



May 6, 2020

Thomas Bergey
President, Matanuska-Susitna Borough School Board
501 North Gulkana Street
Palmer, AK 99645

via email to Thomas.Bergey@matsuk12.us

**Re: ACLU of Alaska Support for Rescinding the April 22, 2020
Decision to Remove “Controversial” Materials from High
School English Elective Curriculum and Reading List, Part I**

Dear Mr. Bergey:

I write to share the American Civil Liberties Union of Alaska’s support for rescinding the Matanuska-Susitna School Board’s April 22, 2020 decision to remove books and teaching materials labeled “controversial” from the High School English Elective Curriculum and Reading List, Part I. We applaud your willingness to reconsider your vote, and we urge you and the entire Matanuska-Susitna School Board (MSSB) to vote to rescind this ban.

Since its founding in 1920, the ACLU has opposed censorship in all its forms. From books and radio to film, television, and the Internet, we have consistently fought to make sure Americans have the right to say, think, read, and write whatever they want, without fear of reprisal. The First Amendment does not allow the government to get rid of or limit the use of books or ideas because they are controversial, unpopular, or offensive. Opposition to censorship is especially important in our schools, because students do not lose their constitutional rights “at the schoolhouse gate.”

On April 22, 2020, when the MSSB voted to remove *The Things They Carried*, by Tim O’Brien, *I Know Why the Caged Bird Sings*, by Maya Angelou, *Catch-22*, by Joseph Heller, *Invisible Man*, by Ralph Ellison, and *The Great Gatsby*, by F. Scott Fitzgerald, it did so with the admission of several members supporting the motion that they had either never read the books, could no longer remember them, or had

read study guides instead. The discussion regarding the use of *The New York Times'* The Learning Network focused not on the lesson plans but on the fact that it was produced by *The New York Times* and could include *New York Times* content, suggesting this alone was an objectionable feature.

The ACLU of Alaska has serious concerns about the April 22, 2020 action of the MSSB and its impact on free speech. Purging certain books and teaching materials from curricula because some parents do not like them is government action favoring the opinion of some parents over others. Passing judgments, applying labels, and red-flagging educational materials that might prompt uncomfortable but insightful discussions are activities that do not belong in our public schools. In fact, bending to the will of any number of vocal parents could lead to a narrower and narrower list of books for students to read on a more and more homogeneous set of topics, adversely affecting the rights of those students and parents who want a more expansive and inclusive reading list from which to choose.

Book banning raises serious First Amendment concerns about content-based discrimination and censorship of controversial literature or texts. According to *Texas v. Johnson*, 491 U.S. 397 (1989), schools are prohibited from discriminating against “the expression of an idea simply because society finds the idea itself offensive or disagreeable.” This includes teachers and school officials singling out certain books based on passages they subjectively deem to be inappropriate because of the overbroad and potentially prejudicial labeling of these books. When decontextualized passages are flagged and the wider themes of the works are ignored, many literary classics – including the Bible – could be labeled as such. Vague terms to label potentially controversial books provide no guidance on the topic and only encourage some parents to forbid their children from reading the books without knowing much more about them other than an arbitrary label attached to it.

By shielding students from these books, educators miss out on opportunities to engage in a dialogue about the historical period in which a book was written, the author’s individual viewpoints, and the use of literary devices, all of which may play a part in how a group or individual is depicted.

The ACLU has always vigilantly defended the First Amendment and the right to free speech. Throughout our hundred-year history, we have worked to protect the right of individuals to access information, and to make up their own minds. Tonight, you have the opportunity to affirm our shared belief in an educated Alaskan citizenry and a society where ideas are openly disseminated, discussed, and debated. We urge the MSSB to rescind its removal of the “controversial” material it voted to ban from the High School English Elective Curriculum and Reading List, Part I.

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Please do not hesitate to contact the ACLU of Alaska if you have any questions about these issues or if we can be of any assistance to you in evaluating and formulating school policy on any of these matters.

Sincerely,



Triada Stampas
Policy Director

cc: Members of the Mat-Su School Board
James Hart, Vice President
Kelsey Trimmer, Vice President
Sarah Welton, Clerk
Ole Larson
Ryan Ponder
Jeff Taylor
Abigail Jensen, Student Advisory Board Representative