

Justice Stephens, along with Justice Marshall and Justice Brennan, dissented from the opinion of the court. They held that a student has rights and breaking a school rule does not strip a student of the right to fairness. Justice Stephens stated the following to the court...

Assistant Vice Principal Choplick searched T. L. O.'s purse for evidence that she was smoking in the girls' restroom. Because T. L. O.'s suspected misconduct was not illegal and did not pose a serious threat to school discipline, the New Jersey Supreme Court held that Choplick's search [469 U.S. 325, 371] of her purse was an unreasonable invasion of her privacy and that the evidence which he seized could not be used against her in criminal proceedings. The New Jersey court's holding was a careful response to the case it was required to decide.

The State of New Jersey sought review in this Court, first arguing that the exclusionary rule is wholly inapplicable to searches conducted by school officials, and then contending that the Fourth Amendment itself provides no protection at all to the student's privacy. The Court has accepted neither of these frontal assaults on the Fourth Amendment. It has, however, seized upon this "no smoking" case to announce "the proper standard" that should govern searches by school officials who are confronted with disciplinary problems far more severe than smoking in the restroom. Although I join Part II of the Court's opinion, I continue to believe that the Court has unnecessarily and inappropriately reached out to decide a constitutional question. See 468 U.S. 1214 (1984) (STEVENS, J., dissenting from

A Real Education

Punkerslut

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and security of individuals against arbitrary invasions by governmental officials.” 387 U.S., at 528. Because the individual’s interest in privacy and personal security “suffers whether the government’s motivation is to investigate violations of criminal laws or breaches of other statutory or regulatory standards,” *Marshall v. Barlow’s, Inc.*, *supra*, at 312–313, it would be “anomalous to say that the individual and his private property are fully protected by the Fourth Amendment only when the individual is suspected of criminal behavior.” *Camara v. Municipal Court*, *supra*, at 530. [469 U.S. 325, 336]²⁹

The Supreme Court ruled against T. L. O.. School administration of a school may search the belongings of any individual who has broken any of the rules. If a rule requires that a student has to stand for the Pledge of Allegiance, and the student does not, then the administration of that school is given the right to search the belongings of that student. Not because there is a decent threat to the school and not because the security of the school is in jeopardy, but only for egotistic and unfair reasons. Even if a child is guilty of doing no wrong, think of how easily a school administrator could get a child in trouble. At one time, a teacher or principal could suspend a student without any reasonable cause, and this position was actually defended by certain individuals! With this combination, any student is susceptible to unfairness and cruelty. The Fourth Amendment of the United States Constitution clearly explains that every citizen of this country has the right to their own property, that they should not be subjected to unjust search and seizures. This right of the people was violated when T. L. O.’s belongings were searched, and every defender of freedom should be outraged. For if one individual is suppressed, then nobody is free.

²⁹ *Ibidem*.

law enforcement officers; accordingly, although public school officials are concededly state agents for purposes of the Fourteenth Amendment, the Fourth Amendment creates no rights enforceable against them. [469 U.S. 325, 335]

It may well be true that the evil toward which the Fourth Amendment was primarily directed was the resurrection of the pre-Revolutionary practice of using general warrants or “writs of assistance” to authorize searches for contraband by officers of the Crown. See *United States v. Chadwick*, 433 U.S. 1, 7–8 (1977); *Boyd v. United States*, 116 U.S. 616, 624–629 (1886). But this Court has never limited the Amendment’s prohibition on unreasonable searches and seizures to operations conducted by the police. Rather, the Court has long spoken of the Fourth Amendment’s strictures as restraints imposed upon “governmental action” — that is, “upon the activities of sovereign authority.” *Burdeau v. McDowell*, 256 U.S. 465, 475 (1921). Accordingly, we have held the Fourth Amendment applicable to the activities of civil as well as criminal authorities: building inspectors, see *Camara v. Municipal Court*, 387 U.S. 523, 528 (1967), Occupational Safety and Health Act inspectors, see *Marshall v. Barlow’s, Inc.*, 436 U.S. 307, 312–313 (1978), and even firemen entering privately owned premises to battle a fire, see *Michigan v. Tyler*, 436 U.S. 499, 506 (1978), are all subject to the restraints imposed by the Fourth Amendment. As we observed in *Camara v. Municipal Court*, supra, “[t]he basic purpose of this Amendment, as recognized in countless decisions of this Court, is to safeguard the privacy

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Equally indisputable is the proposition that the Fourteenth Amendment protects the rights of students against encroachment by public school officials:

“The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures — Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.” *West Virginia State Bd. of Ed. v. Barnette*, 319 U.S. 624, 637 (1943).

These two propositions — that the Fourth Amendment applies to the States through the Fourteenth Amendment, and that the actions of public school officials are subject to the limits placed on state action by the Fourteenth Amendment — might appear sufficient to answer the suggestion that the Fourth Amendment does not proscribe unreasonable searches by school officials. On reargument, however, the State of New Jersey has argued that the history of the Fourth Amendment indicates that the Amendment was intended to regulate only searches and seizures carried out by

was tainted by the allegedly unlawful search. The Juvenile Court denied the motion to suppress.²⁸

Of what rationality can be contained in the mind of Mr. Choplick? The same may be asked of a rock with a similar answer. Perhaps a search would seem reasonable if there was sufficient cause for it. However, there was not significant enough reason at all to search the belongings of this student. A student may break a single rule of a school without being stripped of all their rights. If a student curses, for example — which in itself is nothing but a crime against a pathetic culture — upon cursing, does this student no longer possess any rights? May the administration search their belongings? The student in this case had not broken any laws and she did not put the school at danger. The only thing that she did was the breaking of a school regulation. This does not mean that the student has no rights at all. Perhaps a punishment could be merited, but not an unconstitutional search and seizure. The Supreme Court clarified the issue...

In determining whether the search at issue in this case violated the Fourth Amendment, we are faced initially with the question whether that Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials. We hold that it does. [469 U.S. 325, 334]

It is now beyond dispute that “the Federal Constitution, by virtue of the Fourteenth Amendment, prohibits unreasonable searches and seizures by state officers.” *Elkins v. United States*, 364 U.S. 206, 213 (1960); accord, *Mapp v. Ohio*, 367 U.S. 643 (1961); *Wolf v. Colorado*, 338 U.S. 25 (1949).

²⁸ *NEW JERSEY v. T. L. O.*, 469 U.S. 325 (1985), 469 U.S. 325. Argued March 28, 1984 Reargued October 2, 1984. Decided January 15, 1985.

Chapter 1: What is a Real Education?

When a person thinks about education today, they are likely to get pictures of colleges, universities, teachers, and schools in their head. Rarely, if ever, do they consider the actual value of a real education. Today in school, the curricula taught to the students is likely to consist of academics and health issues. Students receive the same daily dose of history, math, English, and science. In classes, students are taught to memorize various bits of data. For history, they memorize dates, people, and locations. For math, they memorize various formulas and equations. Science and English tend not to differ: it is the memorization of sterile facts and static data. The schools today are not a place where things are learned, nor is it a place that is bent on creating a sense of wonder and awe for the average student. Rather, it is a place of repetition, to turn students into cassettes that can replay information at desire. Information that is only lost with years of life that degrade the useless education learned at our modern learning institutions.

What year was the Treaty of Ghent signed? What city did John Calvin spread his Theocracy to? What is Photosynthesis? These are all questions which, in themselves, they are not useless pieces of data. To those in certain fields, however, they can be very valuable pieces of information. To others, they are simply interesting and intriguing to know such information. However, the retention of such memorized facts is often a fruitless venture, resulting in wasted money, time, and energy. You may be able to make a child memorize the United States Constitu-

tion, but within a few weeks, I would find it doubtful if the child could recollect more than three sentences. Instead, you could have taken that time to show the child something real and meaningful. A child could be taught how logic and reasoning abilities. They could be taught how to separate science from pseudoscience. They could be taught about a cultural idea that would interest them and get them involved in a book, an author, a song, an artist, a musician, an orator, a leader, a poem, a technology, an art form, etc., etc.. They could be taught about how the Universe formed: the origins of life, matter, stars, higher elements, as well as thousands of other topics.

The formal, educational system as it is working today certainly does not produce any fine, intelligent individuals. It does not foster independence and it did not teach compassion. It is the affirmation of dependence and dogma. In tests of average 17-year-olds in many world regions, the U. S. ranked dead last in algebra; they averaged 43%. Only 13 nations did worse in chemistry. Even though many American high school seniors are in advanced chemistry courses, only 1% know as much as 25% of Canadian students. South Korean students are far ahead of American students in all aspects of mathematics and science. 59% of school children in 1984 believed in astrology. The problem isn't just with school students. Every philosopher who has dealt with the education problem has at least admitted that how children are taught eventually leads to the production of how the new society thinks. It shouldn't be amusing that American adults lack in education as well. A quarter of Americans believe in astrology. A third thing that Sun-sign astrology is "scientific." 63% of American adults are unaware of the fact that all the dinosaurs were dead before humans arose. 75% do not know that antibiotics do nothing to viruses. 57% do not know that "electrons are smaller than atoms." Polls show that half of Americans do not know that the Earth goes around the Sun and takes a year to do it. Undergraduate classes at Cornell University, even the brightest students, and many of them do not

Mr. Choplick asked T. L. O. to come into his private office and demanded to see her purse. Opening the purse, he found a pack of cigarettes, which he removed from the purse and held before T. L. O. as he accused her of having lied to him. As he reached into the purse for the cigarettes, Mr. Choplick also noticed a package of cigarette rolling papers. In his experience, possession of rolling papers by high school students was closely associated with the use of marihuana. Suspecting that a closer examination of the purse might yield further evidence of drug use, Mr. Choplick proceeded to search the purse thoroughly. The search revealed a small amount of marihuana, a pipe, a number of empty plastic bags, a substantial quantity of money in one-dollar bills, an index card that appeared to be a list of students who owed T. L. O. money, and two letters that implicated T. L. O. in marihuana dealing.

Mr. Choplick notified T. L. O.'s mother and the police, and turned the evidence of drug dealing over to the police. At [469 U.S. 325, 329] the request of the police, T. L. O.'s mother took her daughter to police headquarters, where T. L. O. confessed that she had been selling marihuana at the high school. On the basis of the confession and the evidence seized by Mr. Choplick, the State brought delinquency charges against T. L. O. in the Juvenile and Domestic Relations Court of Middlesex County. 1 Contending that Mr. Choplick's search of her purse violated the Fourth Amendment, T. L. O. moved to suppress the evidence found in her purse as well as her confession, which, she argued,

everything to school administration. To suspend someone, force them to stand for the Pledge of Allegiance, disallow them the right to expression, disallow them the right to freedom of conscience, to disallow them from reading books, among other things, have all been choices of the teachers. The concept of fairness, when dealing in these situations, is an obscure concept, unworthy of consideration. When the leaders of our country give absolute rights to the teachers of our schools, it should be obvious that there will be many unjust conflicts caused by these teachers. When they may do as they wish, who is to say that they should not do wrongly? There is no one. The principles which govern an enslaved country to the wills of a Fascist dictatorship are the same same principles which govern a school to the wills of a Fascist administration. This fact should be appalling, but by many people it is promoted. And yet, under this infamous and cruel regime, it is expected that the flower of intelligence and creativity should blossom. In 1980, the administration at the Piscataway High School in Middlesex County, New Jersey, illegally searched the contents of a student's purse. The Supreme Court document explains...

On March 7, 1980, a teacher at Piscataway High School in Middlesex County, N. J., discovered two girls smoking in a lavatory. One of the two girls was the respondent T. L. O., who at that time was a 14-year-old high school freshman. Because smoking in the lavatory was a violation of a school rule, the teacher took the two girls to the principal's office, where they met with Assistant Vice Principal Theodore Choplick. In response to questioning by Mr. Choplick, T. L. O.'s companion admitted that she had violated the rule. T. L. O., however, denied that she had been smoking in the lavatory and claimed that she did not smoke at all.

know that the Sun itself is a star. 95% of Americans are "scientifically illiterate." That's the same amount of African slaves that were illiterate prior to the Civil War — and a slave learning to read back then carried severe penalties!¹ Carl Sagan notes on this lack of education...

In American polls in the early 1990s, two-thirds of all adults had no idea what the "information superhighway" was; 42 percent didn't know where Japan is; and 38% were ignorant of the term "holocaust." But the proportion was in the high 90s who had heard of the Menendez, Bobbit, and O. J. Simpson criminal cases; 99 percent had heard that the singer Michael Jackson had allegedly sexually molested a boy. The United States may be the best-entertained nation on Earth, but a steep price is being paid.²

Carl Sagan wrote an article concerning these statistics and it was published. Many of the letters he received were from classrooms. Here are some of the responses concerning the dwindling education of American students (grammar and spelling unchanged)...

- Not a Americans are stupid We just rank lower in school big deal.
- Maybe that's good that we are not as smart as the other countries. So then we can just

¹ Concerning information about lacking knowledge in Americans: Catherine S. Manegold, "U.S. Schools Misuse Time, Study Asserts," *The New York Times*, May 5, 1994, p. A21.; Concerning belief in astrology: R. B. Culver and P. A. Ianna, *The Gemini Syndrome: A Scientific Explanation of Astrology* (Buffalo, NY: Prometheus, 1984.); Concerning slaves and reading: Max Purutz, *Is Science Necessary?: Essays on Science and Scientists* (Oxford: Oxford University Press, 1991).

² *The Demon-Haunted World: Science as a Candle in the Dark*, by Carl Sagan, page 376, published by Ballantine Books.

import all of our products and then we don't have to spend all of our money on the parts for the goods.

- And if other countries are doing better, what does it matter, their most likely going to come over the U. S. anyway?
- Our society is doing just fine with what discoveries we are making. It's going slowly, but the cure for cancer is coming right along.
- It's true that some Americans kids don't try, but we could be smarter than any other country if we wanted to.
- If we want to rank first, we could go to school all day and not have any social life.
- When you put down how far behind we are in science and math, why don't you try to tell us this in a little nicer manner?... Have a little pride in your country and its capabilities.
- I think your facts were inconclusive and the evidence very flimsy. All in all, you raised a good point.³

It is obvious that formal education extinguishes whatever love of sciences and knowledge that existed prior to the schooling. From school one learns to hate knowledge. Upon hearing or learning of new scientific progress, an average American is likely to associate it with the monotonous educational system that is in place today. With this association comes the apathy of learning new knowledge. Students are taught to retain facts for a relatively short period of time. It would be doubtful if a student could recall 10% of their classes, or even 2% of

³ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 339–340, published by Ballantine Books.

A short time later, the Board appointed a “Book Review Committee,” consisting of four Island Trees parents and four members of the Island Trees schools staff, to read the listed books and to recommend to the Board whether the books should be retained, taking into account the books’ “educational suitability,” “good taste,” “relevance,” and “appropriateness to age and grade level.” In July, the Committee made its final report to the Board, recommending that five of the listed books be retained and that two others be removed from the school libraries. As for the remaining four books, the Committee could not agree on two, took no position on one, and recommended that the last book be made available to students only with parental approval. The Board substantially rejected the Committee’s report later that month, deciding that only one book should be returned to the High School library without restriction, that another should be made available subject to parental approval, but that the remaining nine books should “be removed from elementary and secondary libraries and [from] use in the curriculum.” *Id.*, at 391. The Board gave no reasons for rejecting the recommendations of the Committee that it had appointed.²⁷

The rulers of a school have not held justice close to heart. They are not friends of fairness and they are not allies of love. They can be characterized as heartless beings, with no desire to promote education. This is not entirely their fault however. The school boards, the legislative branches, the conservative groups, and all the others involved have given discretion of ev-

²⁷ U.S. Supreme Court: BOARD OF EDUCATION v. PICO, 457 U.S. 853 (1982), 457 U.S. 853. Argued March 2, 1982. Decided June 25, 1982.

and Island Trees Memorial Junior High School. Respondents are Steven Pico, Jacqueline Gold, Glenn Yarris, Russell Rieger, and Paul Sochinski. When this suit was brought, Pico, Gold, Yarris, and Rieger were students at the High School, and Sochinski was a student at the Junior High School.

In September 1975, petitioners Ahrens, Martin, and Hughes attended a conference sponsored by Parents of New York United (PONYU), a politically conservative organization of parents concerned about education legislation in the State of New York. At the conference these petitioners obtained lists of books described by Ahrens as “objectionable,” App. 22, and by Martin as “improper fare for school students,” *id.*, at 101. It was later determined that the High School library contained nine of the listed books, and that another listed book was in the Junior High School library. In [457 U.S. 853, 857] February 1976, at a meeting with the Superintendent of Schools and the Principals of the High School and Junior High School, the Board gave an “unofficial direction” that the listed books be removed from the library shelves and delivered to the Board’s offices, so that Board members could read them. When this directive was carried out, it became publicized, and the Board issued a press release justifying its action. It characterized the removed books as “anti-American, anti-Christian, anti-Sem[i]tic, and just plain filthy,” and concluded that “[i]t is our duty, our moral obligation, to protect the children in our schools from this moral danger as surely as from physical and medical dangers.” 474 F. Supp. 387, 390 (EDNY 1979).

what they learned in those classes. From the statistics of the intelligence of Americans and school students today, it is obvious that any intelligent person would hold skepticism towards the efficiency of the modern, formal, educational institutions of our time. As far as school goes, a man will learn more of he does not attend, and a person’s natural love of the sciences will be freed from the sheer inadequacy of schools. Albert Einstein is most notable for stating, “It is a miracle that curiosity survives formal education.” However, we need not take the word of a high-ranking scientist to know that modern schooling is destructive to education. Any experience within American schooling will be able to easily confirm the theory that formal schools in America today make for individuals who detest learning itself. To quote Carl Sagan’s experience when teaching various grades in school...

Except for children (who don’t know enough not to ask the important questions), few of us spend much time wondering why Nature is the way it is; where the Cosmos came from, or whether it was always here; if time will one day flow backward, and effects precede causes; or whether there are ultimate limits to what humans can know. There are even children, and I have met some of them, who want to know what a black hole looks like; what is the smallest piece of matter; why we remember the past and not the future, and why there *is* a Universe.

Every now and then, I’m lucky enough to teach a kindergarten or first-grade class. Many of these children are natural-born scientists—although heavy on the wonder side and light on the skepticism. They’re curious, intellectually vigorous. Provocative and insightful questions bubble out of them. They exhibit enormous enthusiasm. I’m

asked follow-up questions. They've never heard of the notion of a "dumb question."

But when I talk to high school seniors, I find something different. They memorize "facts." By and large, though, the joy of discovery, the life behind those facts, has gone out of them. They've lost much of the wonder, and gained very little skepticism. They've worried about asking "dumb" questions; they're willing to accept inadequate answers; they don't pose follow-up questions; the room is awash with sidelong glances to judge, second-by-second, the approval of their peers. They come to class with their questions written out on pieces of paper, which they surreptitiously examine, waiting their turn and oblivious of whatever discussion their peers are at this moment engaged in.⁴

The schooling process has rendered curious, intelligent children into mindless zombies: uninquisitive, dull, and uncreative. If this is not the surest proof that our schools need reform, then I am not sure if any such proof exists! Bright-eyed children who are yearning to learn about the Universe enter our school system. What comes out at the other end are quite the opposite: adults who are neither ambitious enough to learn nor creative enough to invent. The flame of every individual, the lust for learning and desire for knowledge, is thoroughly extinguished by these traditional methods of "teaching." The only thing accomplished by modern schooling is a backward process: destroying any creative processes in the minds of its students. There may be students in these schools who genuinely wish to excel and try to do so by doing well in their studies, but in

⁴ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 321-322, published by Ballantine Books.

books are about sexuality. Now the knowledge of one's own body is illegal, forbidden knowledge? To the educator's of today, it would appear that way. The most challenged authors of the year 2000 were: J.K. Rowling, Robert Cormier, Lois Duncan, Piers Anthony, Walter Dean Myers, Phylis Reynolds Naylor, John Steinbeck, Maya Angelou, Christopher Pike, Caroline Cooney, Alvin Schwartz, Lois Lowry, Harry Allard, Paul Zindel, and Judy Blume.²⁶ There are certain schools which punish children for carrying such banned books on school property! And so children are not given the right to expression or freedom of conscience. Now, being placed in the hostile school environment, under the rule of an administrator who believes they have full and total control, they are not given the right to read the books that they desire. If so much as one book is banned, it is not education. It is control of thought – a principle which is conflicted with a real education.

