

Pages of contention

Pico v. Board of Education's influence on book censorship

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For so many children and young adults, the literature that they read informs, inspires, and provokes thought. A recent movement to start removing books from public and school libraries has caused lawsuits regarding book bans to pop up across the United States.

These cases may eventually make it to the United States Supreme Court, but until then, state courts will be using existing jurisprudence to analyze and rule on these cases, more specifically, Board of Education, Island Trees Union Free School District v. Pico, a 1982 Supreme Court case originating from the Eastern District of New York.

Understanding the rationale of this case may help Americans understand the context in which courts today will evaluate the current lawsuits.

Let's start with the facts of the case. The school board of Island Tree United Free School District decided to remove several books from the libraries of a district high school and junior high school. The board characterized these books as "anti-American, anti-Christian, anti-[Semitic], and just plain filthy."

A group of students, the petitioners, brought a lawsuit against the school board and its members, seeking declaratory and injunctive relief under 42 U.S.C. § 1983. This law makes any person who deprives another person of any rights, privileges, or immunities secured by the Constitution and laws liable to the person injured in legal action. The rights the students claimed the

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school board infringed upon were their First Amendment rights to freely access ideas and information.

Seeking declaratory relief is seeking a judgment from the court that declares, or states, the legal relationship between the two parties, and how that would guide future actions and decisions for the parties. In this case, the petitioners asked the court to decide if the school board's removal of certain books based on their content violated the student's First Amendment rights. Injunctive relief is defined as a remedy to a lawsuit that stops a party from doing certain activities, like banning books from school libraries in this case.

The case moved through the court system and was appealed all the way to the United States Supreme Court in 1982, which would make the final decision and set precedent for all courts across the country. Five of nine justices ruled in the students' favor, but the reasons why varied.

Justice William Brennan Jr. announced the decision of the court and wrote the opinion, joined by Justices Thurgood Marshall and John Paul Stevens. In summary, the justices concluded that it is the intent of the party when banning books that determines if the ban violates the other party's First Amendment rights. The court ruled that

the school board's bans infringed the students' right to receive information and ideas.

Justice Harry Blackmun, concurring with Justice Brennan's opinion, agreed with ruling in the students' favor, but because the school board violated the First Amendment when they banned texts for the purpose of restricting access to political ideas or social perspectives. Justice Byron White also concurred but did not express his thoughts on the First Amendment issue.

Overall, the court agreed that school boards do not have unlimited sovereignty to remove books from school libraries and are not permitted to remove books based on one's personal disagreement with the content.

However, the court did agree that school boards could remove books for sound educational purposes, such as pervasive vulgarity or being unsuitable for education. Of course, the interpretation of what this means can vary significantly from person to person. This idea did not apply to Pico because the books were removed because certain individuals disagreed with the content of the books. Due to the narrow, ambiguous nature of this decision, many have criticized Pico, although it continues to be a guide for lower courts.

Numerous cases since 1983 have used Pico as precedent to defend against the banning of books, but as more and more lawsuits are filed, it becomes more likely a case will end up in the Supreme Court, where there is no guarantee that the current justices will rule the same way.

As the Supreme Court's future interpretations remain uncertain, it underscores the ongoing importance of Americans knowing their constitutional rights and their application in our ever-changing society.

LITERACY

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in his late teens. He was working and studying at the same time. He worked part-time without saving or creating any kind of emergency fund for unexpected expenses. Sadly, he had poor financial knowledge, and this hurt him when he had an unexpected car repair. If he had some financial knowledge or at least basic money management skills, he might not have had to financially struggle during that unexpected expense.

Moreover, the importance of personal finance skills can cost Americans a lot more than you might think; according to the FEC website, the average financial illiteracy cost to Americans is over \$1,000 per year. Educating yourself is the most important step to start improving your skills. Taking a step and following through might put you in better shape with money management skills. If you want to start educating yourself, using the services that are offered by Extension Dane County University of Wisconsin-Madison might be a good idea. They offer services like tax preparation, retirement planning and financial coaching at little to no cost.

In conclusion, the statistics are clear about financial literacy. Poor financial planning and not having the basic skills of money management might put you in a tricky situation during certain times. Therefore, you should get the right finance, tax or retirement coaching before it is too late. Extension Dane County UW-Madison might be able to help you with that. More information about the services offered at Extension Dane County UW-Madison can be found on their website: dane.extension.wisc.edu.

AWARENESS

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Heitzinger encourages allies to learn more with a great resource called the Power and Control wheel.

DAiS offers a great number of programs which are funded by community member donations (e.g., Mortenson Family Center) and business fundraisers (e.g., Glow in the Bark at Boneyard) Wisconsin state grants (e.g., Dane County Community Development Block Grant) and U.S. federal grants (e.g., Violence Against Women Act).

Heitzinger described a special DAiS program called CAPE, Community Awareness and Prevention Education. CAPE is an opportunity for all groups, within the county, to access skills-based trainings. DAiS tailors each CAPE presentation toward the industry, everything from medicine to case

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management and academics to faith-based organizations.

Heitzinger encourages people to get involved with the DAiS mission. She says, "there are all kinds of volunteer opportunities, bring us into do a presentation for your group or just generally spread the word about DAiS in the community."

COST

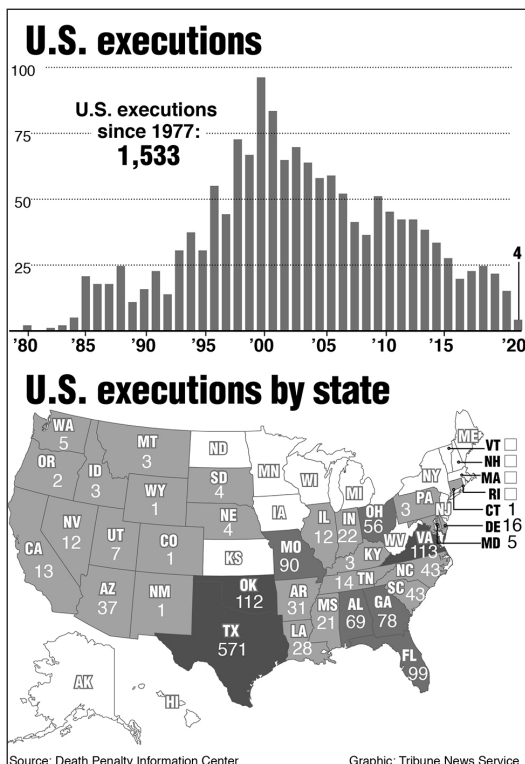
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with the most capital punishments per capita, with a death penalty cost being 3.3 times more than a non-capital case. It was also revealed by The Oklahoman, that the state of Oklahoma pays a doctor \$15,000 per execution.

This does not include the cost of training, which has a payout of \$1,000 per day. Within the time span of five months, a doctor received a total of \$131,000.

We often hear the argument in favor of the death penalty because taxpayers do not want to pay to keep the inmate alive.

However, now that you know it would be cheaper to keep them alive, does this change your opinion?





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We want to help you keep our Wolfpack in the know.