fayetteville to the integration debacle of 1954 at Central High School in Little Rock, Arkansas. deNoble had graduated from Central in 1977 and, even after fifty years, anytime

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he mentioned where he graduated high school, others would not recognize the first rate secondary education he had received but would associate the school's name with the 1954 integration. deNoble could not imagine what kind of "stain" restricting these books would put on the Fayetteville community, and the ammunition it would give others to label Arkansas as a backwards state (T. deNoble, personal communication, November 5, 2006).

The opposing view was represented by Taylor, PPMC, and fellow concerned citizens. Taylor spoke about her disillusionment with the novels in question and her inability to restrict her children from accessing them. Anna Hanna, a grandmother of five grandchildren in the School System, spoke of her beliefs. "It's very important for us to have guidelines to teach our children and grandchildren – my generation has failed to stand for righteousness and purity" (Associated Press, September 14, 2005). The town meeting ended with both sides speaking their minds, but without the School Board giving their decision. Instead that would come two days later at the September 15th official monthly meeting. Before the Board made their decision, they heard from the School System's librarians and the School's attorney, Moore. "I made my recommendation that they abandon the restrictions." Moore relied heavily on the *Counts vs. Cedarville* case in his testimony to the Board. "The *Counts* case was not only on point, but it was right down the street (referring to the fact that Cedarville is 60 miles from Fayetteville)" (R. Moore, personal communication, October 1, 2006). Moore felt the Board had over-stepped their bounds and told them such. "When you say that you are going to set the books aside in a restricted place, that's going to be a problem legally. A parent library without student checkout sounds to me that the student can't access that book. I know it's hindsight, but it is my job to try to keep us out of litigation" (Branam, September 16, 2005). In the end it would be Moore's testimony that would appear to have the largest impact on the Board's decision. The Board voted 4-3 to remove the restrictions on the books and rescind its earlier decision. "The Chocolate Wars" and "The Battle of the Books" would shape the Fayetteville community. But why had two such public cases happened there? Was there a reason these debates occurred in Fayetteville? And what arguments did those opposing the books fail to make?

To answer the question as to what were the arguments of the book objectors and why they were not a success a comparison between the arguments needs to be made. These argument comparisons and their effectiveness will be illustrated through the use of Stephen Toulmin's argument model. In Toulmin's model a *claim* is made, *data* is offered in support of the claim, a *warrant* for connecting the grounds to the claim is conveyed, a *backing* is shown to lay down theoretical foundations for the warrant, appropriate *qualifiers* temper the claim, and possible *rebuttals* are considered (Toulmin, 1958). The data given in both cases was that the works in question contained inappropriate material for children; however, the exact data given was different because the content of the novels were different. In the case of "The Chocolate Wars," Gross objected not only to the "profane and vulgar" words, but also to the novel's "disrespect for parental and educational authority" and to its possibility of angering students and leading to self-destructive behaviors. Twenty years later, Taylor and her supporters would object to the sexual nature in the objected works and their use, talk and explanation of sex and sexuality. The warrant in both arguments revolved around the idea that children are impressionable and highly influenced by others. The backing for this belief was that children who viewed these works could be enticed to act out, behave in manners that were inappropriate and/or detrimental to their health.

Why were the objectors unable to restrict/censor the books? There are several reasons why their arguments did not work. Neither objector group was able to respond to the several rebuttals those who opposed

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them made. First of all, neither group could provide adequate information or support as to why exposure or access to the work would lead to inappropriate and/or self-destructive behavior in children. “Being exposed to obscenity results in violence and harm to children has powerful rhetorical appeal but lacks data” (Mink, 1998, p. 168). It would be difficult for the School Board to have removed or restricted any of the objected works when there was no evidence to support the objectors’ claims. In the years since the works had been in place, no parent or student had ever come forth and told of how reading the works in question had damaged the child in some way. In fact, there had not even been any prior complaints of any kind for any of the works. This lack of evidence is crucial to the objectors’ loss. In the *Counts v. Cedarville School District* decision, Judge Jimm Hendren discussed how there was a lack of evidence on how reading *Harry Potter* would lead to disobedience in a child – the claim made by the Cedarville School Board as to why it had placed the restrictions. “There is no evidence that any of the three Board members was aware of any actual disobedience or disrespect that had flowed from a reading of the *Harry Potter* books. Their concerns are, therefore, speculative. Such speculative apprehensions of possible disturbance are not sufficient to justify the extreme sanction of restricting the free exercise of First Amendment rights in a public school library.” It would have been pure speculation on the part of the School Board if they would have restricted the books in either case.