In 1975, a committee of parents and students of the Island Trees Union Free School District of New York banned several books from its high school and junior high school libraries that they deemed to be unacceptable. To quote the Supreme Court document relating to this incident...

Petitioners are the Board of Education of the Island Trees Union Free School District No. 26, in New York, and Richard Ahrens, Frank Martin, Christina Fasulo, Patrick Hughes, Richard Melchers, Richard Michaels, and Louis Nessim. When this suit was brought, Ahrens was the President of the Board, Martin was the Vice President, and the remaining petitioners were Board members. The Board is a state agency charged with responsibility for the operation and administration of the public schools within the Island Trees School District, including the Island Trees High School

²⁶ American Library Association website.

95. Girls and Sex by Wardell Pomeroy²²

There are some who would say that it might be acceptable if this list consisted of books that were purely racist or dangerous. That is to say, they would at least find that acceptable, but to ban — or try to ban — this list of books is appalling. There are those who say banning books about murder is acceptable, but I do not find the banning of any knowledge acceptable at all! If you set a student in one direction of learning, without allowing them to turn and check the other directions, the student will become narrow-minded. To quote Carl Sagan, "...censoring knowledge, telling people what they must think, is the aperture to thought police, foolish and incompetent decision-making, and long-term decline."²³ Books by Mark Twain and John Steinbeck were challenged more often than *The Anarchist Cookbook* by William Powell.²⁴ Powell's publication contains methods for creating bombs and explosives yet the stories of *Huckleberry Finn* have been deemed less appropriate. In no way do I think that any book should be banned. To hold a monopoly on thought is tyrannical, and certainly not a principle of education. Education means freedom — both of expression and conscience — yet we so often meet school boards who are desiring to ban books. Two of Mark Twain's books make the top 100 most challenged books. Of school boards, Mark Twain himself has said, "In the first place God made idiots. This was for practice. Then he made School Boards."²⁵ These books that are banned are excellent books. They ignite the imagination and stimulate the mind. Mark Twain's novels of childhood to scientific books by Huxley to Maya Angelou's books of freedom — to ban such books would be a crime. Some of these

²² American Library Association website.

²³ *The Demon-Haunted World: Science as a Candle in the Dark*, by Carl Sagan, pages 261, published by Ballantine Books.

²⁴ American Library Association website, *The Anarchist Cookbook* by William Powell ranked #57 in the list of most challenged books.

²⁵ *Following the Equator; Pudd'nhead Wilson's New Calendar*

the overall perspective, the educational system fails to develop students into lovers of learning or intelligent beings.

The education system should return to the roots of education. It should not be based on shoving knowledge down the throats of unwilling children, making them hateful of learning. Learning should be a creative process. It should not be burdened with tests and quizzes, constantly questioning the intellectual level of the student. School should be a place of learning, not a place of grades and marks. 25% of Canadian students are at the same level as 1% of the best American students in chemistry, despite the fact that American students are subjected to rigorous testing. It is obvious that even with testing, American students do not retain the knowledge that they learn from such classes. Such information is eventually lost and discarded at a later date. It should be no surprise, either. When students have to take certain courses in their schools simply to graduate, and when many of these courses contain completely erroneous data, the students will forget all of the useless information fed to them. Year after year, this process continues: short-term memorization of facts and eventually deletion of these facts. The student, in the end, gains nothing but a diploma which only holds assurance that nothing of value was gained. In mockery of diplomas, Mark Twain has written...

Now then, to me university degrees are unearned finds, and they bring the joy that belongs with property acquired in that way; and the money-finds and the degree-finds are just the same in number up to date—three: two from Yale and one from Missouri University. It pleased me beyond measure when Yale made me a Master of Arts, because I didn't know anything about art; I had another convulsion of pleasure when Yale made me a Doctor of Literature, because I was not competent to doctor anyone's literature but my

own, and couldn't even keep my own in a healthy condition without my wife's help. I rejoiced again when Missouri University made me a Doctor of Laws, because it was all clear profit, I not knowing anything about laws except how to evade them and not get caught. And now at Oxford I am to be made a Doctor of Letters—all clear profit, because what I don't know about letters would make me a mutli-millionaire if I could turn it into cash.⁵

The same monotonous, traditional methods of teaching should be abandoned. History class should not be restricted to a book anymore than wood shop class or art class. Education should not be about repetition and memorization. Education is supposed to be about learning new things that can intrigue students and mesmerize them. It is about making students independent so that they can enter society as productive, happy, free, and capable citizens. Education is not supposed to make anyone compassionate or kind, but it is what gives students tools to become compassionate and kind. It provides a way for individuals to better themselves. Education is about the building of the character, of the person, of each individual student. It is not at all about the memorization of static facts which soon become forgotten. What education can principally be defined as, is the creation of independence of an individual, so that they may be creative, productive, and happy in their own life. To this end, it is only obvious that all school classes must be made voluntary. The mere concept of forcing a child into a “learning classroom” is absurd! To make courses and classes mandatory is tantamount to extinguishing the flame of curiosity. When a student, particularly a child, is forced facts and monotonous data, it can do nothing but harm the child. It makes them hate education, because all they can associate

⁵ Mark Twain's Autobiography, edited by Charles Neider, pages. 348–349.

17. A Day No Pigs Would Die by Robert Newton Peck
18. The Color Purple by Alice Walker
23. Go Ask Alice by Anonymous
40. What's Happening to my Body? Book for Girls: A Growing-Up Guide for Parents & Daughters by Lynda Madaras
41. To Kill a Mockingbird by Harper Lee
43. The Outsiders by S.E. Hinton
44. The Pigman by Paul Zinden
47. Flowers for Algernon by Daniel Keyes
52. Brave New World by Aldous Huxley
53. Sleeping Beauty Trilogy by A.N. Roquelaure (Anne Rice)
54. Asking About Sex and Growing Up by Joanna Cole
55. Cujo by Stephen King
56. James and the Giant Peach by Roald Dahl
58. Boys and Sex by Wardell Pomeroy
61. What's Happening to my Body? Book for Boys: A Growing-Up Guide for Parents & Sons by Lynda Madaras
70. Lord of the Flies by William Golding
77. Carrie by Stephen King
83. The Dead Zone by Stephen King
84. The Adventures of Tom Sawyer by Mark Twain
88. Where's Waldo? by Martin Hanford
93. Sex Education by Jenny Davis

ronment where they are afforded no rights is not at all a form of education; it is a form of state-instituted abuse.

If there is one thing which has been evident in process of education, it is that the rulers of these so-called “places of learning” have always been quick to guide education their own way. When education is guided by a biased source or forced, it is no longer education. It may be called brainwashing or indoctrination, but it is far from an education. In many ways, the teachers, principals, and superintendents have all been quick to destroy the principle of education by replacing it with forced thinking, which is no kind of thinking at all. One particular way that schools have done this is by refusing the existence of another point of view. The text books do not speak of this view — and if they do, it is negatively, the teachers do not discuss it, and the librarians refuse to house such books. Banning books has always been a way that the masses have been controlled. When Uncle Tom’s Cabin by Harriet Beecher Stowe was published, revealing many of the harsh realities of slavery, there were many book burnings of it in the south. The Catholic Church compiled a list of thousands of banned books in 1948. Today, many churches are burning Harry Potter books, as well as other sorts of media, including Pokemon cards. Here are some of the most challenged books in school libraries...

3. I Know Why the Caged Bird Sings by Maya Angelou

5. The Adventures of Huckleberry Finn by Mark Twain

6. Of Mice and Men by John Steinbeck

7. Harry Potter (Series) by J.K. Rowling

8. Forever by Judy Blume

13. The Catcher in the Rye by J.D. Salinger

16. Goosebumps (Series) by R.L. Stine

education with is the dread of being forced into classes where they learn nothing at all. But this is not fair at all, to say they learn nothing at all. They certainly do learn to detest the government which unrightly abuses them and they learn to hate education in all its forms. If a child is given the privilege, the independence, to choose the classes which interest them the most so that they may excel in those fields, then they child will become educated. Mandatory classes will dishearten the student’s zeal for education. The facts of mandatory classes are soon forgotten, and the class itself is useless. It is stupid and ignorant to believe that students can be forced into classes and then make them learn information. The only way a student can learn is if they willingly desire to learn, and the only way to do that is to provide students with a wide range of classes to choose from with interesting, provocative topics, as well as to give the student the opportunity to attend classes voluntarily or not at all. To quote Carl Sagan...

Since most school children emerge with only a tiny fraction of what they’ve been taught permanently engraved in their long-term memories, isn’t it essential to infect them with consumer-tested topics that aren’t boring... and a zest for learning?⁶

The case for proper educational reform is two-part: to produce a vast array of intriguing, provocative, and classes, and to give students the independent choice to select the classes that they wish to take. Few, if any, can argue with the first part. It is obvious that when a student is interested in what they are learning, it will be more likely that they will learn more. To make a class interesting, it must avoid repetitive exercises and the educational administration should do as much

⁶ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 341, published by Ballantine Books.

as possible to make the class as different, informative, and as creative as possible. This is something that I hardly need to argue. There are those, however, who would find it improbable that a society can move forward when students are wholly given the option themselves to choose classes or not. If given the choice to go to classes or not, many would assume that students would simply skip all the classes that they signed up for. If this voluntary system of choosing to go to the classes you desired was put into effect today, I hardly doubt this objection: students absolutely would skip their classes. However, this would be entirely due to the boredom, monotony, and the generally poorly run classroom. When individuals learn in a hostile environment where they are forced to learn, they learn only to detest schooling. With this idea in mind, it is obvious that students would skip class, and the reasons are all too clear: the hatred of education is bred into students from our modern, formal, educational institutions. If classrooms were set up in a way that was intriguing and interesting, they would have more appeal with students. There is then the other objection: if classrooms provided an interesting, intriguing atmosphere, children who were apathetic still may avoid school altogether. However, a child who is forced to sit in a classroom “learning” will only dishearten any interest they have for education. A student can easily memorize dull facts and forget them a year later with great ease. A student gains nothing by being forced into a class that is uninteresting or dull to them. In fact, it hurts any natural feelings they have for learning. Education cannot be forced. It can only be chosen. That is the principle of an efficient school: freedom of conscience and classes.

The question of religion now comes into regard with education. Many schools and colleges during the Renaissance were supported by the Jesuits and the Catholic Church. To what extent shall religion govern education? Any educated person can come to the conclusion that religion is an ignorant pursuit in itself. To incorporate its principles into the educational system

but absolutism, whether on the imperial throne or in the physiological laboratory, has not offered to the world the highest type of conduct. What, for instance, would be thought of the president of a great and wealthy university who should proclaim that, as regards the expenditure of the treasurer, no restraints or restrictions were ever imposed; that complete confidence in personal character took the place of all vouchers and receipts?²¹

The point made by Albert Leffingwell is unmistakable: if we give unlimited power to individuals, they will inevitably abuse their position. In free governments where the citizens are given the right to choose the destiny and fate of laws, there is often a system of checks and balances. The president does not have unlimited power; nor does Congress, the House of Representatives, or judges. All individuals in the government have a means to check and balance each other. However, this system which has been used by thousands of governments to prevent corruption and abuse of power tumbles to dust when implemented in the school system. Corrupt and brutalizing governments which wish to have nobody check or control their power will eliminate this system of checks and balances. It is the product of a power-hungry dictator who wishes to rule without caprice. And it is this very system — born of abuse, greed, and corruption — that Justice Powell would want our education to be based on! If the citizens of a cruel government learn nothing but cruelty, how can the students of a cruel administration learn anything but just that: cruelty? The concept itself is ridiculous. The principle of a free education is based on making the students independent, so that they may excel and succeed in the real world. To place students in a hostile envi-

²¹ *Animals' Rights*, by Henry Stephens Salt and Albert Leffingwell, part II, chapter 2, 1891.

learning institutions felt that they had the right to persecute without the burden of proof. They felt that they could suspend or punish, without a care or thought as to whether or not it was justly done. Justice Powell stated the following at this court decision...

In assessing in constitutional terms the need to protect pupils from unfair minor discipline by school authorities, the Court ignores the commonality of interest of the State and pupils in the public school system. Rather, it thinks in traditional judicial terms of an adversary situation. To be sure, there will be the occasional pupil innocent of any rule infringement who is mistakenly suspended or whose infraction is too minor to justify suspension. But, while there is no evidence indicating the frequency of unjust suspensions, common sense suggests that they will not be numerous in relation to the total number, and that mistakes or injustices will usually be righted by informal means.²⁰

What Powell fails to recognize is that by giving teachers the ability to suspend a student up to ten days, without any reasons what so ever, a system of inhumanity rather than education will evolve into the schooling. It has been said by many ethical and social reformers that to give limitless powers to anybody will only lead to greed and corruption. To quote Albert Leffingwell, a physician who worked with the American Humanitarian League when arguing against Vivisection and animal testing...

Doubtless the Czar of Russia prefers unlimited power to the restrictions of a written constitution;

²⁰ Ibidem.

is much worse than not teaching students anything at all. It sets a shaky foundation. Perhaps one or two individuals can find moral or inspirational value in religion, but to search for facts, science, and truth, religion will be the last place to aid in any way at all. In reference to Isaiah 40:22, Carl Sagan has said...

If you accept the literal truth of every word of the Bible, then the Earth must be flat. The same is true for the Qu'ran. Pronouncing the Earth round then means you're an atheist. In 1993, the supreme religious authority of Saudi Arabia, Sheik Abdel-Aziz Ibn Baaz, issued an edict, or fatwa, declaring that the world is flat. Anyone of the round persuasion does not believe in God and should be punished.⁷

In 1999, 68% of of the public want the teaching of both Evolution and Creationism as science in school. 40% are in favor of teaching Creationism instead of Evolution.⁸ Carl Sagan notes on the religious fervor of Creationists...

I meet many people offended by evolution, who passionately prefer to be the personal handicraft of God than to arise by blind physical and chemical forces over eons of slime. They also tend to be less than assiduous in exposing themselves to the evidence. Evidence has little to do with it: What they wish to be true, they believe *is* true. Only 9 percent of Americans accept the central finding of modern biology that human beings (and all the

⁷ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 325, published by Ballantine Books.

⁸ 1999-AUG: ABCNEWS.com quoted The Gallup Organization's most recent results relating to public opinion about the teaching of creationism in public schools.

other species) have slowly evolved by natural processes from a succession of more ancient beings with no divine intervention needed along the way. (When asked merely if they accept evolution, 45 percent of Americans say yes. The figure is 70 percent in China.) When the movie *Jurassic Park* was shown in Israel, it was condemned by some Orthodox rabbis because it accepted evolution and because it taught that dinosaurs lived a hundred million years ago—when, as is plainly stated at every Rosh Hashonah and every Jewish wedding ceremony, the Universe is less than 6,000 years old. The clearest evidence of our evolution can be found in our genes. But evolution is still be fought, ironically by those whose own DNA proclaims it—in the schools, in the courts, in the textbook publishing houses, and on the question of just how much pain we can inflict on other animals without crossing some ethical threshold.⁹

The ethic of incorporating religion into education cannot be ignored. Only a slight knowledge of history is required to understand that scientific dependence on religion will bring about the ruin of a civilization. As Adolf Hitler took control of Germany, he commented on a new way of thought, “We stand at the end of the Age of Reason. A new era of the magical explanation of the world is rising. There is no truth, in the scientific sense.”¹⁰ On the evening that Hitler took control of Germany, Leon Trotsky is noted for saying...

⁹ *The Demon-Haunted World: Science as a Candle in the Dark*, by Carl Sagan, page 325–326, published by Ballantine Books. The percents used in this quote were gathered from the 1999 August Gallup Organization’s polls.

¹⁰ Quoted from Victor J. Stenger, *Has Science Found God?* (2001), and *The Demon-Haunted World*, by Carl Sagan.

to the destructive conduct but was instead an innocent bystander. Because no one from the school testified with regard to this incident, there is no evidence in the record indicating the official basis for concluding otherwise. Lopez never had a hearing.

Betty Crome was present at a demonstration at a high school other than the one she was attending. There she was arrested together with others, taken to the police station, and released without being formally charged. Before she went to school on the following day, she was notified that she had been suspended for a 10-day period. Because no one from the school testified with respect to this incident, the record does not disclose how the McGuffey Junior High School principal went about making the decision to suspend Crome, nor does it disclose on what information the decision was based. It is clear from the record that no hearing was ever held.

There was no testimony with respect to the suspension of the ninth named plaintiff, Carl Smith. The school files were also silent as to his suspension, although as to some, but not all, of the other named plaintiffs the files contained either direct references to their suspensions or copies of letters sent to their parents advising them of the suspension.¹⁹

It would not be acceptable for any institution, be it of learning, recreation, or work, to suspend or punish anyone when there is no evidence or reason behind it. The educators in our

¹⁹ U.S. Supreme Court: *GOSS v. LOPEZ*, 419 U.S. 565 (1975), 419 U.S. 565. Argued October 16, 1974. Decided January 22, 1975.

unrest in the CPSS during February and March 1971. Six of the named plaintiffs, Rudolph Sutton, Tyrone Washington, Susan Cooper, Deborah Fox, Clarence Byars, and Bruce Harris, were students at the Marion-Franklin High School and were each suspended for 10 days on account of disruptive or disobedient conduct committed in the presence of the school administrator who ordered the suspension. One of these, Tyrone Washington, was among a group of students demonstrating in the school auditorium while a class was being conducted there. He was ordered by the school principal to leave, refused to do so, and was suspended. Rudolph Sutton, in the presence of the principal, physically attacked a police officer who was attempting to remove Tyrone Washington from the auditorium. He was immediately suspended. The other four Marion-Franklin students were suspended for similar conduct. None was given a hearing to determine the operative facts underlying the suspension, but each, together with his or her parents, was offered the opportunity to attend a conference, subsequent to the effective date of the suspension, to discuss the student's future.

Two named plaintiffs, Dwight Lopez and Betty Crome, were students at the Central High School and McGuffey Junior High School, respectively. The former was suspended in connection with a disturbance in the lunchroom which involved some physical damage to school property. Lopez testified that at least 75 other students were suspended from his school on the same day. He also testified below that he was not a party

Not only in peasant homes, but also in city skyscrapers, there lives along side the twentieth century the thirteenth. A hundred million people use electricity and still believe in the magic powers of signs and exorcisms....Movie stars go to mediums. Aviators who pilot miraculous mechanisms created by man's genius wear amulets on their sweaters. What inexhaustible reserves they possess of darkness, ignorance and savagery!¹¹

Adolf Hitler's usage of religion was sparse. He used religion to justify his actions. To quote him, "Therefore, I am convinced that I am acting as the agent of our Creator. By fighting off the Jews, I am doing the Lord's work."¹² Considering that his tyranny was based on religious dogma, it's no doubt that he detested free and secular schools. In regards to schooling, he has said...

Secular schools can never be tolerated because such a school has no religious instruction and a general moral instruction without a religious foundation is built on air; consequently, all character training and religion must be derived from faith... We need believing people.¹³

In one statement to the public, Pat Buchanan stated, "We're going to bring back God and the Bible and drive the gods of secular humanism right out of the public schools of America."¹⁴

¹¹ On the eve of the Hitler takeover in Germany.

¹² *Mein Kampf*.

¹³ April 26, 1933, from a speech made during negotiations leading to the Nazi-Vatican Concordat of 1933, quoted from the Freedom From Religion Foundation quiz, "What Do You Know About The Separation of State and Church?"

¹⁴ Pat Buchanan, campaign address at an anti-gay rally in Des Moines, Iowa, February 11, 1996.

Rev. Romaine F. Bateman — Pastor of the First Baptist Church of Milburn, New Jersey — said, “Washington and Lincoln were un-Christian and their names are unworthy of being brought before the public.”¹⁵ How could an intelligent history class occur when names are erased from the book because of religious dogma? William Dembsky once said, “Any view of the sciences that leaves Christ out of the picture must be seen as fundamentally deficient.”¹⁶ I don’t think any educated person would find themselves shaken from this babble — the fact that astronomy, chemistry, or physics do not incorporate religious dogma does not mean that they are deficient. Jerry Falwell, the Christian Fundamentalist, once said, “The Bible is the inerrant ... word of the living God. It is absolutely infallible, without error in all matters pertaining to faith and practice, as well as in areas such as geography, science, history, etc.”¹⁷ Since it is commonplace information that the Bible has many mistakes, should we actively teach those mistakes, including the Flat-Earth Theory and Creation “Science”? Bill Keith has said, “If I had my way, I would have the Book of Genesis taught in all our elementary schools.”¹⁸ By teaching a religion, students do not gain anything of value, but learn to incorporate dogma and superstition — false tools — into their lives. Upon seeing iguanas, Reverend Walter Lang said...

