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SCOPES II v. USHER II

M.L. Lockhart

For the school law class I took in the fall, I tried doing what every student has done since time immemorial: I tried to get out of work. This was my note from home:

I object to the assigned readings for next week. Most of these were put out by the People for the American Way, a so-called "non-partisan constitutional liberties organization." The authors are obviously secular humanists and probably communists. Why can't we read wholesome articles like Pat Robertson's National Legal Foundations puts out?

Until that time, I wish to be excused from these readings that offend my beliefs and establish that secular smut in my impressionable mind. When I go home, I will read *Portals of Prayer* to keep up my reading skills. And if that doesn't qualify for three (3) hours of graduate credit in this class, God will be very displeased.

The note didn't work, but it recaptured the fun of being on the other side of the teacher's desk. It also made me suspicious of some parents who brought suit in Tennessee and Alabama (and Arizona and California and Colorado and....). They no doubt claim, "We want our children to get a Good Education," but I still can't help thinking, "What are they trying to get out of?" And I think I know what that is: they want their children to get out of thinking.

Why would a parent want an unthinking child? Better than an ungrateful one. Or uncooperative. Or all those other delinquent traits that make life miserable for parents these days. Wouldn't life be nice and easy if all children did what their parents and the Good Book said? Come to think of it, my job would be a lot easier. The only problem is I'd be out of a job because I'm a high school English teacher, and we have students read books other than the Bible and Warriner's grammar. Given their way, parents and judges across this country would put me out of work.

I had been feeling pretty good after reading the school law text. It sounded like the laws were based on reason, and reason would prevail. The courts seemed mainly interested in maintaining neutrality, so rulings were designed to protect against favoring a particular religion. The First Amendment was not interpreted as a guarantee that nothing about religion would be taught or that nothing offensive to any religion would be taught.

So what if we can't teach birth control here in Michigan? As the Prez says, they shouldn't be screwing around anyway. Besides, I don't teach those health and home and family classes. But two recent cases hit close to home. Too close.

First was *Mozert et al. v. Hawkins County Public Schools et al.* (Scopes II). The plaintiffs were a group of Tennessee fundamentalists who filed suit against the school district over its use of the Holt, Rinehart, and Winston reading series. They claimed reading selections offended their religious beliefs in violation of the First Amendment. Federal Judge Thomas Hull ruled in favor of the plaintiffs and allowed the students'

parents to teach them reading at home. This assumes the parents both read and teach. I have my doubts. Back in the days of *Scopes I*, H.L. Mencken referred to such people as "snake chuckers."

The second case was *Smith et al. v. Board of School Commissioners of Mobile County, Alabama*. Plaintiffs, again fundamentalist parents, charged the curriculum promoted the "religion of secular humanism" in violation of the First Amendment establishment clause. They also charged texts censored (these folks are worried about censorship?) information about Christianity in violation of the free exercise clause. Blatant hypocrisy—yet Judge W. Brevard Hand, Chief Judge of the U.S. District Court for the Southern District of Alabama, agreed with them. His decision made a religion out of secular humanism. Instead of looking for this religion" in one reading series, he went after the whole curriculum and got rid of 45 textbooks. Alexis DeToqueville need not have worried about tyranny of the majority in this country. Now we have tyranny of the minority.

Such people assume their children will automatically be corrupted if they are ever exposed to a new or different idea. Despite an all-abiding faith in the Almighty God, they place little faith in their own children. Another assumption is that questioning is neither good nor even natural. Yet what child from the age of two does not exhaust the word, "Why?"

At any rate, here we have had one judicial ruling that says kids can get out of reading instruction because the parents don't like the books that the district selected by democratic process. Another ruling

says they can just simply dump the books if they don't like them. Does this also mean antivivisectionist parents can get their children excused from frog dissection? Wish mine had thought of that. If textbooks have often been dull fodder, at least these rulings now give school people an excuse. Besides the normally dull writing style, the material will now be dull by court order.

The desk in my room at school is plastered with bumper stickers. One says, "I read banned books." It has withstood numerous open houses without parent complaint. But it would only take one wacko to get my desk banned. Given the right judge (Hull, Hand, Bork, etc.), most of what passes for education in my room would be done away with. The first four pages of the American Lit book might pass inspection, since they're by that good Puritan, William Bradford. After that it's all downhill. Even Longfellow has sympathetic views about Indians that could raise doubts about our manifest destiny. And everyone knows Mark Twain was a bad influence; his books have even been banned in a school that bears his name.

One whole class I teach would automatically be done away with. That class is science fiction. After all, it encourages imagining "beyond the limitation of scriptural authority." (This quote was from testimony in the Tennessee case. Have I missed something? Is there an eleventh commandment: "Thou shalt not imagine?") One book I always teach is the 50's classic by Ray Bradbury, *Martian Chronicles*. My favorite story is called "Usher II," where Bradbury predicts a Society for Prevention of Fantasy that bans all imaginary words. No more Santa Claus, Easter Bunny, Alice in Wonderland, or Tooth Fairy.

A millionaire in that story spends all his money getting even with the Society that destroyed all his books. His ultimate revenge is to reconstruct the House of Usher and rig it with working replicas of all the tortures Poe ever described in his stories. The censors are all killed by tortures from the stories they had never bothered to read because they had been so busy burning them. Too bad. A little knowledge would have saved them.

Meanwhile, the Tennessee and Alabama decisions have been reversed by the Appeals Courts, and the plaintiffs in the Alabama case missed the filing deadline for an appeal to the Supreme Court. But if the high court should ever side with the snake chuckers, I will start a collection for a House of Usher. I'll let you know if it's tax deductible.

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