Secondly neither *The Chocolate War* nor the novels Taylor objected to where in anyway required reading for students. In *Virgil v. School Board of Columbia County*, the book that was removed from the curriculum was a required textbook for a required humanities course and it was removed on the basis of legitimate educational reasoning, something that was not present in “The Chocolate Wars” or the “Battle of the Books.” Finally, the decision to remove or restrict works in a public school system will always have repercussions these decisions do not only affect the objector’s child but the children of many other public school parents. As much as the objectors had felt teachers and librarians had stepped on their parental control boundaries, the parents who opposed them also felt like their parental control had been stepped on by the objectors. In the Battle of the Books, many parents felt placing restrictions on novels infringed upon their child’s First Amendment rights. This was a problem addressed by Hendren in the *Counts* case. “It finds that the stigmatizing effect of having to have parental permission to check out a book constitutes a restriction on access. Further the fact that Dakota cannot simply go in the library, take the books off the shelf and thumb through them without going through the permission and check-out process is a restriction on her access. Thus, unless it is shown that such restrictions are justified, they amount to impermissible infringements of First Amendment rights.”

A method of persuasion used by both objector groups was one based on setting a moral standard in the community in order to protect the children of the community. This type of argument approach is not a new one. One of the first well known censors in American history was a man named Anthony Comstock, who also used such a method. Comstock was a devout Christian, who felt children who were exposed to obscenity, would be drawn to evil. In a 40 year span (1872 - 1912), Comstock would see many persons, including children, placed in jail for their connection to publishment of obscenity – at least what Comstock thought was obscenity. Comstock believed his work to be inspired and directed by God and looked forward to a time “when there shall be in all the world not one object to awaken sensuous thoughts in the minds of young people” (Mink, 1998, p. 55).

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Obscenity was a key complaint during the “Battle of the Books.” How does one define obscenity and what type of persons become involved with censoring as it pertains to obscenity? Zurcher and Kirkpatrick in *Citizens for Decency: Antipornography Crusades as Status Defense* state that those who censor make a judgment of what obscenity means, and this judgment will reflect their value systems, socialization patterns, and self-concepts (Mink, 1998). With obscenity censors, the point at which most converge and agree is their value systems and a belief that children must be protected from such material. “To justify censorship, one theme remains constant: children are to be protected from obscene messages and images” (Mink, 1998, p. 171). This is a belief surrounded by the idea that “children emerge as vulnerable, malleable, and of primary concern to those endeavoring to act as the moral conscience of society” (Mink, 1998, p. 172). In Taylor’s case it seems evident that she was shocked by the images she saw in these works and felt they were inappropriate by her standards of morals. At the same time, even though “The Chocolate Wars” did not involve obscenity, the Gross family’s values had been violated when the daughter read the novel. Objectors were offended and upset that works of such a nature were in some way available or assigned to their children and felt others in the community would also be upset. When the issues became public cases, both groups (even though 20 years apart) tried to appeal to the moral standard in the community by using a “shock and awe” approach. Gross and Taylor did this by giving excerpts of the novels in public forums – excerpts with the most colorful language. Often these excerpts were not accompanied by a synopsis of the novel or the context in which these excerpts derived from. In the end this technique would shock some in the community, but at the same time these excerpts did not show any real evidence that the novels would harm or influence children in an inappropriate manner. The objectors put forth their beliefs and values instead of conceptualizing a true basis for censorship. It was their belief that the community would be shocked by such materials and would exercise their ability to censor within the public school system. The objectors would discover that a moral standard would not suffice as an argument in censorship of the works.

Conclusion

It has been made apparent through court cases that the First Amendment rights of students do appear to have some boundaries in the public school system – in order to protect the children according to those who make and uphold censoring rulings. In the Hazelwood case, the Supreme Court ruled in favor of the school administrators. This set forth the Constitutional understanding that students could have their freedom of speech restricted by school officials (Foerstel, 1994). There also is a mentality that the school board is more in-tune with students; therefore, their rulings are often supported by the courts. In *Virgil v. School Board of Columbia County*, Judge R. Lanier gave the majority opinion, “Like the district court, we seriously question how young persons just below the age of majority can be harmed by these masterpieces of Western literature. However, having concluded that there is no constitutional violation, our role is not to second-guess the wisdom of the Board’s action.” This case shows it is possible to put forth restrictions and censor books in the public schools based on the belief that some material is unsuitable for children. It has been established through court cases that students do not have all the same First Amendment rights as their parents for their own protection. Even with this censorship possibility, objectors during “The Chocolate Wars” and “the Battle of Books” did not put forth a sound argument as to how or why these works would harm their children, and how this harm outweighed any educational benefits that could be received. In the

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interview with Moore, he said he did believe it would be possible to restrict access to books if the right debate came along with the right book and with an objector who had a sound, rational reason behind his/her objections. In their efforts to protect their children, it would be most beneficial for objectors to look at previous cases and make sure they have established a sound argument with evidence as to why a work should be restricted or removed.

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