¹⁵ Rev. Romaine F. Bateman, *New York Herald Tribune*, Feb. 18, 1932, on the occasion of his refusal to permit citizens of the community to hold a celebration in honor of George Washington. Mr. Bateman also remarked that Washington’s service to his country was “merely incidental compared with his un-Christianity.” Quoted by Joseph Lewis in *The Ten Commandments* p. 563.

¹⁶ William Dembski, *Intelligent Design: The Bridge between Science and Theology* (1999), p. 298, quoted from Victor J. Stenger, *Has Science Found God?* (draft: 2001).

¹⁷ Jerry Falwell, *Finding Inner Peace and Strength*.

¹⁸ Bill Keith, address, Monroe, LA, 1986, quoted from Albert J. Menendez and Edd Doerr, *The Great Quotations on Religious Freedom*.

for up to 10 days without a hearing, brought a class action against appellant school officials seeking a declaration that the Ohio statute permitting such suspensions was unconstitutional and an order enjoining the officials to remove the references to the suspensions from the students’ records. A three-judge District Court declared that appellees were denied due process of law in violation of the Fourteenth Amendment because they were “suspended without hearing prior to suspension or within a reasonable time thereafter,” and that the statute and implementing regulations were unconstitutional, and granted the requested injunction.

[...]

The nine named appellees, each of whom alleged that he or she had been suspended from public high school in Columbus for up to 10 days without a hearing pursuant to 3313.66, filed an action under 42 U.S.C. 1983 against the Columbus Board of Education and various administrators of the CPSS. The complaint sought a declaration that 3313.66 was unconstitutional in that it permitted public school administrators to deprive plaintiffs of their rights to an education without a hearing of any kind, in violation of the procedural due process component of the Fourteenth Amendment. It also sought to enjoin the public school officials from issuing future suspensions pursuant to 3313.66 and to require them to remove references to the past suspensions from the records of the students in question.

The proof below established that the suspensions arose out of a period of widespread student

we now know to be a simple fact. Likewise, most of Darwin's particular theses have been fully confirmed, such as that of common descent, the gradualism of evolution, and his explanatory theory of natural selection.¹⁸

All up to this point in time, teachers, principals, and other school administration had complete control of their school. If an individual behaved improperly — “improperly” defined as the leaders of the school deemed fit — then the teachers could suspend that individual for any amount of time, without cause or reason. They were tyrants of schools, enforcing a cruel dictatorship. Schools were not about freedom and education — they were about cruelty, abuse, and suppression. The power to make the life of any student hell was held reservedly by the administration, and it went unquestioned. If dropping your pencil on the floor warrants a suspension, you will be suspended. These were not schools of the free and they were not schools for education. They were schools that taught students to respect and obey an authority, no matter how cruel and vindictive that authority was. By striking fear into the hearts and corruption into the minds of students, the schools of this time accomplished much: students became disenchanted with learning and held a thick hatred for the world. In 1974, several students were suspended for school for doing nothing. Dwight Lopez and Betty Crome were suspended for ten days by school administration because they had been near public disruptions at the time of their occurrence. The two students were willing to plead their innocence, and the school had no proof that the students committed any crime, but the school suspended the students without allowing them a hearing.

Appellee Ohio public high school students, who had been suspended from school for misconduct

¹⁸ *Scientific American*, July 2000, page 83.

We really have dinosaurs today, without any question. You just need the right weather conditions, as I see it, to get huge creatures. And in the ocean, of course, we have huge creatures... this is where the plesiosaurs seem to be today, and perhaps also this fire breathing dragon is still down there — very rare, but occasionally there.¹⁹

Walter Lang is not the only Creationist who believes that dinosaurs still walk the Earth. Kent Hovind has quoted many sightings of dinosaurs, all from the middle of Europe to Florida, and even accepting the testimony of individuals who were intoxicated with LSD. Kent Hovind has said the following...

Well, if Evolution is true, you're nothing important. You're just a bit of protoplasm that washed up on the beach. And you're not worth a thing. As a matter of fact, you're part of the problem, because you're one of the polluters of the environment, and the more of you we can get rid of, the better. See, that's normal thinking if Evolution is true.²⁰

The fallacy of Hovind's quote is that it lacks intelligence. It doesn't rely on evidence and it makes arguments by making Evolution look bad rather than by debunking it. In fact, he says things about Evolution that aren't even true. If someone believes Evolution, it does not mean that they are trying to “get rid of” humans. However, to the audiences that are willing to pay \$50 to listen to Hovind slander Evolution, they learn that Evolution is about not being worth anything and that humans are problems. This isn't science. This isn't even remotely

¹⁹ Reverend Walter Lang, founder of the Bible-Science Association. Quoted in various articles, including *American Atheists*, “From the Mouths of Creationists.”

²⁰ Dr. Kent Hovind's Online Creation Seminar, Part 1.

smooth talking. On Kent Hovind's part, this is making yourself look stupid. Mockery of science hardly disproves it. Hovind is not the only one to make himself look ignorant. Henry Morris has said the following...

The approach we try to take here [Morris's Institute for Creation Research] is to assume that the word of God is the word of God and that God is able to say what He means and means what He says, and that's in the Bible and that is our basis. And then we interpret the scientific data within that framework.²¹

Henry Morris believes that the world is only a few thousand years old, as do many Creationists. Evolution is not the only belief which affirms the billions of years old the Earth is. So many scientific fields are entirely dependent upon the age of the Universe being billions of years old. Geology, astronomy, biology, cosmology, and physics are all sciences which require that the Universe is millions or billions of years old. One cannot delve into the chemical fission or fusion of stars, the evolution of animals, the formation of rocks, the movement of stars, the nature of starlight, or any other particular subject without immediately recognizing that the Earth is billions of years old. Even the elementary basics of so many fields requires us to accept the age of the Earth to be hundreds of millions of years old. The Creation Research Society is quoted for saying...

We are an organization of Christian men and women of science who accept Jesus Christ as our Lord and Savior. The account of the special creation of Adam and Eve as one man and one woman and their subsequent fall into sin is the basis for our belief in the necessity of a Savior for

²¹ Henry Morris, as quoted in Brian J. Alters, "A Content Analysis of the Institute for Creation Research's Institute on Scientific Creationism," *Creation/Evolution* 15, no. 2 (1995): 1-15., quoted from Victor J. Stenger, "Has Science Found God?" (draft: 2001).

statute was a product of the upsurge of "fundamentalist" religious fervor of the twenties. The Arkansas statute was an adaptation of the famous Tennessee "monkey law" which that State adopted in 1925. The constitutionality of the Tennessee law was upheld by the Tennessee Supreme Court in the celebrated Scopes case in 1927.

The Arkansas law makes it unlawful for a teacher in any state-supported school or university "to teach the [393 U.S. 97, 99] theory or doctrine that mankind ascended or descended from a lower order of animals," or "to adopt or use in any such institution a textbook that teaches" this theory. Violation is a misdemeanor and subjects the violator to dismissal from his position.

[...]

Appeal was duly prosecuted to this Court under 28 U.S.C. 1257 (2). Only Arkansas and Mississippi have such "anti-evolution" or "monkey" laws on their books.¹⁷

It was not until 1968 that this insane ideology was removed from the schools. If an individual wishes to pursue a scientific career, they will inevitably run to many conclusions. In particular, they will find that the Universe is billions of years old. Even astronomers who are studying the skies will realize that the light from many of the stars far away is already billions of years old and the stars that gave off that light are already destroyed. With regard to Evolution, Ernst Mayr has said the following...

No educated person any longer questions the validity of the so-called theory of evolution, which

¹⁷ U.S. Supreme Court: *EPPERSON v. ARKANSAS*, 393 U.S. 97 (1968), 393 U.S. 97. Argued October 16, 1968. Decided November 12, 1968.

in the abyss of time, has been opposed by the great majority of men. Every valuable thing that has been added to the store of man's possessions has been derided by them when it was new, and destroyed by them when they had the power. They have fought every new truth ever heard of, and they have killed every truth-seeker who got into their hands.

[...]

The so-called religious organizations which now lead the war against the teaching of evolution are nothing more, at bottom, than conspiracies of the inferior man against his betters. They mirror very accurately his congenital hatred of knowledge, his bitter enmity to the man who knows more than he does, and so gets more out of life. Certainly it cannot have gone unnoticed that their membership is recruited, in the overwhelming main, from the lower orders — that no man of any education or other human dignity belongs to them. What they propose to do, at bottom and in brief, is to make the superior man infamous — by mere abuse if it is sufficient, and if it is not, then by law.¹⁶

The Supreme Court of Arkansas clarified the issues precisely. To quote the document of the Arkansas Supreme Court...

This appeal challenges the constitutionality of the "anti-evolution" statute which the State of Arkansas adopted in 1928 to prohibit the teaching in its public schools and universities of the theory that man evolved from other species of life. The

¹⁶ *Homo Neanderthalensis*, by H.L. Mencken, *The Baltimore Evening Sun*, June 29, 1925.

all mankind. Therefore, salvation can come only through accepting Jesus Christ as our Savior.²²

Are these people scientists? Should we depend on them for delivering knowledge and objective truth to us? Absolutely not. They are obviously biased individuals who are not attempting to be scientific in any way. They do not look for evidence nor do they attempt to use rational principles. They use faith, not reason. It is quite dubious that they are religious zealots who are attempting to prove the "scientific ground" of a purely religious belief. They are not the only religious zealots. Rev. W. D. Lewis is noted for saying...

I shall never be in full sympathy with our system of irreligious education. Why should we be compelled to attend and support our schools if there is nothing that can be done to compel us to attend and support our churches? ... If education is absolutely necessary for our community life, so is religion. Or yet why should we be compelled to support the idea of government if we are at liberty to treat the idea of God with contempt? ... You will never make a full success of a compulsory government or a compulsory education until you give the same dignity to religion and make it compulsory; at any rate compulsory enough to make it respected throughout the land. The nation that plays fast and loose with its idea of God will soon or late play fast and loose with its idea of education and its idea of government... If God doesn't matter, then nothing else matters, and all the compulsions of life might just as well be set aside.²³

²² Website of Creation Research Society. Statement of Faith.

²³ Rev. W. D. Lewis, quoted from E. Haldeman-Julius, "The Meaning Of Atheism."

The Creationist position wishes to advance itself by taking the battle to courts, schools, and the legislative branch. One Fundamentalist, William Jennings Bryan, who was the prosecutor in the Scopes Trial, is noted for saying, “All the ills from which America suffers can be traced back to the teaching of evolution. It would be better to destroy every other book ever written, and save just the first three verses of Genesis.”²⁴ Tennessee eventually dropped Evolution as a subject in schools. To quote the law itself...

It shall be unlawful for any teacher in any of the universities, normals, and all other public schools of the state which are supported in whole or in part by public funds of the state, to teach any theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower state of animals.²⁵

There are many serious efforts to destroy modern science from various religious standpoints. To quote Carl Sagan...

Under the guise of “creationism,” a serious effort continues to be made to prevent evolutionary biology — the most powerful integrating idea in all of biology, and essential for other sciences ranging from astronomy to anthropology — from being taught in schools.²⁶

²⁴ William Jennings Bryan, quoted from David Milsted, *The Cassell Dictionary of Regrettable Quotations* (1999).

²⁵ Statute of the State of Tennessee, 1925 (not repealed until 1967), quoted from David Milsted, *The Cassell Dictionary of Regrettable Quotations* (1999).

²⁶ *The Demon-Haunted World: Science as a Candle in the Dark*, by Carl Sagan, pages 263, published by Ballantine Books.

than any man of, say, the Eighteenth Century, and is far more civilized. This assumption is quite erroneous. The men of the educated minority, no doubt, know more than their predecessors, and of some of them, perhaps, it may be said that they are more civilized — though I should not like to be put to giving names — but the great masses of men, even in this inspired republic, are precisely where the mob was at the dawn of history. They are ignorant, they are dishonest, they are cowardly, they are ignoble. They know little if anything that is worth knowing, and there is not the slightest sign of a natural desire among them to increase their knowledge.

Such immortal vermin, true enough, get their share of the fruits of human progress, and so they may be said, in a way, to have their part in it. The most ignorant man, when he is ill, may enjoy whatever boons... modern medicine may offer — that is, provided he is too poor to choose his own doctor. He is free, if he wants to, to take a bath. The literature of the world is at his disposal in public libraries. He may look at works of art. He may hear good music. He has at hand a thousand devices for making life less wearisome and more tolerable: the telephone, railroads, bichloride tablets, newspapers, sewers, correspondence schools, delicatessen. But he had no more to do with bringing these things into the world than the horned cattle in the fields, and he does no more to increase them today than the birds of the air.

On the contrary, he is generally against them, and sometimes with immense violence. Every step in human progress, from the first feeble stirrings

five hundred dollars; and upon conviction shall vacate the position thus held in any educational institutions of the character above mentioned or any commission of which he may be a member.”¹⁵

The question of evolution is simply of question of which thinking you favor: scientific or none. In this time, the state agreed to teach the theory of Creationism. A religion became instituted by the state. The politicians agreed with each other that every individual in their state should be taught the theory of Creationism, whether or not they were Creationists or Christians themselves. The legend that humans derived from Adam and Even, the myth that the gods made humanity in their own image was adopted. Education in these states ceased to exist. Children were indoctrinating into the massive legions of superstition and arrogance. One poster for the Anti-Evolution League read, “The Conflict — Hell and High school.” These advocates of Creationism did not wish to excel science, nor did they wish to heighten mankind to understanding. Their one and only goal was to force their religion onto the impressionable minds of young children. The rose of education was plucked like a weed as this law was passed. Henry Louis Mencken remarks the following at the close of the Scopes trial...

Such obscenities as the forthcoming trial of the Tennessee evolutionist, if they serve no other purpose, at least call attention dramatically to the fact that enlightenment, among mankind, is very narrowly dispersed. It is common to assume that human progress affects everyone — that even the dullest man, in these bright days, knows more

¹⁵ Initiated Act No. 1, Ark. Acts 1929; Ark. Stat. Ann. 80-1627, 80-1628 (1960 Repl. Vol.) Quoted from U.S. Supreme Court: *EPPERSON v. ARKANSAS*, 393 U.S. 97 (1968), 393 U.S. 97. Argued October 16, 1968. Decided November 12, 1968.

Easily deducted from an analysis of religion and science, as well as religion and the school system, it becomes quite obvious that they have no place together. Religious individuals would have our schools teach that the dinosaurs are still alive and roaming the world today, despite the utter lack of scientific proof to back this up one bit. Furthermore, there are a wide variety of various dogmas which may inhibit the intellectual institution which we wish to nurture our students in. Should we teach students that the Earth is only a few thousand years old? In doing so, we throw out hundreds and hundreds of subjects of science that depend entirely on the Universe being billions of years old — from chemistry to anthropology to geology. Should we teach students that Creationism is the way humans were created? In doing so, we throw out all the evidence and proof that shows distinct relation between humans and apes. The fact that apes and humans share 99% DNA is thrown out. The fact that humans have many vestigial organs which serve no purpose to us now yet served a purpose to our ancestors (such as male nipples which served an Asexual species, or the appendix which is believed to have served the Digestive System of a larger species) — all this evidence is thrown out. The determination of causal relationships in the natural world is destroyed. As learners and thinkers, we must understand things for ourselves. To appoint a god to explain things is only proof of our ignorance, and to teach this god to students would corrupt their minds and destroy any possible education. I do not believe that we should teach students that there is no god at all; I do not believe that god should be taught in the classroom, just like I do not believe that Atheism should be taught in the classroom. It is imperative to education that schools do not teach god as an acting force on nature.

If we teach that rainbows are a sign of god that he will not flood the world again, and if we teach this in school, what will the students think when they create the chemical reaction that produces a rainbow in their own laboratory? If we

teach that lightning is the work of Allah trying to kill people, as the Qu'ran would have us believe, what would students think when they find out that it is actually the build up of positive and negative electrons on different surfaces? If we teach all these dogmatic, superstitious, and – inevitably – religious doctrines, then these students will not be able to understand and grasp scientific causes to effects. I do not believe that the thought of religion should be removed from school entirely. In fact, I think quite the opposite. Religion should be discussed in a history class, so that students may see it with an objective sense and learn how it affected cultures and societies. To teach religion as fact, though, is no real education at all. Francisco Ferrer recounts his experience with a religious woman...

AMONG my pupils was a certain Mlle. Meunier, a wealthy old lady with no dependents, who was fond of travel, and studied Spanish with the object of visiting my country. She was a convinced Catholic and a very scrupulous observer of the rules of her Church. To her, religion and morality were the same thing, and unbelief-or “ impiety, “ as the faithful say-was an evident sign of vice and crime.

She detested revolutionaries, and she regarded with impulsive and indiscriminating aversion every display of popular ignorance. This was due, not only to her education and social position, but to the circumstance that during the period of the Commune she had been insulted by children in the streets of Paris as she went to church with her mother. Ingenuous and sympathetic, without regard to antecedents, accessories, or consequences, she always expressed her dogmatic convictions without reserve, and I had many opportunities to open her eyes to the inaccuracy of her opinions.

of cruelty are engraved onto the minds of students who unwilling must accept this abomination that some have dared to call “a free nation.” Nonetheless, the students won their rights in this case, or at least some rights.

In 1925, the famous Scopes Trial raged. A biology teacher was charged for teaching the theory of Evolution in a school. In Tennessee, it was a crime for any teacher to teach that mankind descended from lower animals. In 1928, Arkansas adopted a similar law. The text of the law was as follows...

“ 80-1627. – Doctrine of ascent or descent of man from lower order of animals prohibited. – It shall be unlawful for any teacher or other instructor in any University, College, Normal, Public School, or other institution of the State, which is supported in whole or in part from public funds derived by State and local taxation to teach the theory or doctrine that mankind ascended or descended from a lower order of animals and also it shall be unlawful for any teacher, textbook commission, or other authority exercising the power to select textbooks for above mentioned educational institutions to adopt or use in any such institution a textbook that teaches the doctrine or theory that mankind descended or ascended from a lower order of animals.

“ 80-1628. – Teaching doctrine or adopting textbook mentioning doctrine – Penalties – Positions to be vacated. – Any teacher or other instructor or textbook commissioner who is found guilty of violation of this act by teaching the theory or doctrine mentioned in section 1 hereof, or by using, or adopting any such textbooks in any such educational institution shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding

after the Court's holding today some students in Iowa schools and indeed in all schools will be ready, able, and willing to defy their teachers on practically all orders. This is the more unfortunate for the schools since groups of students all over the land are already running loose, conducting break-ins, sit-ins, lie-ins, and smash-ins. Many of these student groups, as is all too familiar to all who read the newspapers and watch the television news programs, have already engaged in rioting, property seizures, and destruction. They have picketed schools to force students not to cross their picket lines and have too often violently attacked earnest but frightened students who wanted an education that the pickets did not want them to get. Students engaged in such activities are apparently confident that they know far more about how to operate public school systems than do their parents, teachers, and elected school officials.¹⁴

Justice Black, by his own admission, is an individual who believes that there are different rights for different classes. While one class may vote or run for office, another has absolutely no means to affect the government. If a student is taught in a learning environment where they have no rights, where they are not given the right to speak their minds or educate their friends on their inner most feelings — if this is the school which we wish to educate our children in, then they will learn nothing. They will be ignorant zombies, only taught to obey and not to participate, only taught to accept and not to question. This is no real education in any sense. Teaching occurs, yes, but not of any meaningful sort. The value of vice and the embracement

¹⁴ Ibidem.

In our many conversations I refrained from taking any definite side; so that she did not recognize me as a partisan of any particular belief, but as a careful reasoner with whom it was a pleasure to confer. She formed so flattering an opinion of me, and was so solitary, that she gave me her full confidence and friendship, and invited me to accompany her on her travels. I accepted the offer, and we traveled in various countries. My conduct and our constant coon compelled her to recognize the error of thinking that every unbeliever was perverse and every atheist a hardened criminal, since I, a convinced atheist, manifested symptoms very different from those wash her religious prejudice had led her to expect.

She thought, however, that my conduct was exceptional, and reminded me that the exception proves the rule. In the end, the persistence and logic of my arguments forced her to yield to the evidence, and, when her prejudice was removed, she was convinced that a rational and scientific education would preserve children from error, inspire men with a love of good conduct, and reorganise society in accord with the demands of justice. She was deeply impressed by the reflection that she might have been on a level with the children who had insulted her if, at their age, she had been reared in the same conditions as they. When she had given up her belief in innate ideas, she was greatly preoccupied with the following problem: If a child were educated without hearing anything about religion,

what idea of the Deity would it have on reaching the age of reason?²⁷

²⁷ Francisco Ferrer, *Origin and Ideals of the Modern School*, chapter 2, published 1913.

old-fashioned slogan that “children are to be seen not heard,” but one may, I hope, be permitted to harbor the thought that taxpayers send children to school on the premise that at their age they need to learn, not teach.¹³

The premise of developing education in the minds of students is not to turn them into useless drones, capable of reciting any string of repetitive data. Students are conscious beings. They should be taught to think, to critically examine claims, to be analytical in their procedures. The lesson of education, in the mind of Justice Black, is that it should be reduced to one message: “Exist, Consume, Obey.” Such a cruel and heartless life we would lead as individuals if this was the true state of mind. However, people are not satisfied with this. They will not be told what to do and they will not conform simply because of certain fears that we will think. Just because we may be another race, social status, gender, or age, it does not mean in any way that we deserve less consideration, that we are to be victims without reprieve. If we were principally brutes and cowards, schooling would consist of just this: listening, memorization, and recitation. Students would work, not think or learn. It would be in no form a decent education, but rather a process by which individuals are stripped of their rights and un-availing are thrown into the real world, without independence or knowledge of any of their rights. To further slander the position of those who believe students deserve rights, Justice Black continued...

Here a very small number of students have crisply and summarily refused to obey a school order designed to give pupils who want to learn the opportunity to do so. One does not need to be a prophet or the son of a prophet to know that

¹³ *Ibidem*.

suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired — that is, until after New Year's Day.¹²

It was, however, a success for the children who desired rights and freedom of expression. Not all of the Justices of the Supreme Court felt this way, however. Justice Black explained why he dissented from the decision reached by the court...

In my view, teachers in state-controlled public schools are hired to teach there. Although Mr. Justice McReynolds may have intimated to the contrary in *Meyer v. Nebraska*, supra, certainly a teacher is not paid to go into school and teach subjects the State does not hire him to teach as a part of its selected curriculum. Nor are public school students sent to the schools at public expense to broadcast political or any other views to educate and inform the public. The original idea of schools, which I do not believe is yet abandoned as worthless or out of date, was that children had not yet reached the point of experience and wisdom which enabled them to teach all of their elders. It may be that the Nation has outworn the

¹² U.S. Supreme Court: *TINKER v. DES MOINES SCHOOL DIST.*, 393 U.S. 503 (1969), 393 U.S. 503. Argued November 12, 1968. Decided February 24, 1969.

Chapter 2: Independence and Rights

If there is one sole purpose of education, it is independence: equipping individuals with the proper tools that they need so that they may flourish and prosper in the world, and that their creative, emotional, and productive outlets may blossom. An educational environment should be open, warm, and welcoming. None should be shunned from being who they are. Freedom of expression in symbols, clothing, and speech should go unrestrained. If, however, you enter the school system provided to students today, you would find oppressive and malicious teachers, accompanied by an administration who hold no value at all to rights. By destroying the right to Free Speech, formal education serves the purpose of independence. When a student, especially an aspiring, young child, wishes to express themselves and who they are, and when the school administration steps in and says that is unacceptable, it is the destruction of the very principles that education is based on. Schools should come with freedom of speech, expression, and conscience. Schools in the United States have been the slavery of thought, destroying any effort of students to be themselves. The hand that reached for something more, the right to govern their own soul, was struck, beaten, and abused by the school leaders. It took place in American schools, which suppressed education rather than promoted it. Education is a supremely important to a free society. To quote Robert Green Ingersoll...

I BELIEVE that education is the only lever capable of raising mankind. If we wish to make the

future of the Republic glorious we must educate the children of the present. The greatest blessing conferred by our Government is the free school. In importance it rises above everything else that the Government does. In its influence it is far greater. [...]

We need far more schoolhouses than we have, and while money is being wasted in a thousand directions, thousands of children are left to be educated in the gutter. It is far cheaper to build schoolhouses than prisons, and it is much better to have scholars than convicts.

The Kindergarten system should be adopted, especially for the young; attending school is then a pleasure — the children do not run away from school, but to school. We should educate the children not simply in mind, but educate their eyes and hands, and they should be taught something that will be of use, that will help them to make a living, that will give them independence, confidence — that is to say, character.

The cost of the schools is very little, and the cost of land — giving the children, as I said before, air and light — would amount to nothing.¹

The schools of the United States serve as centers for the desensitization of the population. It relinquishes any natural love of education and destroys any feelings that citizens can make a difference. Rights have been deprived from students and conscience of students have been trampled. This is the trend in dictatorial governments: a failure to understand or recognize the value of a conscious being. Some students have even

¹ “Our Schools,” by Robert Green Ingersoll.

promise realistically to convert promptly to a system without a “white” school and a “Negro” school, but just schools.¹¹

The law that allowed the segregation of races was still in effect after the first Supreme Court case argued against segregation, and it existed for more than a decade after the case! The year of 1969 was the most important year concerning the rights of students. It was the year the famous *Tinker v. Des Moines Independent Community School District* case took place. As explained by the Supreme Court...

Petitioner John F. Tinker, 15 years old, and petitioner Christopher Eckhardt, 16 years old, attended high schools in Des Moines, Iowa. Petitioner Mary Beth Tinker, John’s sister, was a 13-year-old student in junior high school.

In December 1965, a group of adults and students in Des Moines held a meeting at the Eckhardt home. The group determined to publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year’s Eve. Petitioners and their parents had previously engaged in similar activities, and they decided to participate in the program.

The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be

¹¹ U.S. Supreme Court: *GREEN v. COUNTY SCHOOL BOARD*, 391 U.S. 430 (1968), 391 U.S. 430. Argued April 3, 1968. Decided May 27, 1968.

school, 85% of the Negro students in the system still attend the all-Negro school.

[...]

...The respondent School Board continued the segregated operation of the system after the Brown [391 U.S. 430, 433] decisions, presumably on the authority of several statutes enacted by Virginia in resistance to those decisions. Some of these statutes were held to be unconstitutional on their face or as applied. 1 One statute, the Pupil Placement Act, Va. Code 22-232.1 et seq. (1964), not repealed until 1966, divested local boards of authority to assign children to particular schools and placed that authority in a State Pupil Placement Board...

[...]

The New Kent School Board's "freedom-of-choice" plan cannot be accepted as a sufficient step to "effectuate a transition" to a unitary system. In three years of operation not a single white child has chosen to attend Watkins school and although 115 Negro children enrolled in New Kent school in 1967 (up from 35 in 1965 and 111 in 1966) 85% of the Negro children in the system still attend the all-Negro Watkins school. In other words, the school system remains a dual system. Rather than further the dismantling of the dual system, the plan has operated simply to burden children and their parents [391 U.S. 430, 442] with a responsibility which Brown II placed squarely on the School Board. The Board must be required to formulate a new plan and, in light of other courses which appear open to the Board, such as zoning, 6 fashion steps which

been given detention, a form of punishment, for failing grades.² In 1943, the West Virginia State Board of Education made it mandatory that students salute the flag during the Pledge of Allegiance in school. Justice Jackson explained the situation...

The Board of Education on January 9, 1942, adopted a resolution containing recitals taken largely from the Court's Gobitis opinion and ordering that the salute to the flag become 'a regular part of the program of activities in the public schools,' that all teachers and pupils 'shall be required to participate in the salute honoring the Nation represented by the Flag; provided, however, that refusal to salute the Flag be regarded as an Act of insubordination, and shall be dealt with accordingly.'

[...]

Failure to conform is 'insubordination' dealt with by expulsion. Readmission is denied by statute until compliance. Meanwhile the expelled child is 'unlawfully absent' and may be proceeded against as a delinquent. His parents or guardians are liable to prosecution, and if convicted are subject to fine not exceeding \$50 and jail term not exceeding thirty days.

Appellees, citizens of the United States and of West Virginia, brought suit in the United States District Court for themselves and others similarly situated asking its injunction to restrain enforcement of these laws and regulations against Jehovah's Witnesses. The Witnesses are an unincorporated body teaching that the obligation

² This has happened to myself as well as several of my colleagues at our High School.

imposed by law of God is superior to that of laws enacted by temporal government. Their religious beliefs include a literal version of Exodus, Chapter 20, verses 4 and 5, which says: 'Thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; thou shalt not bow down thyself to them nor serve them.' They consider that the flag is an 'image' within this command. For this reason they refuse to salute it. [319 U.S. 624, 630] Children of this faith have been expelled from school and are threatened with exclusion for no other cause. Officials threaten to send them to reformatories maintained for criminally inclined juveniles. Parents of such children have been prosecuted and are threatened with prosecutions for causing delinquency.³

Thousands of Jehovah Witnesses were dismissed from school because they refused to salute the flag. The actual law of the state read...

'WHEREAS, The West Virginia State Board of Education holds that national unity is the basis of national security; that the flag of our Nation is the symbol of our National Unity transcending all internal differences, however large within the framework of the Constitution; that the Flag is the symbol of the Nation's power; that emblem of freedom in its truest, best sense; that it signifies government resting on the consent of the governed,

³ Supreme Court: WEST VIRGINIA STATE BOARD OF EDUCATION v. BARNETTE, 319 U.S. 624 (1943), 319 U.S. 624. Argued March 11, 1943. Decided June 14, 1943.

racess. Even though the Supreme Court had already ruled that schools should not segregate individuals because of their race, the school districts continued such a plan. To quote the Supreme Court document of the case...

Respondent School Board maintains two schools, one on the east side and one on the west side of New Kent County, Virginia. About one-half of the county's population are Negroes, who reside throughout the county since there is no residential segregation. Although this Court held in *Brown v. Board of Education*, 347 U.S. 483 (Brown I), that Virginia's constitutional and statutory provisions requiring racial segregation in schools were unconstitutional, the Board continued segregated operation of the schools, presumably pursuant to Virginia statutes enacted to resist that decision. In 1965, after this suit for injunctive relief against maintenance of allegedly segregated schools was filed, the Board, in order to remain eligible for federal financial aid, adopted a "freedom-of-choice" plan for desegregating the schools. The plan permits students, except those entering the first and eighth grades, to choose annually between the schools; those not choosing are assigned to the school previously attended; first and eighth graders must affirmatively choose a school. The District Court approved the plan, as amended, and the Court of Appeals approved the "freedom-of-choice" provisions although it remanded for a more specific and comprehensive order concerning teachers. During the plan's three years of operation no white student has chosen to attend the all-Negro school, and although 115 Negro pupils enrolled in the formerly all-white

“STATE OF WASHINGTON

“Statement and Oath for Teaching Faculty of the University of Washington

“I, the undersigned, do solemnly swear (or affirm) that I will support the constitution and laws of the United States of America and of the state of Washington, and will by precept and example promote respect for the flag and the institutions of the United States of America and the state of Washington, reverence for law and order, and undivided allegiance to the government of the United States;

“I further certify that I have read the provisions of RCW 9.81.010 (2), (3), and (5); RCW 9.81.060; RCW 9.81.070; and RCW 9.81.083, which are printed on the reverse hereof; that I understand and am familiar with the contents thereof; that I am not a subversive person as therein defined; and

“I do solemnly swear (or affirm) that I am not a member of the Communist party or knowingly of any other subversive organization.

“I understand that this statement and oath are made subject to the penalties of perjury.

.....

(SIGNATURE)¹⁰

The state of Washington was not a free state. The government disallowed the existence or the progression of those who were Communists. It is rather an affirmation of ignorance than it is of any ideology when the government disallows foreign political parties. In 1968, the Supreme Court argued again on whether or not schools can be segregated into different

¹⁰ Ibidem, Oath Form A, in Foote note 3.

liberty regulated by law, protection of the weak against the strong, security against the exercise of arbitrary power, and absolute safety for free institutions against foreign aggression, and

‘WHEREAS, The West Virginia State Board of Education maintains that the public schools, established by the legislature of the State of West Virginia under the authority of the Constitution of the State of West Virginia and supported by taxes imposed by legally constituted measures, are dealing with the formative period in the development in citizenship that the Flag is an allowable portion of the program of schools thus publicly supported.

‘Therefore, be it RESOLVED, That the West Virginia Board of Education does hereby recognize and order that the commonly accepted salute to the Flag of the United States-the right hand is placed upon the breast and the following pledge repeated in unison: ‘I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all’-now becomes a regular part of the program of activities in the public schools, supported in whole or in part by public funds, and that all teachers as defined by law in West Virginia and pupils in such schools shall be required to participate in the salute honoring the Nation represented by the Flag; provided, however, that refusal to salute the Flag be regarded as an act of insubordination, and shall be dealt with accordingly.’⁴

⁴ Adopted January 9, 1942. Quoted from the West Virginia State Board of Education v. Barnette.

The disgustingly cruel and vindictive law, which so openly says of the United States flag, “that emblem of freedom in its truest” and then proceeds to state that students HAVE NO FREEDOM in their decision to salute it or not! To those students who were heroes, brave and true to the last for what they believed, the state spared them no sympathy, no respect, and no rights. The policy that dealt with students who disagreed with school regulations was as follows...

If a child be dismissed, suspended, or expelled from school because of refusal of such child to meet the legal and lawful requirements of the school and the established regulations of the county and/or state board of education, further admission of the child to school shall be refused until such requirements and regulations be complied with. Any such child shall be treated as being unlawfully absent from the school during the time he refuses to comply with such requirements and regulations, and any person having legal or actual control of such child shall be liable to prosecution under the provisions of this article for the absence of such child from school.⁵

If the mind of man is free, then man will be inclined to search for himself the truthful and the reasonable. If the mind of man is held in chains, forced into one direction, and given no choice, then man will not become free at all. He will become a slave of the state, with no real liberties and no real education. The only thing that can be rest assured in the life of this civil slave is that anything he says or believes that is not conforming will be suppressed by the state. In 1954, the case of *Brown v. Board of Education* finally reached the Supreme Court. It was the case

⁵ 1851(1), West Virginia Code (1941 Supp). Quoted from the West Virginia State Board of Education v. Barnette.

trol Act of 1954 made the Communist Party an illegal party. The Supreme Court clarifies the issue...

This class action was brought by members of the faculty, staff, and students of the University of Washington for a judgment declaring unconstitutional 1931 and 1955 state statutes requiring the taking of oaths, one for teachers and the other for all state employees, including teachers, as a condition of employment. The 1931 oath requires teachers to swear, by precept and example, to promote respect for the flag and the institutions of the United States and the State of Washington, reverence for law and order and undivided allegiance to the Government of the United States. The 1955 oath for state employees, which incorporates provisions of the state Subversive Activities Act, requires the affiant to swear that he is not a “subversive person”: that he does not commit, or advise, teach, abet or advocate another to commit or aid in the commission of any act intended to overthrow or alter, or assist in the overthrow or alteration, of the constitutional form of government by revolution, force or violence. “Subversive organization” and “foreign subversive organization” are defined in similar terms and the Communist Party is declared a subversive organization.⁹

Teachers from all over the state of Washington were disallowed from freedom of conscience and expression. The form for the college read as follows...

⁹ Supreme Court: *BAGGETT v. BULLITT*, 377 U.S. 360 (1964), 377 U.S. 360. Argued March 24, 1964. Decided June 1, 1964.

methods, and many fail to give rights to their faculty or students, despite the fact that it is often stipulated that the college is much more free than any other learning institution. The reason why the college is oppressive cannot be hard to see: colleges get their teaching methods from the traditional, orthodox institutions. Colleges are just a heightened form of learning from the high school. It can obviously be seen why they would resemble their counterparts. In the 1950's and the 1960's, freedom of conscience and expression, freedom to be who you are without being thrown in jail and kicked out of your job, was denied. In 1964, Washington State passed the following statute concerning those who wish to attend college...

'Subversive person' means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of Washington, or any political subdivision of either of them by revolution, force, or violence; or who with knowledge that the organization is an organization as described in subsections (2) and (3) hereof, becomes or remains a member of a subversive organization or a foreign subversive organization.⁸

In such clear and extensive terms defined, anybody who disagrees with the government, is punished. The Communist Con-

⁸ Wash. Rev. Code 9.81.010 (5). Quoted from Supreme Court case of *Baggett v. Bullitt*, 1964.

which settled the dispute concerning racial segregation. Until this point, schools were made just for whites or just for blacks. Segregation and Jim Crow Laws governed the educational system. It made for an unfree society. Francisco Ferrer, executed for his Atheism and his belief that school systems should be free, wrote the following...

CO-EDUCATION OF THE SEXES

THE most important point in our programme of rational education, in view of the intellectual condition of the country, and the feature which was most likely to shock current prejudices and habits, was the co-education of boys and girls.

[...]

In my own mind, co-education was of vital importance. It was not merely an indispensable condition of realising what I regard as the ideal result of rational education; it was the ideal itself, initiating its life in the Modern School, developing progressively without any form of exclusion, inspiring a confidence of attaining our end. Natural science, philosophy, and history unite in teaching, in face of all prejudice to the contrary, that man and woman are two complementary aspects of human nature, and the failure to recognise this essential and important truth has had the most disastrous consequences.

[...]

Woman must not be restricted to the home. The sphere of her activity must go out far beyond her home; it must extend to the very confines of society. But in order to ensure a helpful result from her activity we must not restrict the amount of knowledge we communicate to her; she must learn, both

in regard to quantity and quality, the same things as man. When science enters the mind of woman it will direct her rich vein of emotion, the characteristic element of her nature, the glad harbinger of peace and happiness among men.

[...]

CO-EDUCATION OF THE CLASSES

THERE must be a co-education of the different social classes as well as of the two sexes. I might have founded a school giving lessons gratuitously; but a school for poor children only would not be a rational school, since, if they were not taught submission and credulity as in the old type of school, they would have been strongly disposed to rebel, and would instinctively cherish sentiments of hatred.

There is no escape from the dilemma. There is no middle term in the school for the disinherited class alone; you have either a systematic insistence, by means of false teaching, on error and ignorance, or hatred of those who domineer and exploit. It is a delicate point, and needs stating clearly. Rebellion against oppression is merely a question of statics, of equilibrium. Between one man and another who are perfectly equal, as is said in the immortal first clause of the famous Declaration of the French Revolution ("Men are born and remain free and equal in rights"), there can be no social inequality. If there is such inequality, some will tyrannise, the others protest and hate. Rebellion is a levelling tendency, and to that extent natural and rational, however much it may be discredited by justice and its evil companions, law and religion.

I venture to say quite plainly: the oppressed and the exploited have a right to rebel, because they have to reclaim their rights until they enjoy their full share in the common patrimony. The Modern School, however, has to deal with children, whom it prepares by instruction for the state of manhood, and it must not anticipate the cravings and hatreds, the adhesions and rebellions, which may be fitting sentiments in the adult. In other words, it must not seek to gather fruit until it has been produced by cultivation, nor must it attempt to implant a sense of responsibility until it has equipped the conscience with the fundamental conditions of such responsibility. Let it teach the children to be men; when they are men, they may declare themselves rebels against injustice.⁶

Francisco Ferrer was far beyond his time. In the Nineteenth Century, public schooling was little more than experimentation or controlling of the masses by the ruling. It was not at all about Education. Yet, amidst the barbaric, brute, and superstitious swarming, he arose with revolutionary ideas. Education for all, that they may be free. His schools have been called "Free Schools," and it cannot be hard to see why. He utilized the principles of equality and freedom, whereas other schools were cruel and vicious. To quote Epictetus, "We must not believe the many, who say that only free people ought to be educated, but we should rather believe the philosophers who say that only the educated are free."⁷

Middle schools and high schools are not the only places which are inadequate in delivering a proper education to the population. Colleges also suffer from inadequate teaching

⁶ Francisco Ferrer, *Origin and Ideals of the Modern School*, chapter 5–6, published 1913.

⁷ *Discourses*, Epictetus, Roman philosopher.

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reargument order). More importantly, I fear that the concerns that motivated the Court's activism have produced a holding that will permit school administrators to search students suspected of violating only the most trivial school regulations and guidelines for behavior.³⁰

Justice Stephens made an absolutely valid point: when the rulers of a school have the power to search the belongings of another individual, just for breaking the most insignificant of rules, massive amounts of students will suffer the injustice of thoughtless and careless teachers and principals. This is the current state of our "educational" system: the rights of a student are tossed aside entirely when they have broken but one rule. There is no heart in the tormentor to care, and there is no mind in legislative to improve things. The school environment is a bleak, barren place. Students learn — yes, they learn — but vice is confirmed and virtue rejected. Rights mean nothing to them, and they are desensitized by the time their formal schooling is finished, unaware of rights and unaware of compassion. In 1987, the Supreme Court argued over the right of Free Speech in schools again. This time, it considered whether school newspapers have the right to Free Speech. The incident that brought up this trial is described...

Respondents, former high school students who were staff members of the school's newspaper, filed suit in Federal District Court against petitioners, the school district and school officials, alleging that respondents' First Amendment rights were violated by the deletion from a certain issue of the paper of two pages that included an article describing school students' experiences with pregnancy and another article discussing

³⁰ Ibidem.

the impact of divorce on students at the school. The newspaper was written and edited by a journalism class, as part of the school's curriculum. Pursuant to the school's practice, the teacher in charge of the paper submitted page proofs to the school's principal, who objected to the pregnancy story because the pregnant students, although not named, might be identified from the text, and because he believed that the article's references to sexual activity and birth control were inappropriate for some of the younger students. The principal objected to the divorce article because the page proofs he was furnished identified by name (deleted by the teacher from the final version) a student who complained of her father's conduct, and the principal believed that the student's parents should have been given an opportunity to respond to the remarks or to consent to their publication. Believing that there was no time to make necessary changes in the articles if the paper was to be issued before the end of the school year, the principal directed that the pages on which they appeared be withheld from publication even though other, unobjectionable articles were included on such pages.³¹

The rights of the students were certainly infringed. The principal, a monstrous ignoramus, believes that students shouldn't talk about what they are already doing: sex. The principal is the epitome of suppression and ignorance. No such greater contumely can be committed than this, to destroy all expression and hope of a new generation. Before reaching the real world,

³¹ U.S. Supreme Court: HAZELWOOD SCHOOL DISTRICT v. KUHLMIEIER, 484 U.S. 260 (1988), 484 U.S. 260. Argued October 13, 1987. Decided January 13, 1988.

Chapter 7: Synopsis and End

The primary purpose of education, as I have stated before, is independence: to make students independent so that they may pursue their creativity, productivity, and happiness at their own degree. To this end, a real education is to provide students in an atmosphere where they have freedom. Firstly, they must be given the freedom of expression. Secondly, they must be given the freedom of conscience. Most imperatively, it is necessary that the teachers and administration respect the rights of students when it comes to freedom of speech. In this new school of modern education, students must be given entire responsibility of their choices in learning. They must not be forced to take any classes. To force a student to listen to useless, monotonous droning that they find unattractive is the opposite of education: it evicts the natural zest for learning inhibited in every mind. In the school, the curriculum must consist of a science class which promotes methodology as well as products of science. The history class can act as a center to the development of the arts in various cultures. In other classes, students may express and explore their creative sides, in classes based on poetry, painting, literature, music, dance, drawing, among other creative fields. Beyond the ordinary history class is the library, the prime place for written information: with works by all the major philosophers, politicians, and authors. In this setting, in an atmosphere that promotes independence and learning, it is here that a real education can be attained by the public.

in the tone of their profession; but in their denial of the most elementary rights of the lower races, they are all inspired and instigated by one common prejudice.⁴

The importance of a science class is to teach students the value of critical thought, to give them the tools to decipher real science from pseudoscience. To quote Francisco Ferrer...

Rational education is lifted above these illiberal forms. It has, in the first place, no regard to religious education, because science has shown that the story of creation is a myth and the gods legendary; and therefore religious education takes advantage of the credulity of the parents and the ignorance of the children, maintaining the belief in a supernatural being to whom people may address all kinds of prayers. This ancient belief, still unfortunately widespread, has done a great deal of harm, and will continue to do so as long as it persists. The mission of education is to show the child, by purely scientific methods, that the more knowledge we have of natural products, their qualities, and the way to use them, the more industrial, scientific, and artistic commodities we shall have for the support and comfort of life, and men and women will issue in larger numbers from our schools with a determination to cultivate every branch of knowledge and action, under the guidance of reason and the inspiration of science and art, which will adorn life and reform society.⁵

⁴ *Animals' Rights*, by Henry Stephens Salt and Albert Leffingwell, part I, chapter 7, 1891.

⁵ Francisco Ferrer, *Origin and Ideals of the Modern School*, chapter 11, published 1913.

these students must survive in a cruel and hostile environment. They are not given the right to express. They are suppressed, held under the thumb. The cry for emancipation has come from the Abolitionists to the Suffragists, but with little reform skill, the judges and leaders fail to see that what they put the students through in schools destroys them. If you ask someone today who graduated from such a school, they would be able to tell you the date that Napoleon took over France and how few rights they were granted by the Constitution. They will be able to tell you how every time they sought something more, freedom of conscience, freedom of choice, freedom of expression, they were pushed back, knocked down, and humiliated. Every time the inexperienced hand of reason tried to make an attempt to understand the real world, to show the real world itself, it was cut off, dismantled. There are no rights in schools. Those students who believe they deserve them with find themselves with bitter opposition. In this case of *Hazelwood School District v. Kuhlmeier*, students lost the right to publish their own thoughts in the school newspaper. They are now subject to criticism from a man unbeknownst to the very subject of justice: the principal. Ignorance in hand, unavailing suppression a goal; our education systems are inadequate to say the least. Justice Brennan, as well as Justice Marshall and Justice Blackmun, dissented from the Supreme Court in its decision. These men believed that to censor a student newspaper would be to break the First Amendment's promise of Free Speech. Brennan dissented, stating...

When the young men and women of Hazelwood East High School registered for Journalism II, they expected a civics lesson. *Spectrum*, the newspaper they were to publish, "was not just a class exercise in which students learned to prepare papers and hone writing skills, it was a ... forum established to give students an opportunity to express their

views while gaining an appreciation of their rights and responsibilities under the First Amendment to the United States Constitution ...” 795 F.2d 1368, 1373 (CA8 1986). “[A]t the beginning of each school year,” *id.*, at 1372, the student journalists published a Statement of Policy — tacitly approved each year by school authorities — announcing their expectation that “Spectrum, as a student-press publication, accepts all rights implied by the First Amendment ... Only speech that ‘materially and substantially interferes with the requirements of appropriate discipline’ can be found unacceptable and therefore prohibited.” App. 26 (quoting *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 513 (1969)). The school board itself affirmatively guaranteed the students of Journalism II an atmosphere conducive to fostering such an appreciation and exercising the full panoply of rights associated with a free student press. “School sponsored student publications,” it vowed, “will not restrict free expression or diverse viewpoints within the rules of responsible journalism.” App. 22 (Board Policy 348.51). [484 U.S. 260, 278]

This case arose when the Hazelwood East administration breached its own promise, dashing its students’ expectations. The school principal, without prior consultation or explanation, excised six articles — comprising two full pages — of the May 13, 1983, issue of Spectrum. He did so not because any of the articles would “materially and substantially interfere with the requirements of appropriate discipline,” but simply because he considered two of the six “inappropriate, personal, sensitive,

serve pain? If any educator who believed in freedom of learning proposed this, then the students of that science class would only learn the cruelties forced onto other animals. Compassion and affection would not be the sentiments embedded in the minds of these young children. They would be forced to torture, their every movement not for the sake of learning but for the sake of causing pain. As Giordano Bruno said, *for that foot, for that shoe, for that smile, for that window-widow*, a science class today that centralized on vivisection would be composed of, *for that scream, for that agony, for that pain, for that torture*. Schools are supposed to be modern centers of education, equipping students with the tools to choose to be creative, productive, and merciful. Can anyone honestly be pictured as creative, productive, and merciful when they induce pains of endless extent to defenseless creatures? As Henry Stephens Salt has said...

GREAT is the change when we turn from the easy thoughtless indifferentism of the sportsman or the milliner to the more determined and deliberately chosen attitude of the scientist—so great, indeed, that by many people, even among professed champions of animals’ rights, it is held impossible to trace such dissimilar lines of action to one and the same source. Yet it can be shown, I think, that in this instance, as in those already examined, the prime cause of man’s injustice to the lower animals is the belief that they are mere automata, devoid alike of spirit, character, and individuality; only, while the ignorant sportsman expresses this contempt through the medium of the battle, and the milliner through that of the bonnet, the more seriously-minded physiologist works his work in the “experimental torture” of the laboratory. The difference lies in the temperament of the men, and

would be benefiting, as well. Students must be allowed to explore and study science, to observe and record their observations. It is the freedom and liberty of investigation which makes it so rewarding. If students are not given that freedom and liberty, then for what end is their investigation other than to appease the unavailing guidelines of formal “education”? The significance of science in our society has not yet been realized. If, however, individuals in our society do not soon grasp hold of science quickly, then trouble may be in store for their future. To quote Carl Sagan...

Science is more than a body of knowledge; it is a way of thinking. I have a foreboding of an America in my children’s or grand children’s time — when the United States is a service and information economy; when nearly all the key manufacturing industries have slipped away to other countries; when awesome technological powers are in the hands of a very few, and when no one representing the public interest can even grasp the issues; when the people have lost the ability to set their own agendas or knowledgeably question those in authority; when, clutching our crystals and nervously consulting our horoscopes, our critical faculties in decline, unable to distinguish between what feels good and what’s true, we slide, almost without noticing, back into superstition and darkness.³

The question of dissection and vivisection have often come into play concerning science class. In the science classroom, should students be promoted to the killing, the merciless torture of their fellow creatures, for the sake of being able to ob-

³ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, page 26, published by Ballantine Books.

and unsuitable” for student consumption. 795 F.2d, at 1371.

In my view the principal broke more than just a promise. He violated the First Amendment’s prohibitions against censorship of any student expression that neither disrupts classwork nor invades the rights of others, and against any censorship that is not narrowly tailored to serve its purpose.

I

Public education serves vital national interests in preparing the Nation’s youth for life in our increasingly complex society and for the duties of citizenship in our democratic Republic. See *Brown v. Board of Education*, 347 U.S. 483, 493 (1954). The public school conveys to our young the information and tools required not merely to survive in, but to contribute to, civilized society. It also inculcates in tomorrow’s leaders the “fundamental values necessary to the maintenance of a democratic political system ...” *Ambach v. Norwick*, 441 U.S. 68, 77 (1979). All the while, the public educator nurtures students’ social and moral development by transmitting to them an official dogma of “community values.” *Board of Education v. Pico*, 457 U.S. 853, 864 (1982) (plurality opinion) (citation omitted).³²

Justice Brennan, as well as the other Justices who dissented with him, is a man beyond his time. Today the legislatures, politicians, and so-called educators believe that education is a thing about control, making students intelligent and smart. Perhaps in an age when civilization has recognized that education

³² *Ibidem*, Footnote 9.

is more than just rote memorization of sterile facts, that education is more than teaching obedience, that education is not cruelty — perhaps in this age of civilization when we as a whole realize that education is about encouraging creativity, honing reverence, and developing values. When the schools supported with our tax money realize that education is not about forcing things onto students, but letting the students explore things, then we will have what is called a real education. Until that date, until that epiphany of education, our schools will serve the purpose of suppression and desensitization.

The relationship of the church to the school has already been stated previously: they should not intertwine at all. School is about the education of the heart and the mind, preparing individuals so that they can properly make the choices that govern their life as they become productive, happy, and secure in themselves. When we invoke dogmatic principles along a sound education, they will inevitably corrupt each other. If we have a religion class, where it is taught that the rainbow is a sign from god and then we have a science class where the students artificially produce rainbows in class, will not the classrooms be at odds? If we have a religion class that teaches women are inferior to men and that slavery is acceptable, as the Bible suggests, and a class for philosophy that teaches that every conscious being holds value, will they not be at odds? A fitting education has no place for religion, and religion has no place for a fitting education. They are bitter opposites, enemies of each other. The church has always detested questioning and thought, making it a crime to read and investigation punishable by death. A true education fosters the very opposite: freedom in conscience and expression, encouraging investigation and examination. The school of our nation has generally sided with the church. In 1963, the Supreme Court handled the case concerning school prayer. Up to this time, school prayer was mandatory. Justice Clark explains the situation...

acquirable by the mind. To know that we are see the light of stars that have already lived and died at the night sky, to know that animal mothers have an instinctive affectionate bond with their children, to know that light is connected to magnetism and electricity, to know these things is the most illuminating and thought-provoking information. When we understand the nature of animals, of stars, of planets, of eco-systems, of germs and cells, of chemical reactions, of life, and of everything which comprises our Universe, we are filled with a fire for education and a distinguished zest for learning. Today, however, science has been downplayed. In our class rooms, they teach theories, not evidences. Students become bent on understanding the theories of science — the conclusions rather than the methodology. They do not develop critical, analytical, or progressive minds. Their minds are chained forever to something they cannot comprehend nor do they wish to. As years wear on the information is dropped, forcefully fed to them and carelessly forgotten. To quote Carl Sagan...

If we teach only the findings and products of science—no matter how useful and even inspiring they may be—without communicating its critical method, how can the average person possibly distinguish science from pseudoscience? Both are presented as unsupported assertion.

[...]

The method of science, as stodgy and grumpy as it may seem, is far more important than the findings of science.²

In science class, it is absolutely necessary that students are informed of the scientific method. Exercises in such methods

² The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 21–22, published by Ballantine Books.

Chapter 6: Science Class

In science class, students will learn the fundamental principles of the origin and mechanics of the natural Universe. Of the distant cosmos and of the vibrant, native life of Earth, there will be many topics abound in the science classroom that will intrigue and interest the students. Science is a fundamentally important classroom, and by far the most progressive subject that there can be. Every citizen should be informed about science yet in our nation, citizens remain incredibly ignorant of science and its progression. No society can thrive when its general population cannot comprehend the basic elements that govern our world. It is true that every student should be given the full independence of choosing the classes in which they wish to partake, however, personally I highly recommend science as being an imperative and vastly important subject. To quote Carl Sagan...

It's perilous and foolhardy for the average citizen to remain ignorant about global warming, say, or ozone depletion, air pollution, toxic and radioactive wastes, acid rain, topsoil erosion, tropical deforestation, exponential population growth. Jobs and wages depend on science and technology.¹

Science is perhaps the most wondrous of all subjects. To understand the principles which govern the flow of life, of the spawning of new generations, of the change of species and the evolution of cells, is perhaps the most inspirational knowledge

¹ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, page 7, published by Ballantine Books.

Once again we are called upon to consider the scope of the provision of the First Amendment to the United States Constitution which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ..." These companion cases present the issues in the context of state action requiring that schools begin each day with readings from the Bible. While raising the basic questions under slightly different factual situations, the cases permit of joint treatment. In light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause, as applied to the States through the Fourteenth Amendment.

I.

The Facts in Each Case: No. 142. The Commonwealth of Pennsylvania by law, 24 Pa. Stat. 15-1516, as amended, Pub. Law 1928 (Supp. 1960) Dec. 17, 1959, requires that "At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian." The Schempp family, husband and wife and two of their three children, brought suit to enjoin enforcement of the statute, contending that their rights under the Fourteenth Amendment to the Constitution of the United States are, have been, and will continue to be violated unless this statute be declared unconstitutional as violative

of these provisions of the First Amendment. They sought to enjoin the appellant school district, wherein the Schempp children attend school, and its officers and the [374 U.S. 203, 206] Superintendent of Public Instruction of the Commonwealth from continuing to conduct such readings and recitation of the Lord's Prayer in the public schools of the district pursuant to the statute. A three-judge statutory District Court for the Eastern District of Pennsylvania held that the statute is violative of the Establishment Clause of the First Amendment as applied to the States by the Due Process Clause of the Fourteenth Amendment and directed that appropriate injunctive relief issue. 201 F. Supp. 815. 1 On appeal by the District, its officials and the Superintendent, under 28 U.S.C. 1253, we noted probable jurisdiction. 371 U.S. 807.

The appellees Edward Lewis Schempp, his wife Sidney, and their children, Roger and Donna, are of the Unitarian faith and are members of the Unitarian church in Germantown, Philadelphia, Pennsylvania, where they, as well as another son, Ellory, regularly attend religious services. The latter was originally a party but having graduated from the school system *pendente lite* was voluntarily dismissed from the action. The other children attend the Abington Senior High School, which is a public school operated by appellant district.

On each school day at the Abington Senior High School between 8:15 and 8:30 a. m., while the pupils are attending their home rooms or advisory sections, opening exercises [374 U.S. 203, 207] are conducted pursuant to the statute. The exer-

It is within this modern, rational school where education should be allowed to bloom. If learning is forced upon the mind, we will learn only one thing: to detest learning. That by which is loved and cherished by us is only that by which we love sincerely and genuinely. If the faculties of the student are unrestrained, unrelinquished, then they may be given the opportunity to freely prosper, develop, grow, and flourish. The choice will be in the hands of the student. Once they are provided with an open and free environment, where they are not restricted to use their liberty to full degree, then a real education can begin. With the vast amount of choices and options open to the student, a school based on a real education would teach the students independence and give them valuable skills. It would teach them the arts so that they may be creative and so that they may explore. In this modern school where a real education is promoted and independence is given to the students, learning would be insurmountable.

information: literature, poetry, paintings, how-to manuals, science journals, magazines, newsletters, etc., etc.. A library will serve the purpose of away-from-class activities, when students feel that they wish to do independent studying and learning. In such an atmosphere, they will be able to excel exceptionally. I'm very optimistic about the recent developments of technology and computers when it comes to education. There are many websites on the internet which host ancient texts that are not available in most libraries or bookstores. Aside from the available ancient texts, there are many websites which are useful in helping students perform better in school. Francisco Ferrer has said...

IN setting out to establish a rational school for the purpose of preparing children for their entry into free solidarity of humanity, the first problem that confronted us was the selection of books. The whole educational luggage of the ancient system was an incoherent mixture of science and faith, reason and unreason, good and evil, human experience and revelation, truth and error; in a word, totally unsuited to meet the new needs that arose with the formation of a new school.

If the school has been from remote antiquity equipped not for teaching in the broad sense of communicating to the rising generation the gist of the knowledge of previous generations, but for teaching on the basis of authority and the convenience of the ruling classes, for the purpose of making children humble and submissive, it is clear that none of the books hitherto used would suit us.¹⁹

¹⁹ Francisco Ferrer, *Origin and Ideals of the Modern School*, chapter 11, published 1913.

cises are broadcast into each room in the school building through an intercommunications system and are conducted under the supervision of a teacher by students attending the school's radio and television workshop. Selected students from this course gather each morning in the school's workshop studio for the exercises, which include readings by one of the students of 10 verses of the Holy Bible, broadcast to each room in the building. This is followed by the recitation of the Lord's Prayer, likewise over the intercommunications system, but also by the students in the various classrooms, who are asked to stand and join in repeating the prayer in unison. The exercises are closed with the flag salute and such pertinent announcements as are of interest to the students. Participation in the opening exercises, as directed by the statute, is voluntary. The student reading the verses from the Bible may select the passages and read from any version he chooses, although the only copies furnished by the school are the King James version, copies of which were circulated to each teacher by the school district. During the period in which the exercises have been conducted the King James, the Douay and the Revised Standard versions of the Bible have been used, as well as the Jewish Holy Scriptures. There are no prefatory statements, no questions asked or solicited, no comments or explanations made and no interpretations given at or during the exercises. The students and parents are advised that the student may absent himself from

the classroom or, should he elect to remain, not participate in the exercises.³³

The oppression was not just in that school. There were many other schools that suppressed non-Christian thought. To quote Justice Clark again...

In 1905 the Board of School Commissioners of Baltimore City adopted a rule pursuant to Art. 77, 202 of the Annotated Code of Maryland. The rule provided for the holding of opening exercises in the schools of the city, consisting primarily of the “reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord’s Prayer.” The petitioners, Mrs. Madalyn Murray and her son, William J. Murray III, are both professed atheists. Following unsuccessful attempts to have the respondent school board rescind the rule, this suit was filed for mandamus to compel its rescission and cancellation. It was alleged that William was a student in a public school of the city and Mrs. Murray, his mother, was a taxpayer therein; that it was the practice under the rule to have a reading on each school morning from the King James version of the Bible; that at petitioners’ insistence the rule was amended 4 to permit children to [374 U.S. 203, 212] be excused from the exercise on request of the parent and that William had been excused pursuant thereto; that nevertheless the rule as amended was in violation of the petitioners’ rights “to freedom of religion under the First and Fourteenth Amendments”

³³ U.S. Supreme Court: ABINGTON SCHOOL DIST. v. SCHEMPP, 374 U.S. 203 (1963), 374 U.S. 203. Argued February 27–28, 1963. Decided June 17, 1963.

The other classes in the curriculum of school will help to serve this purpose: exploring and developing the creativity of students. There should be a class where students can construct the various forms of pottery from the Etruscans to the Egyptians as well as a class where students would be allowed to play instruments from the drums to the digeridoo. A class that examines the poetry of Shakespeare to Shelley to Frost as well as a literature class that examines the works of Tolstoy to Wells to Orwell would provide fascinating insights to the curious students. Classes of every genre and every area should be provided to students so that they may learn their passions, and it should be provided to them in a dynamic atmosphere to promote learning. Of monotonous teaching and failing in literacy, Carl Sagan has said, “If the quality of education available to you is inadequate, if you’re taught rote memorization rather than how to think, if the content of what you’re first given to read comes from a nearly alien culture, literacy can be a rocky road.”¹⁸ In this new school, where classes are voluntary and learning is not a thing of hate and pain, education will truly bloom. Information provided through various outlets of media will stream into the minds of the students. The eagerness of the student will be enhanced by allowing them to attend any class that they desire. The dark cloud which has covered formal education for all these years will disappear. The sunlight will reach the withered flower of education, giving it life and vitality.

In this wonderful atmosphere of creativity and learning, one part will serve as a center to it all: a library. In this invaluable center, the students who are intrigued by Epicurus and Descartes can examine philosophy and the students who are fascinated by Frank Lloyd Wright and James Hoban can study architecture. The purpose of a library is to provide information to those desire it. A library should provide all sorts of paper

¹⁸ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 358, published by Ballantine Books.

never kiss your child. Never hold it in your lap. Never rock its carriage.”¹⁶ These are the words of the unfeeling doctor. Spock took a radically different position, “You know more than you think you do... What good mothers and fathers instinctively feel like doing for their babies is usually best.”¹⁷ It is true that the gross slander of this genius is absolutely uncalled for and perhaps one of the most uneducated statements of all history. Yet it is exactly what is taught to the students of the United States.

Beyond the simplicity of a history class teaching about the past as far as cultural, political, and religious aspects go, history should be something that is much more than just facts concerning the past. History class should be a center of culture and an examination of values, trends, beliefs, and creeds. In history class, students should be engrossed in ancient and contemporary societies, learning about the various aspects of civilization, the mainstream and the underground. Students should learn about the literature, the music, the instruments, the food, the arts, the politics, the religion, and the other aspects of ancient cultures. Students cannot simply just learn about these topics by just reading about them, either. All forms of media must be available to them so that they learn exactly what these things are, as well as to inform and educate them of these particular topics. In regards to the arts, they should be able to hear the instruments of times past, they should be able to read the literature of fallen authors, they should be able to watch the plays and films that captivated audiences all over the world. By providing students with this luxurious presentation of the arts — paintings, pottery, sculptures, music, dance, literature, poetry — so that the students will be given the opportunities to expand their creativity.

¹⁶ *Psychological Care of Infant and Child*, by Dr. John B. Watson, 1928.

¹⁷ *The Common Sense Book of Baby and Child Care*, by Dr. Spock, 1946.

and in violation of “the principle of separation between church and state, contained therein...” The petition particularized the petitioners’ atheistic beliefs and stated that the rule, as practiced, violated their rights

“in that it threatens their religious liberty by placing a premium on belief as against non-belief and subjects their freedom of conscience to the rule of the majority; it pronounces belief in God as the source of all moral and spiritual values, equating these values with religious values, and thereby renders sinister, alien and suspect the beliefs and ideals of your Petitioners, promoting doubt and question of their morality, good citizenship and good faith.”³⁴

This was not a system of freedom, nor was it a system of education. At best it can be considered a system of suppression and forced majority opinion. At worst, it can be called the epitome of arrogance: destruction of conscience and expression. If any person was forced to recite a prayer of another religion, it would be considered nothing short of tyranny. To viciously impose such mandatory bigotry among students in an institution of “education” is no education at all. In this kind of institution, values are destroyed or forced before they are given a chance to grow and bloom. In 1992, a similar question of the school and the church was brought into perspective. At a high school, various religious figures were brought forth to speak to the class. The Supreme Court explains...

³⁴ *Ibidem*.

Deborah Weisman graduated from Nathan Bishop Middle School, a public school in Providence, at a formal ceremony in June, 1989. She was about 14 years old. For many years, it has been the policy of the Providence School Committee and the Superintendent of Schools to permit principals to invite members of the clergy to give invocations and benedictions at middle school and high school graduations. Many, but not all, of the principals elected to include prayers as part of the graduation ceremonies. Acting for himself and his daughter, Deborah's father, Daniel Weisman, objected to any prayers at Deborah's middle school graduation, but to no avail. The school principal, petitioner Robert E. Lee, invited a rabbi to deliver prayers at the graduation exercises for Deborah's class. Rabbi Leslie Gutterman, of the Temple Beth El in Providence, accepted.

It has been the custom of Providence school officials to provide invited clergy with a pamphlet entitled "Guidelines for Civic Occasions," prepared by the National Conference of Christians and Jews. The Guidelines recommend that public prayers at nonsectarian civic ceremonies be composed with "inclusiveness and sensitivity," though they acknowledge that "[p]rayer of any kind may be inappropriate on some civic occasions." App. 20–21. The principal gave Rabbi Gutterman the pamphlet before the graduation, and advised him the invocation and benediction should be nonsectarian. Agreed Statement of Facts 7, *id.*, at 13.³⁵

³⁵ U.S. Supreme Court: *LEE v. WEISMAN*, 505 U.S. 577 (1992), 505 U.S. 577. Argued November 6, 1991. Decided June 24, 1992.

less numbers for their political and religious beliefs. Here they have hoped to achieve a political status as citizens in a free world in which men are privileged to think and act and speak according to their convictions, without fear of punishment or further exile so long as they keep the peace and obey the law.¹⁴

The rules that historians have put down were intelligent and made for the sake of truth. As for our history textbooks, they ought to abide by the same principles. The history in the school textbooks should be written with objectivity and without prejudice. Significant facts in history concerning all groups and cultures should not be suppressed. Consider another quote from a history book...

"Many experts on childhood concluded that Spock's permissive methods led to a generation of young people in the next decade who were used to getting their own way."¹⁵

This is perhaps one of the most swayed views of history yet. It states the father of modern baby care and his methods led to obnoxious young people. This is a wildly uneducated statement. Prior to the developments and research of Dr. Spock, it was a common urban myth that you were not supposed to touch infants or babies, not even to hold or show affection towards them. Such ignorance and cruelty arose from and out of these myths. Physicians concurred with these methods, but Dr. Spock was a beacon of intelligence among a barbaric collective. Before Dr. Spock, there was Dr. John b. Watson. "Never,

¹⁴ U.S. Supreme Court: *SCHNEIDERMAN v. UNITED STATES*, 320 U.S. 118 (1943), 320 U.S. 118. Reargued March 12, 1943. Decided June 21, 1943.

¹⁵ *History of a Free Nation*, by Henry W. Bragdon, Samuel P. McCutchen, and Donald A. Ritchie, page 875, Glencoe, McGraw-Hill.

to the Communist Control Act, making it illegal to join the Communist Party. In 1956, Dr. Kalman Berenyi was denied citizenship to the United States because he was a member of the Communist Party. There were many attempts to deport other Communists: Rowoldt, Niukkanen, Kleindienst, among others. In 1957, Barenblatt was fined and imprisoned for refusing to answer whether or not he was a member of the Communist Party. The Committee on Un-American Activities thoroughly persecuted many individuals. Deutch was persecuted for refusing to name other Communists. In 1913, at age ten Nowak was admitted to the United States from Poland, but in 1952, the United States said that such documents were forced and attempted to deport him because of the belief that he was a Communist. Dennis, the General Secretary of the Communist Party, was convicted for refusing to appear before the Committee on Un-American Activities. After being a citizen of the United States for twelve years, Schneiderman was denied his citizenship by the United State government because he was a Communist. What makes each of these incidents important is that they all reached the Supreme Court — the systematic oppression of Communism and Freedom of Thought. Yet rarely do the textbooks of our schools discuss such cases. The Supreme Court ruled in one particular case...

We are directly concerned only with the rights of this petitioner and the circumstances surrounding his naturalization, but we should not overlook the fact that we are a heterogeneous people. In some of our larger cities a majority of the school children are the offspring of parents only one generation, if that far, removed from the steerage of the immigrant ship, children of those who sought refuge in the new world from the cruelty and oppression of the old, where men have been burned at the stake, imprisoned, and driven into exile in count-

The school promoted public prayers, holding no rights of free expression or free conscience to students. The Rabbi Guterman's prayers were as follows...

“INVOCATION

“God of the Free, Hope of the Brave:

“For the legacy of America where diversity is celebrated and the rights of minorities are protected, [505 U.S. 577, 582] we thank You. May these young men and women grow up to enrich it.

“For the liberty of America, we thank You. May these new graduates grow up to guard it.

“For the political process of America in which all its citizens may participate, for its court system where all may seek justice, we thank You. May those we honor this morning always turn to it in trust.

“For the destiny of America, we thank You. May the graduates of Nathan Bishop Middle School so live that they might help to share it.

“May our aspirations for our country and for these young people, who are our hope for the future, be richly fulfilled.

AMEN”

“BENEDICTION

“O God, we are grateful to You for having endowed us with the capacity for learning which we have celebrated on this joyous commencement.

“Happy families give thanks for seeing their children achieve an important milestone. Send Your blessings upon the teachers and administrators who helped prepare them.

“The graduates now need strength and guidance for the future; help them to understand that we are not complete with academic knowledge alone. We must each strive to fulfill what You require of us all: to do justly, to love mercy, to walk humbly.

“We give thanks to You, Lord, for keeping us alive, sustaining us, and allowing us to reach this special, happy occasion.

AMEN”³⁶

A prayer was instituted and freedom was deprioritized. Religion was more important than education. This is what constituted formal education: oppression and dogma. There can be nothing more debilitating to the mind than this one school — a place that holds contempt for freedom of conscience and freedom of thought. Students are not made independent. They do not make choices for themselves. They are forced into decisions. They learn only one thing: that others will be living their lives for them and that they have no real choice at all. The rest of their lives would be based on this foundation of what schools had taught them. They would not be active citizens. Schools had not fostered a sense of independence in them. It did not turn them into creative and intelligent individuals. It destroyed any sense of wonder they already had. There is nothing so destructive of a real education as forced dogma in the curriculum. Mark Twain has said, “It is by the goodness of God that in our country we have those three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practice either of them.” Of education, Henry Stephens Salt has said...

Education, in the largest sense of the term, has always been, and must always remain, the

³⁶ Ibidem.

ity has not been granted even by the most progressive republican, and democratic bourgeois states.

The Soviet Republic of Russia, on the other hand, at once swept away all legislative traces of the inequality of women without exception, and immediately ensured their complete equality before the law.

It is said that the best criterion of the cultural level is the legal status of women. This aphorism contains a grain of profound truth. From this standpoint only the dictatorship of the proletariat, only the socialist state could attain, as it has attained, the highest cultural level. The new, mighty and unparalleled stimulus given to the working women’s movement is therefore inevitably associated with the foundation (and consolidation) of the first Soviet Republic—and, in addition to and in connection with this, with the Communist International.

[...]

It is the chief task of the working women’s movement to fight for economic and social equality, and not only formal equality, for women. The chief thing is to get women to take part in socially productive labour, to liberate them from “domestic slavery”, to free them from their stupefying and humiliating subjugation to the eternal drudgery of the kitchen and the nursery.¹³

In 1950, the United States government passed the Internal Security Act, prohibiting association with groups which wish to violently overthrow the government. In 1954, this was changed

¹³ *International Working Women’s Nation*, March 4, 1920; found in: *Pravda*, March 8, 1920 (special issue), Signed: N. Lenin.

oppressive and cruel as it hindered the efforts of Women's Suffrage." The prime objective of school textbooks is not at all to show an honest look at history. It is rather based on guessing what happened, making many invalid assumptions, and swaying all of history so that it is slanted.

This can be most obvious with the history of the Communist movement in the United States. Among the textbooks in schools, we can read an insurmountable amount of stories of the murders done by Communists. However, none of the oppression on Communists is ever recorded in our history books. It always seems to be blotted out. Ever since the rise of McCarthy and the anti-Communists in the 50's and 60's, there have been numerous incidents where Communists were oppressed, but not one word of this leaks into the pages of our history. Instead, we hear of the oppression of other races and the liberation of all men and women, despite skin color or gender. Rarely, however, do we find our text books glorifying the liberation of mind — the right for any individual to delve into books of any subject and educate themselves. Of many emancipations will we hear of and discuss when it is the body chained to the will of another. In no way do I degrade such emancipations, but mental freedom is not in any way praised, and rarely is it ever discussed. Rarely do we hear about the equality of gender in Communist nations — something held to be absolutely imperative in Communist nations. When women were just attaining the right to vote in the United States, they had full equality in Soviet Russia. In a speech dedicating a day to the International Working Woman, Vladimir Lenin proclaimed...

But even in the matter of formal equality (equality before the law, the "equality" of the well-fed and the hungry, of the man of property and the propertyless), capitalism cannot be consistent. And one of the most glaring manifestations of this inconsistency is the inequality of women. Complete equal-

antecedent and indispensable condition of humanitarian progress. Very excellent are the words of John Bright on the subject (let us forget for the once that he was an angler). "Humanity to animals is a great point. If I were a teacher in school, I would make it a very important part of my business to impress every boy and girl with the duty of his or her being kind to all animals. It is impossible to say how much suffering there is in the world from the barbarity or unkindness which people show to what we call the inferior creatures."

It may be doubted, however, whether the young will ever be specially impressed with the lesson of humanity as long as the general tone of their elders and instructors is one of cynical indifference, if not of absolute hostility, to the recognition of animals' rights. It is society as a whole, and not one class in particular, that needs enlightenment and remonstrance; in fact, the very conception and scope of what is known as a "liberal education" must be revolutionized and extended. For if we find fault with the narrow and unscientific spirit of what is known as "science," we must in fairness admit that our academic "humanities," the *litera humaniores* of college and schools, together with much of our modern culture and refinement, are scarcely less deficient in that quickening spirit of sympathetic brotherhood, without which all the accomplishments that the mind of man can devise are as the borrowed cloak of an imperfectly realized civilization, assumed by some barbarous tribe but half emerged from savagery. This divorce of "humanism" from humaneness is one of the sub-

tlest dangers by which society is beset; for, if we grant that love needs to be tempered and directed by wisdom, still more needful is it that wisdom should be informed and vitalized by love.

It is therefore not only our children who need to be educated in the proper treatment of animals, but our scientists, our religionists, our moralists, and our men of letters. For in spite of the vast progress of humanitarian ideas during the present century, it must be confessed that the popular exponents of western thought are still for the most part quite unable to appreciate the profound truth of those words of Rousseau, which should form the basis of an enlightened system of instruction; “Hommes, soyez humains! C’est votre premier devoir. Quelle sagesse y a-t-il pour vous, hors de l’humanit [“Men, be human! It is your first duty. Which wisdom is there for you, out of humanity?”]

But how is this vast educational change to be inaugurated-let alone accomplished? Like all far-reaching reforms which are promoted by a few believers in the face of the public indifferentism, it can only be carried through by the energy and resolution of its supporters. The efforts which the various humane societies are now making in special directions, each concentrating its attack on a particular abuse, must be supplemented and strengthened by a crusade-an intellectual, literary, and social crusade-against the central cause of oppression, viz.³⁷

³⁷ Animals’ Rights, by Henry Stephens Salt and Albert Leffingwell, part I, chapter 8, 1891.

picion in his work of either favoritism or prejudice.”⁹ Lucian of Samosata, in his work *How History Should Be Written*, has written, “The historian should be fearless and incorruptible; a man of independence, loving frankness and truth.”¹⁰ It is obvious that the writers of our school textbooks have failed to meet these very reasonable conditions. Just as the history of Atheism and infidelity seems to be left entirely out of our school textbooks, there are monstrously large lies spread of the great infidels. To quite one school book...

“From her Quaker upbringing, Susan B. Anthony learned that men and women were equal before God. She spent most of her 86 years trying to convince others of that equality.”¹¹

The school book describes Susan B. Anthony as a religious figure, trying to demonstrate to people that everyone is equal before the eyes of god. Just a little studying of Susan B. Anthony’s character would reveal that she did not believe in god at all. She considered the Bible a “‘He-book’ from beginning to end. It has a He-God, a He-Christ, He-angels. Woman has no glory anywhere in the pages of the Bible.”¹² She held that the Bible — the foundation of Christianity — was not at all helpful to the cause of women’s suffrage. However, the school textbook reports that Anthony tried to prove to individuals that men and women were equal before god. If this text book was written with an iota of integrity and historical accuracy, it would have read, “Susan B. Anthony learned that the Bible was

⁹ Quoted from *The Demon-Haunted World: Science as a Candle in the Dark*, by Carl Sagan, pages 341, published by Ballantine Books.

¹⁰ *How History Should Be Written*, by Lucian of Samosata, 170.

¹¹ *History of a Free Nation*, by Henry W. Bragdon, Samuel P. McCutchen, and Donald A. Ritchie, page 553, Glencoe, McGraw-Hill.

¹² *Who’s Who In Hell*, by Warren Allen Smith, entry for “Anthony, Susan Brownwell.”

been committed against the greatest people. Robert Green Ingersoll detested slavery immensely and fought as a colonel in the Civil War yet he was denied the right to run for office because of his infidelity. It's amusing that one particular US History textbook is entitled, "History of a Free Nation."⁷ When individuals in the late 1800's were seeking to exclude the Chinese from the United States citizenry, Ingersoll gave the following speech...

The average American, like the average man of any country, has but little imagination. People who speak a different language, or worship some other god, or wear clothing unlike his own, are beyond the horizon of his sympathy. He cares but little or nothing for the sufferings or misfortunes of those who are of a different complexion or of another race. His imagination is not powerful enough to recognize the human being, in spite of peculiarities. Instead of this he looks upon every difference as an evidence of inferiority, and for the inferior he has but little if any feeling. If these "inferior people" claim equal rights he feels insulted, and for the purpose of establishing his own superiority tramples on the rights of the so-called, inferior.⁸

Every historian has known that to show favoritism, prejudice, or discrimination is not a very historical manner at all. Cicero has written, "The first law is that the historian shall never dare to set down what is false; the second, that he shall never dare to conceal the truth; the third, that there shall be no sus-

⁷ History of a Free Nation, by Henry W. Bragdon, Samuel P. McCutchen, and Donald A. Ritchie, Glencoe, McGraw-Hill.

⁸ The Chinese Exclusion, by Robert Green Ingersoll, 1898.

There is one name that will shake the hearts of Rationalists and Humanitarians when it comes to freedom in education: Tempest Smith. She was a twelve year old girl who killed herself. Upon opening and reading her diary, investigators discovered that she had killed herself due to students teasing her at school and how teachers and administration turned a blind eye. This young student, a child of education, a pupil of life, was tormented relentlessly and without regard for her care at all. Upon discovery of this ridicule, teachers and principals secretly smile, and the reasons behind it make it all the more perverse. Tempest Smith was not a Christian yet all her classmates were. They taunted her, screaming, "Jesus loves you!" Apparently their own god is capable of more than they are. Night after night, the tortures went on. Tempest chose the black shroud of death than the horror-filled darkness of life — she hung herself. Upon her death, it can only be assumed that the hearts of the brute beasts who ignored her tears were aflame with joy, or perhaps the administration of the school had realized that ignoring her pains was a bad choice. A news report explains what happened...

The mother of a 12-year-old girl who committed suicide five months ago has filed a \$10-million lawsuit against the Lincoln Park School District, claiming school administrators turned a blind eye to students who teased the girl about her religious beliefs.

The lawsuit, filed in federal court Tuesday, also charges the school district with religious discrimination.

School district officials could not be reached for comment. Randall Kite, superintendent of the Lincoln Park School District, did not return several phone calls.

After Lincoln Park Middle School student Tempest Smith hanged herself from her bunk bed on Feb. 20, many of the girl's classmates came to the funeral expressing guilt for having teased her so relentlessly. Much of the teasing revolved around Tempest's belief in Wicca, a pagan religion.

According to Tempest's journal, found under her bed after the suicide, her classmates often crowded around her chanting "Jesus loves you," along with other comments that ridiculed her Wiccan beliefs.

Attorneys for Tempest's mother, Denessa Smith, claim school employees violated the girl's civil rights because they knew about the teasing, but did nothing to stop it. That indifference contributed to the girl's suicide, they claim.

"If it would've been a Christian kid being teased, you can bet they would've done something," said Smith's attorney, Joel Sklar. "But the Lincoln Park School District has historically discriminated against followers of Wicca."

Sklar referred to a 1999 case in which high school student Crystal Seifferly sued the Lincoln Park School District because she was banned from wearing jewelry depicting the five-pointed star that is the symbol of pagan faith. In that case, a U.S. district judge ruled that the district's policy violated Seifferly's religious rights, and the school district's ban on Wiccan jewelry was overturned.

degraded by the historians. As many have put it, *victors write the history of their enemies*. It is so that way with many of our school text books and society in general. It is most prominent with those who are Atheistic. To quote Carl Sagan...

Except for the first week of introductory philosophy courses, though, the names and notions of the early Ionians are almost never mentioned in our society. Those who dismiss the gods tend to be forgotten. We are not anxious to preserve the memory of such skeptics, much less their ideas. Heroes who try to explain the world in terms of matter and energy may have arisen many times in many cultures, only to be obliterated by the priests and philosophers in charge of the conventional wisdom — as the Ionian approach was almost wholly lost after the time of Plato and Aristotle.⁶

To a large degree, Sagan is right. Rarely do high school history books discuss the 250 books of Joseph McCabe, nor his 3,000 speeches. The innumerable works of Robert Green Ingersoll are forever lost, doomed to those who search for what the history books missed. Charles Bradlaugh and his efforts for secularism will not be mentioned between the pages of any school history book. There is no comment upon how the Roman Catholic Church brutally burned Giordano Bruno at the stake. The textbooks do not reveal how the works of Hobbes, Paine, Diderot, Huxley, Nietzsche, and of Twain speak against Christianity. There is no reference to the contempt for Christianity held by many of the founding fathers, and the disbelief of it held by all of the founding fathers. The worst crime has

⁶ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 310, published by Ballantine Books.

Many fled to the roof of the temple of Solomon, and were shot with arrows, so that they fell to the ground dead. In this temple almost ten thousand were killed. Indeed, if you had been there you would have seen our feet colored to our ankles with the blood of the slain. But what more shall I relate? None of them were left alive; neither women nor children were spared.

[...]

This may seem strange to you. Our squires and poorer footmen discovered a trick of the Muslims, for they learned that they could find a gold coin in the stomachs and intestines of the dead Muslims, who had swallowed them. Thus, after several days they burned a great heap of dead bodies, that they might more easily get the precious metal from the ashes.⁵

The only way to teach students a valuable history is to teach them actual history instead of about history. The various ideas that we find circulating certain cultures can fascinate and mesmerize the developing minds of students. We must present these ideas as they have come throughout history. The only aspects of a history textbook that ought to talk about history are those which are too erroneous to need a quote concerning it, such as the date something happened, the date someone traveled somewhere, military campaigns, etc., etc.. Students should be immersed in the societies and cultures that they study, learning about the life of the average person in those societies and learning about the abstract works in their lives that may have affected them. Often, however, history is

⁵ The Capture of Jerusalem, 1099, by Fulk of Chartres, chapter 27–28. Edited for clarity. (“Byzant” changed to “gold coin” and “Saracen” changed to “Muslim.”)

“Tempest Smith had a right to practice her religion without being taunted in school,” Sklar said. “And the school staff had a duty to respond to that taunting. They didn’t. We contend that the school district has shown a pattern of indifference, and perhaps hostility, to those students who follow another religion that’s not Judeo-Christian in nature.”

Denessa Smith said she told her daughter’s teachers and counselors about the teasing. “We had several conversations about what my daughter was going through,” Smith said. “I was trying to get them to do something about it. But nobody did anything.”

Smith hopes the lawsuit will force the school district to adopt anti-teasing measures. “There should be rules in place, so that children in the future won’t have to experience what my daughter went through,” Smith said.³⁸

There will always be a flower that whispers her name, as long as those of us remember her. This is not a question about education. In general, it is a question about the humaneness of the ruling administration of schools. The words of all the human languages put together cannot properly describe how heartless these people are — how entirely careless they are, to let a student cry and suffer because she does not worship the same god. The malicious administration which help contempt for Tempest did not travel the road of education. They traveled the road of vice. The life of Tempest Smith will not be avenged until every educator knows in his heart that students deserve rights to expression and conscience. When students may go to

³⁸ “Teasing sparks \$10 million lawsuit,” Lincoln Park district accused of religious bias in girl’s suicide, By George Hunter / The Detroit News.

school without fearing ridicule or intolerance, when schools become a place of learning and not suppression, then the life of Tempest Smith will be avenged. Until then, every Humanitarian has an undying duty to work for better schools and freedom of students.

Judging from the methods by which teachers today impose their rules and regulations, it is more likely that they have engrossed themselves in the works of Machiavelli and Stalin than in the works of Ferrer and Dewey. They are monsters, ignoramuses incapable of grasping or understanding anything humane or rational, and certainly not capable of imparting any kind of knowledge. There are some teachers who genuinely desire to open the minds of inquisitive children and fill them with knowledge, but they are few and far between. Students have been expelled for refusing to stand for the Pledge of Allegiance, and there still remains animosity from teachers for those who refuse to stand for it. The schools of our time have segregated the races, forced religion down the throats of unknowing students, censored books from being read, unlawfully searched and seized property of students for minor school offenses, censored school newspapers, inaugurated school prayers, censored expression, unjustly suspended students, among other cruel atrocities, including forced school uniforms. The school environment is not a learning one at all. The teachers and principals are blindfolded and continue to seek education, all the while stepping and crushing the very basic principles of a real education. Some rights for students have been won and some have been lost, but as the courts have proven fully, they believe that students are worth less than the educated, offering them fewer rights than anyone else.

“Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as

Freeman and slave, patrician and plebeian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes.

In the earlier epochs of history, we find almost everywhere a complicated arrangement of society into various orders, a manifold gradation of social rank. In ancient Rome we have patricians, knights, plebeians, slaves; in the Middle Ages, feudal lords, vassals, guild-masters, journeymen, apprentices, serfs; in almost all of these classes, again, subordinate gradations.

The modern bourgeois society that has sprouted from the ruins of feudal society has not done away with class antagonisms. It has but established new classes, new conditions of oppression, new forms of struggle in place of the old ones.⁴

From reading only a few excerpts from such a brilliant document, it will fill the students with awe and inspiration. This class which studies cultures is not at all about siding with one culture against another; it is based on presenting fairly the ideas of thinkers, not subjecting them to cruel or unfair prejudices. The works of Adam Smith and Ayn Rand will be presented with equal justice to those of Karl Marx and Friedrich Engels. The Crusades have always been a topic in almost any history class. There is no better way to describe the horrors spread by such a holy war than by quoting an eyewitness...

⁴ The Manifesto of the Communist Party, by Karl Marx and Friedrich Engels, 1848.

Consider the great and unlevelled eloquence of Elizabeth Cady Stanton...

But we are assembled to protest against a form of government existing without the consent of the governed — to declare our right to be free as man is free, to be represented in the government which we are taxed to support, to have such disgraceful laws as give man the power to chastise and imprison his wife, to take the wages which she earns, the property which she inherits, and, in case of separation, the children of her love; laws which make her the mere dependent on his bounty. It is to protest against such unjust laws as these that we are assembled today, and to have them, if possible, forever erased from our statute books, deeming them a shame and a disgrace to a Christian republic in the nineteenth century.²

Even though some may agree with how Stanton describes the United States as a Christian republic — she would later state, “the Bible and the Church have been the greatest stumbling blocks in the way of women’s emancipation,”³ — the usage of such a direct and powerful speech will make undeniable pardons to the emotions of every student. In this way, students will learn history by understanding what exactly it was that was in the past. Our textbooks can speak of Communism, of the spread of ideas by Marx and Engels, of the rise and fall of Lenin, Stalin, and Mao, or it can be described with the words of the famous Communist theorists. Consider the most famous political document, The Communist Manifesto...

² ADDRESS:FIRST WOMEN’S-RIGHTS CONVENTION, delivered by Elizabeth Cady Stanton, on July 19, 1848.

³ *Free Thought* magazine, September 1896.

a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. *Compulsory unification of opinion achieves only the unanimity of the graveyard.*³⁹

³⁹ Supreme Court: WEST VIRGINIA STATE BOARD OF EDUCATION v. BARNETTE, 319 U.S. 624 (1943), 319 U.S. 624. Argued March 11, 1943. Decided June 14, 1943.

Chapter 3: Independence and Corporal Punishment

The phenomenon of giving students rights, or at least a few rights, is quite new. They may be given the right of passive speech and the right to a fair hearing before a suspension, but they do lack the right to Free Speech in school newspapers when granted Free Speech by such schools and they lack the right not to be searched for the slightest school offense. Yes, these may be the rights of students in today's world. However, the writ of a barbaric past still is alive among us. Corporal Punishment is still existent in schools today. Of what value is the right of Free Speech or the right of equality, when the United States legislatures grant teachers the right to beat their own students? This is the most brutal and cruel of practices. Students may take away the rights of students by refusing to let them talk about certain political, philosophical, or religious objectives, or refusing them to express their opinions, but the moment that a teacher strikes a student, it is then a state of savagery, cruelty, and brutality. Any school administration who uses physical force and violence to accomplish their objective may be legitimately called a BRUTALITARIAN! To use such an unsophisticated method of meeting a goal, and to do so in an environment where individuals are learning for the first time their aspirations, desires, hopes, and values, is to destroy the entire principle of education. Students need not worry about their right to expression when their right to life is in critical jeopardy. D.L. Cuddy is a journalist who believes in this Corporal Punishment, but even he disagrees with the laws...

Chapter 5: History Class

History class, often described by students and teachers alike as the most useless class,¹ is the class where education could bloom but is strangled in the hands of vice. This wondrous subject has been turned into sterile dates and locations, memorization of capitols, and how to correctly spell the names of individuals who have held important titles: conquerer, statesman, musician, artist, author, scientist, etc., etc.. When a class of students today is taught history, they are taught about history. They do not experience the past for themselves, but they have modern writers describe the past for them. It is so much more of a rich and dynamic atmosphere when people learn history when they are taught through history and not about history. For example, consider the great development and progression of the Women's Suffrage Movement. One may speak gloriously of such fighters, of such Women's Rights champions, but to do so in a history class would only do a fraction of justice to the topic. What a class of students would learn in a half hour from talking about such Suffragists would not equate to how much they would learn from reading the speeches themselves.

¹ There will be those who assert, "Those who do not know the past are doomed to repeat it," but I doubt the history of 3000 years will teach all the lessons. Simple knowledge of history is not all that is needed for such a belief, as well. One may be able to identify the mishaps of Hitler waging war against Russia and England simultaneously, and losing just as Napoleon had lost. However, even though that mishap is identified, others are not, such as how religion can be traced back to every evil throughout history. Frederick Douglass, the runaway slave, believed that slavery was of god, but that motto — "Slavery is of God," — was also the motto of many Christian churches.

only time an examination may be necessary is when it comes to seeing if a student qualifies in a particular subject. There should be an exam for each subject that allows the student to prove their own efficiency in such a subject. It can be used as a form of credit or proof of knowledge. However, such an exam would absolutely be voluntary. To help demonstrate the fact that schools are not at all about testing and quizzes, it would be effective if the exam was not even taken at the school, but at a government building. Thereby making the school a purely educational institute. Students have to be mesmerized in a classroom by their subject. When they learn and become educated, they cannot point to a test grade or a quiz grade for being responsible. It was the curriculum which had honed their education. It is for this reason that there should be no mandatory quizzes, tests, or schoolwork within the frame of a real education.

“ON March 13 the U.S. Supreme Court kept intact a Texas law allowing corporal punishment, short of deadly force, in public schools. This is disturbing because an earlier court ruling had held that students’ rights do not end at the schoolhouse gate, and I do not believe anyone has the right to assault students just short of killing them.”¹

Even though we do not have the luxury of an effective school today, imagine that we did have one. Imagine that the students of this great school learned and studied, that their creativity was promoted and their critical thought was developed. In this system of learning, who can — with adequate ability — imply that we ought to use abuse as a method for teaching? If just one student is beaten for the sake that they did something unacceptable, it is no longer about being educated. School then becomes a place of tortures for students, not a place of learning. Hatred is fostered, anger is nurtured, and all the vices that could inhibit themselves in humans will be seen. These learning institutions, if their behavior may merit that name, are cruel and inhumane. Only a vicious and weak teacher could beat their students. The fist that destroys education does not belong to a Humanitarian. Beating students is a product of hate. It is a sign that mankind has not improved at all. All the technological, literary, artistic, and political works of past will be wiped off the books. Thomas Paine’s *The Rights of Man* to Percival Bysshe Shelley’s *Queen Mab* — these works which celebrate freedom and compassion — will mean nothing. When a disgruntled, careless teacher smites a student, he may as well be a brute barbarian living in a cave hundreds of thousands of years ago. He is not a civilized person, nor an educated person. He is a malicious, heartless monster, unworthy of walking on school property even. Robert Green Ingersoll has said of Corporal Punishment...

¹ Orlando Sentinel, FL, 24 August 1989, “Corporal punishment should not be banned,” By D.L. Cuddy, Special to the Sentinel.

The Dean of St. Paul protests against the kindness of parents, guardians and teachers toward children, wards and pupils. He believes in the gospel of ferule and whips, and has perfect faith in the efficacy of flogging in homes and schools. He longs for the return of the good old days when fathers were severe, and children affectionate and obedient.

In America, for many years, even wife-beating has been somewhat unpopular, and the flogging of children has been considered cruel and unmanly. Wives with bruised and swollen faces, and children with lacerated backs, have excited pity for themselves rather than admiration for savage husbands and brutal fathers. It is also true that the church has far less power here than in England, and it may be that those who wander from the orthodox fold grow mindful and respect the rights even of the weakest.

But whatever the cause may be, the fact is that we, citizens of the Republic, feel that certain domestic brutalities are the children of monarchies and despotisms, that they were produced by superstition, ignorance, and savagery; and that they are not in accord with the free and superb spirit that founded and preserves the Great Republic.

Of late years, confidence in the power of kindness has greatly increased, and there is a wide-spread suspicion that cruelty and violence are not the instrumentalities of civilization.

Physicians no longer regard corporal punishment as a sure cure even for insanity — and it is gen-

erally provoked in those who are placed highest, envy and humiliation, grave obstacles to sound growth, in those who have failed, and in all of them the germs of most of the sentiments which go to the making of egoism.

In a later number of the *Bulletin* I found it necessary to return to the subject:—

We frequently receive letters from Workers' Educational Societies and Republican Fraternities asking that the teachers shall chastise the children in our schools. We ourselves have been disgusted, during our brief excursions, to find material proofs of the fact which is at the base of this request; we have seen children on their knees, or in other attitudes of punishment.

These irrational and atavistic practices must disappear. Modern pedagogy entirely discredits them. The teachers who offer their services to the Modern School, or ask our recommendation to teach in similar schools, must refrain from any moral or material punishment, under penalty of being disqualified permanently. Scolding, impatience, and anger ought to disappear with the ancient title of "master." In free schools all should be peace, gladness, and fraternity. We trust that this will suffice to put an end to these practices, which are most improper in people whose sole ideal is the training of a generation fitted to establish a really fraternal, harmonious, and just state of society.⁴

As far as testing goes, it is a good method for helping students remember the previous lesson, but it should not be mandatory, nor should it be a large part of the curriculum. The

⁴ Ibidem.

no tests or quizzes Schools are not supposed to be about work — they are supposed to be about education. When students are not hindered by mandatory requirements for classes, they may spend as much time as they need in each particular topic of the class to understand it. One thing can be rest assured in the minds of both laymen and professional when it comes to the development of the minds of the young: individual students progress and advance at different levels. We should not force any student to go through a lesson any more than they have to. Students should be given the freedom to go through topics at their will. When a student is forced to learn something, forced to repeat something for memorization, it destroys the principle of education, and desensitizes the student. If someone is forced to do anything — learn, work, or anything — they will grow a loathing for it. When the classroom environment is free, it promotes the values of what a real education is. By giving the students the choice of whether they wish to take the quizzes or tests, it gives them another lesson: independence. They will develop well mentally, learning that they are who they are, and the choices that they make will define them as a person. To force something so natural as education onto a student is immensely unnatural. To borrow the incomparable intelligence of Ferrer again...

Briefly, we are inexorably opposed to holding public examinations. In our school everything must be done for the advantage of the pupil. Everything that does not conduce to this end must be recognised as opposed to the natural spirit of positive education. Examinations do no good, and they do much harm to the child. Besides the illness of which we have already spoken, the nervous system of the child suffers, and a kind of temporary paralysis is inflicted on its conscience by the immoral features of the examination: the

erally admitted that the lash irritates rather than soothes the victim of melancholia.

Civilized men now insist that criminals cannot always be reformed even by the most ingenious instruments of torture. It is known that some convicts repay the smallest acts of kindness with the sincerest gratitude. Some of the best people go so far as to say that kindness is the sunshine in which the virtues grow. We know that for many ages governments tried to make men virtuous with dungeon and fagot and scaffold; that they tried to cure even disease of the mind with brandings and maimings and lashes on the naked flesh of men and women — and that kings endeavored to sow the seeds of patriotism — to plant and nurture them in the hearts of their subjects — with whip and chain.

In England, only a few years ago, there were hundreds of brave soldiers and daring sailors whose breasts were covered with honorable scars — witnesses of wounds received at Trafalgar and Balaklava — while on the backs of these same soldiers and sailors were the marks of English whips. These shameless cruelties were committed in the name of discipline, and were upheld by officers, statesmen and clergymen. The same is true of nearly all civilized nations. These crimes have been excused for the reason that our ancestors were, at that time, in fact, barbarians — that they had no idea of justice, no comprehension of liberty, no conception of the rights of men, women and children.

At that time the church was, in most countries, equal to, or superior to, the state, and was a firm

believer in the civilizing influences of cruelty and torture.²

There are only ten states in the nation of the United States where “paddling” — American term for school-instituted cruelty — is common: Texas, Oklahoma, Arkansas, Missouri, Mississippi, Louisiana, Tennessee, Alabama, Georgia, and South Carolina. There are thirteen states where half of the schools have banned paddling: Idaho, Delaware, Wyoming, Kansas, Kentucky, Colorado, Arizona, New Mexico, Indiana, Ohio, Pennsylvania, North Carolina, and Florida. The rest of the twenty-seven states of the U. S. have banned Corporal Punishment in schools entirely.³ Institutions of hate will beat those who attend. Institutions of education will teach those who attend. Every state which proclaims that the life of its students are worth no more than lashes on their is a state of barbaric and brute ethics. The screams and cries of the tortured do not have an appeal to minds of these cruel teachers, these vindictive beasts. Their actions are not born of kindness, nor of care. They are inhumane, barbaric, and unrelenting in their pursuit of suffering. One individual witnessing the paddling explains what he saw...

“Gentlemen, I’m going to be nice to you,” said assistant principal J.V. McFadden, otherwise known as “Big Mac” to students at Adamson High School in north Oak Cliff. “Because I’m in a good mood, you’ve got a choice of either three licks for cutting school, or else you can go home and get your parents and bring them in here for a meeting.”

Luis and Richard stared at the office walls, where Mr McFadden has taped cheery expressions and

² “Is Corporal Punishment Degrading?” by Robert Green Ingersoll, 1891.

³ *The Washington Post*, 1999, September 14.

owe the distinction of classes and the persistent antagonism of interests. Having admitted and practiced the co-education of boys and girls, of rich and poor—having, that is to say, started from the principle of solidarity and equality—we are not prepared to create a new inequality. Hence in the Modern School there will be no rewards and no punishments; there will be no examinations to puff up some children with the flattering title of “excellent,” to give others the vulgar title of “good,” and make others unhappy with a consciousness of incapacity and failure.³

If anything, mandatory quizzes and tests are destructive of the principles of a real education. I do agree that there must be a form of work available to those who feel that they are not proficient enough, such as homework, work sheets, voluntary take-home quizzes, and voluntary take-home tests. School time should be used entirely for education. The classroom should be a diverse representation of knowledge, portrayed in the various forms of media. In such a classroom, there will be both entertainment and education. The modern schools of our time have put a lacerating chain on the legs of education. A real education today cannot go far, because it is within the confines of how schools allow education to flourish — they simply do not allow it to flourish. Education is held under the thumb, forced into unnatural molds and destructive grips. School is dominated with the worry of quizzes and tests; it is not a center of learning.

The efforts of teachers are often directed at quizzes and tests. So much time and effort is wasted in the pursuit of this beast called grades. There will be those individuals who protest and declare that students will not be working as hard if there are

³ Francisco Ferrer, *Origin and Ideals of the Modern School*, chapter 10, published 1913.

ing someone's knowledge. Grades in our modern educational institutions are not based on intelligence, but they are often based on how much work the student has done: either by class participation, homework, school assignments, quizzes, and tests. When people speak of grades, they often refer to it in regards to intelligence: the higher the grade, the more intelligent the person. However, the system of modern "education" is based on quite the opposite. One can obviously deduct from the system that, the higher the grade, the more work the person has done. There are those who contend that work means intellectual development, but that is not quite so true at all. One teacher remarked, "Most homework is 'busy work' rather than something that makes you think,"¹ and another teacher said, "It's easier to memorize than to think. Kids have to be taught to think."² The only purpose of schoolwork, tests, and quizzes should be to help educate those who are not doing well in education. The purpose of measuring education is a fruitless one — despite the fact that millions of people have passed the educational requirements of high schools, they have managed to forget some of the very basic facts of science, such as the ones discussed in chapter 1.

The tests and quizzes used in schools have little value when it comes to the actual education of a student. It does not develop their minds, but tests them. Students will not learn to be creative, but their creativity will be measured. Francisco Ferrer has said of the grading system...

RATIONAL education is, above all things, a means of defence against error and ignorance. To ignore truth and accept absurdities is, unhappily, a common feature in our social order; to that we

¹ The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 342, published by Ballantine Books.

² The Demon-Haunted World: Science as a Candle in the Dark, by Carl Sagan, pages 343, published by Ballantine Books.

pictures of kittens alongside newspaper articles about Adamson students getting arrested.

"I'll take the licks," said Richard, 15, so casual he might have been ordering French fries.

"The same," answered Luis, also 15.

"Oh, very good choice," Mr McFadden said, as he rubbed his hands together and grinned.

Mr McFadden is a tall, beefy fellow with a wry sense of humor and a compact, left-handed swing.

He told Luis to place both hands on the office desk. Luis, familiar with the routine, spread his palms in front of the placard that read "McFadden".

The assistant principal walked behind the skinny student and, for balance, stuck the index finger of his right hand through one of Luis' belt loops. Then he picked up his paddle — the same one he has used for 20 years.

"The Board of Education," as Mr McFadden calls it, is about 2 feet long and wrapped in several layers of masking tape.⁴

What was the crime of these two students? They had skipped school. They decided that they did not want to be in a place that did not foster education. If they had been there, as their will was about as much as it was, they would not have learned anything. Mandatory classes — the mere concept of it is absurd. And in this case, it resulted in unnecessary suffering and brutality. Were these boys reformed? Had they learned anything? They learned nothing but the cruelty of their principal, a monster who laughs as the students writhe in pain. Nothing can

⁴ Dallas Morning News, Texas, 6 October 1991, "2 students choose the paddle over parent conference," By Jonathan Eig, Staff Writer of *The Dallas Morning News*.

be said of such a monster, be it his ignorance or cruelty which one must outweigh the other. He lives by the paddle, the “Board of Education.” He is quicker to show brutality to his students than affection. Nothing can be justifiably said of such a cruel being, so immeasurable that children would dare question his own existence, cataloging him with the goblins and the orcs of ancient Tolkien! If paddled, the hatred and scorn for the real world in students will grow by leaps and bounds. They will not learn to value affection or compassion. They will be the slaves of vengeance and vice — taught by an accurate paddle and not a gentle touch. One student decided that it was not at all a system of justice...

A 13-year-old Idabel junior high student hit Principal James Marshall over the head with a paddle early today, sending the principal to the McCurtain Memorial Hospital for emergency treatment.

Four stitches were required to close the wound on Marshall’s upper left forehead.

A school spokesman said the seventh grader hit Marshall so hard that it broke the paddle, a “dressed down” 1 by 4 board.

The youth, whose name was withheld because he is a juvenile, was quickly subdued by Marshall and men teachers at Gray Junior High.

He was turned over to police and taken from the school.

After returning from the hospital and giving a report to Woodrow Holman, superintendent of schools, Marshall went to the courthouse to file a complaint against the boy.

Juvenile authorities will investigate, and a hearing probably will be held by Associate District Judge Tony Benson.

Chapter 4: Testing and School Work

Our society has developed based on its education. From its education, we can see that individuals are uninformed and lacking in knowledge of even the simplest ideas. Certain education specialists, especially those who are involved in the schools, will state that the best way to improve education is to make students do more work, both in difficulty and quantity. The reasoning here is that education is equated to the amounts of reports written and the amounts of homework assignments completed. The more a student does in school work, it is stipulated, the more that student will learn. However, this is not quite so true. An individual can do work without learning and an individual can learn without doing work. If someone listens to a lecture, they may learn a vast amount of knowledge and they may think and question norms. However, if someone fills out two or three worksheets of questions where they are already proficient, they may learn little to nothing. To increase the amount of education students get, the best strategy is not to reinforce an already failing system, but to diversify the current system by making it more intriguing and interesting.

One reason of mandatory tests in school is to regulate how much knowledge students are retaining. When we can measure the information of students through grades, it is believed that we can then help them improve, or at least we can know where they stand in regards to education. Tests, however, prove largely ineffective in determining education, and grades themselves are by far inadequate when determin-

THE MOST COMMON causes of discipline problems, according to the study, were lack of interest in school work, lack of involvement in school activities, problems at home, and disaffection with community values.

Some schools reported using corporal punishment for all 19 offenses listed on the questionnaire. Among them were chewing gum, talking in class, tardiness, vandalism, using drugs, and assaulting a teacher.¹⁰

The amelioration of the rights of students — their rights to freedom of conscience, expression, and the right to their own body — are most common in our schools today. Upon the breaking of a rule in the classroom, the student can be subjected to unlawful search and seizures as well as paddling and beating. There can be nothing so inhumane, so degrading, and so harmful than to send an aspiring student to one of these schools. Free investigation is arrested and curiosity is relinquished. Oh, what an abomination this school is! It beats, abuses, and destroys the students aspirations, dashing them to pieces and plundering any zest for learning!

¹⁰ Chicago Tribune, 11 February 1979, "Paddle swats are common; Spare the rod? Not in Indiana," (extract), By Mary Elson.

Holman said the youth "is through" as far as the Idabel school system is concerned. He said the school will not tolerate students who attack teachers or administrators.

Marshall said the boy grabbed up the board and hit him after being given a paddling.⁵

There are those who may classify this 13 year old student as a young, misguided ruffian, but he was a true individual. He did what any rational person would do: he fought back. He did not accept the blows of a tyrant without caprice. He was not a mindless zombie, under the rule of a haughty monarch. He was, in one sense, a hero. They may have beaten his body, but they did not destroy his heart. In his school, he is a soul that stands out among the rest: resisting savagery, detesting malevolence, and giving no regard for inhumanity. The administrators who run this school, men and women of brutality, persecution, and intolerance are relentless butchers. The great Humanitarians and Rationalists have never befriended these ogres of torment. Thomas Paine has once said...

Hath your house been burnt? Hath you property been destroyed before your face? Are your wife and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor? If you have not, then are you not a judge of those who have. But if you have, and can still shake hands with the murderers, then are you unworthy the name of husband, father, friend, or lover, and whatever may be your rank or title in

⁵ Daily Gazette, Idabel, Oklahoma, 15 February 1979, Student Hits Idabel Principal.

life, you have the heart of a coward, and the spirit of a sycophant.⁶

Given the nature of Paine's strong words and strong emotions, it can only be said that he would refuse to shake the hands of these cutthroats who call themselves principals and teachers. He would look at them with little more than repugnance and disgust. The nature of these beasts who beat the bloody backs of their students can be explained in one word: heartless. If a man wishes to conquer the spirit of others, that he may destroy it, it takes nothing else than a heartless individual; one who cares not how much others suffer, as long as their own objectives are met. To this destructive nature of corporal punishment, Robert Green Ingersoll has said...

IN my judgment, no human being was ever made better, nobler, by being whipped or clubbed.

Mr. Brockway, according to his own testimony, is simply a savage. He belongs to the Dark Ages — to the Inquisition, to the torture-chamber, and he needs reforming more than any prisoner under his control. To put any man within his power is in itself a crime. Mr. Brockway is a believer in cruelty — an apostle of brutality. He beats and bruises flesh to satisfy his conscience — his sense of duty. He wields the club himself because he enjoys the agony he inflicts.

When a poor wretch, having reached the limit of endurance, submits or becomes unconscious, he is regarded as reformed. During the remainder of his term he trembles and obeys. But he is not reformed. In his heart is the flame of hatred, the desire for

⁶ *Common Sense*, by Thomas Paine.

He said generally, however, that “girls get off easy”. He estimated that less than 10 per cent of the paddlings are administered to females. Women's liberation notwithstanding, he said school administrators still feel girls may be physically harmed more easily than boys, particularly during menstrual periods.

The study also reveals that 45 law suits resulted from discipline or corporal punishment cases in 1976. Elrod said he did not know the verdict in those cases but the most common complaints were that punishment had been excessive or harmed the student in some way.

ONLY A FEW suits were filed on the philosophical grounds that corporal punishment itself was inappropriate.

The total number of corporal punishment cases recorded in the study — 10,962 — probably is much lower than the actual number, Elrod said. That figure represents only first offenders. Repeat offenders, which account for 50 to 75 per cent of all discipline cases, were counted only once. [Six to 10 per cent of all students received corporal punishment at least once.]

The 10,962 figure also includes only those spankings administered in the office of the principal or vice principal. While such punishment most often takes place there, many other paddlings are carried out by teachers in the hallways, Elrod said.

The study showed that a witness was required in 93 per cent of the junior high schools but in only 55 per cent of the high schools.

Dr. William T. Elrod, the secondary education professor who conducted the survey, said researchers have not determined whether the use of corporal punishment is increasing or decreasing, but he thinks it is being used too much today.

“We are continuing to rely upon traditional methods of punishment where the problems are no longer traditional,” he said.

A WHACK WITH a paddle — while it might cause short-term discomfort — is not the solution for youths with discipline problems stemming from broken homes, child abuse, or the use of alcohol and drugs, Elrod said.

Data for the study were taken from questionnaires sent to all of Indiana’s junior and senior high school principals. Eighty per cent — or about 400 — replied.

Elrod found that corporal punishment was used in 83 per cent of the schools — 97 per cent of rural schools where parents are more likely to approve, and 70 per cent of suburban schools. Urban schools fell in the middle.

Ninety-eight per cent of junior high schools used physical punishment, compared with 76 per cent of the high schools.

“THE THING THAT bothers me the most,” Elrod said, “was that they’re using that much [corporal punishment] at the high school level, where you are dealing with young adults.

“It’s a degrading kind of experience for someone 16 or 17 years old. You’re talking about a mature young lady or a strapping young man.”

revenge; and he returns to society far worse than when he entered the prison.

Mr. Brockway should either be removed or locked up, and the Elmira Reformatory should be superintended by some civilized man — some man with brain enough to know, and heart enough to feel.

I do not believe that one brute, by whipping, beating and lacerating the flesh of another, can reform him. The lash will neither develop the brain nor cultivate the heart. There should be no bruising, no scarring of the body in families, in schools, in reformatories, or prisons. A civilized man does not believe in the methods of savagery. Brutality has been tried for thousands of years and through all these years it has been a failure.

Criminals have been flogged, mutilated and maimed, tortured in a thousand ways, and the only effect was to demoralize, harden and degrade society and increase the number of crimes. In the army and navy, soldiers and sailors were flogged to death, and everywhere by church and state the torture of the helpless was practiced and upheld.⁷

This is no way to raise a student, especially a fledgling child. He will view all authorities as inhumane daemons if beaten for the slightest offense. The idea that children can be civilized in this repulsive environment is horrendous — absolutely absurd, born of the cowardice and ignorance of legislatives and their failure to recognize any sort of humanity. The children of our schools are treated not as the future generation, but as a generation that are undeserving of affection. Robert Green Ingersoll sums up their situation...

⁷ “Cruelty in the Elmira Reformatory,” by Robert Green Ingersoll.

...what shall I say of children; of the little children in alleys and sub-cellars; the little children who turn pale when they hear their father's footsteps; little children who run away when they only hear their names called by the lips of a mother; little children — the children of poverty, the children of crime, the children of brutality, wherever they are — flotsam and jetsam upon the wild, mad sea of life — my heart goes out to them, one and all.⁸

Those who beat children are colder than any icicle bred by the world's winter. They are the unseen monsters belonging to the darkness of a night that is terror. So brutal and unforgiving that they are more likely to promote hate than love. They are the salt covered thorn, piercing the flesh of education. Among civilization, with all of our inventors and scientists composing thousands of inventions, these brutal men who beat students are the least productive of all. They spread fear into the eyes of students. Children sent to school with aspiration to learn will come home with tears to show what they have learned: absolute obedience. They will not become productive individuals, nor will they be happy at all. The school is a prison, a place of torments and tortures. The hallways are not adorned with bright faces, eager to learn. They are not full of happy, star-lit eyes, desiring to be educated. They are full of dim and dreary faces, tired and exhausted, unwilling to learn and unwilling to produce a smile. These children have been transformed from baskets wishing to be filled with the fruits of knowledge to uncaring, apathetic forms that wander aimlessly. Their life has been one of toil and abuse, their weak and shriveled hearts telling the tale. The principal will raise his paddle in defiance of all that is humane and ethical, but there will always be a Humanitarian who knows better. The principal shows brutality,

⁸ The Liberty of All, by Robert Green Ingersoll, 1877.

just another conscious being with different circumstances, and if this individual acts humane and kindly, then they are fully capable of raising a child. If an individual is brutal, uncaring, and unthoughtful, they are likely to choose the method of Corporal Punishment. Once the method of Corporal Punishment is in use, it is not for the benefit of the child. A student does not become educated through means of brutality. They may learn the cruelty of vice and the terror of fear — yes, they will learn — but no knowledge will be imparted onto their minds which will prove fruitful. Education is the navigation of an individual. If it is founded on the unspeakable brutality of school teachers, then the individual will be forever lost. Surveys show that paddling is ineffective and destructive of the nature of students. A student goes to a school so that they may learn, develop, and so that their education may flourish. They do not go to school to worry about their life or their own body — or at least they should not. One survey noted...

A PADDLE MAY be the oldest instrument of discipline in American public schools, but the big board is not considered the least bit old-fashioned in Indiana, a new survey shows.

At least 10,962 Indiana junior and senior high school students were physically punished for disciplinary offenses in 1976, according to research by an Indiana University professor.

Offenses ranged from chewing gum to assaulting teachers, and the most common form of punishment was the time-honored swat on the behind.

A PADDLE WAS used 92 per cent of the time, but hands, yardsticks, rulers, and at least one tennis shoe also were employed.

In some schools, corporal punishment was administered to as many as 10 per cent of the students.

specific for that disease, it would be the hardest blow the church has ever received.

[...]

Sabbaths used to be prisons. Every Sunday was a Bastille. Every Christian was a kind of turnkey, and every child was a prisoner, — a convict. In that dungeon, a smile was a crime.

[...]

Do not treat your children like orthodox posts to be set in a row. Treat them like trees that need light and sun and air. Be fair and honest with them; give them a chance. Recollect that their rights are equal to yours. Do not have it in your mind that you must govern them; that they must obey. Throw away forever the idea of master and slave.

In old times they used to make the children go to bed when they were not sleepy, and get up when they were. I say let them go to bed when they are sleepy, and get up when they are not sleepy.

But you say, this doctrine will do for the rich but not for the poor. Well, if the poor have to waken their children early in the morning it is as easy to wake them with a kiss as with a blow. Give your children freedom; let them preserve their individuality. Let your children eat what they desire, and commence at the end of a dinner they like. That is their business and not yours. They know what they wish to eat.⁹

It does not take a genius psychologist to know how a child should be raised. Rather, it only takes humane and empathetic knowledge. If an individual can understand a child, which is

⁹ Ibidem

but the Humanitarian shows affection. Robert Green Ingersoll has said...

When one of your children tells a lie, be honest with him; tell him that you have told hundreds of them yourself. Tell him it is not the best way; that you have tried it. Tell him as the man did in Maine when his boy left home: "John, honesty is the best policy; I have tried both." Be honest with him. Suppose a man as much larger than you as you are larger than a child five years old, should come at you with a liberty pole in his hand, and in a voice of thunder shout, "Who broke that plate?" There is not a solitary one of you who would not swear you never saw it, or that it was cracked when you got it. Why not be honest with these children? Just imagine a man who deals in stocks whipping his boy for putting false rumors afloat! Think of a lawyer beating his own flesh and blood for evading the truth when he makes half of his own living that way! Think of a minister punishing his child for not telling all he thinks! Just think of it!

When your child commits a wrong, take it in your arms; let it feel your heart beat against its heart; let the child know that you really and truly and sincerely love it. Yet some Christians, good Christians, when a child commits a fault, drive it from the door and say: "Never do you darken this house again." Think of that! And then these same people will get down on their knees and ask God to take care of the child they have driven from home. I will never ask God to take care of my children unless I am doing my level best in that same direction.

But I will tell you what I say to my children: "Go where you will, commit what crime you may; fall

to what depth of degradation you may; you can never commit any crime that will shut my door, my arms, or my heart to you. As long as I live you shall have one sincere friend.”

Do you know that I have seen some people who acted as though they thought that when the Savior said “Suffer little children to come unto me, for of such is the kingdom of heaven,” he had a raw-hide under his mantle, and made that remark simply to get the children within striking distance?

I do not believe in the government of the lash. If any one of you ever expects to whip your children again, I want you to have a photograph taken of yourself when you are in the act, with your face red with vulgar anger, and the face of the little child, with eyes swimming in tears and the little chin dimpled with fear, like a piece of water struck by a sudden cold wind. Have the picture taken. If that little child should die, I cannot think of a sweeter way to spend an autumn afternoon than to go out to the cemetery, when the maples are clad in tender gold, and little scarlet runners are coming, like poems of regret, from the sad heart of the earth — and sit down upon the grave and look at that photograph, and think of the flesh now dust that you beat. I tell you it is wrong; it is no way to raise children! Make your home happy. Be honest with them. Divide fairly with them in everything.

Give them a little liberty and love, and you can not drive them out of your house. They will want to stay there...

[...]

Let us have liberty — Just a little. Call me infidel, call me atheist, call me what you will, I intend so to treat my children, that they can come to my grave and truthfully say: “He who sleeps here never gave us a moment of pain. From his lips, now dust, never came to us an unkind word.”

People justify all kinds of tyranny toward children upon the ground that they are totally depraved. At the bottom of ages of cruelty lies this infamous doctrine of total depravity. Religion contemplates a child as a living crime — heir to an infinite curse — doomed to eternal fire.

In the olden time, they thought some days were too good for a child to enjoy himself. When I was a boy Sunday was considered altogether too holy to be happy in. Sunday used to commence then when the sun went down on Saturday night. We commenced at that time for the purpose of getting a good ready, and when the sun fell below the horizon on Saturday evening, there was a darkness fell upon the house ten thousand times deeper than that of night. Nobody said a pleasant word; nobody laughed; nobody smiled; the child that looked the sickest was regarded as the most pious. That night you could not even crack hickory nuts. If you were caught chewing gum it was only another evidence of the total depravity of the human heart. It was an exceedingly solemn night. Dyspepsia was in the very air you breathed. Everybody looked sad and mournful. I have noticed all my life that many people think they have religion when they are troubled with dyspepsia. If there could be found an absolute