



## LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

### *ISLAND TREES SCHOOL DISTRICT V. PICO* (1982) MONDAY, MAY 22, 2006

#### OVERVIEW

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As the school year draws to a close many are thinking about summer reading. In the Supreme Court case *Island Trees School District v. Pico* (1982), the Court held that the First Amendment limits the power of junior high and high school officials to remove books from school libraries because of their content.

#### RESOURCES

- <http://www.oyez.org/oyez/resource/case/1060/>
- <http://www.tourolaw.edu/PATCH/Pico/>
- <http://www.ala.org/ala/oif/firstamendment/courtcases/courtcases.htm>

#### ACTIVITY

In the fall of 1975, a New York school board received a complaint from a community group, Parents of New York United. The complaint asserted that school policies on library books were too “permissive.” Specifically, the parent group complained about nine books, including Kurt Vonnegut’s *Slaughterhouse-Five* and Langston Hughes’s *Best Short Stories of Negro Writers*. The group said the books were “anti-American, anti-Christian, anti-Semitic and just plain filthy.” In response, the school district removed the books in February of 1976.

Senior Steven Pico joined with four other students to challenge the school board’s decision to remove the books. Pico claimed that the books were removed because “passages in the books offended [the group’s] social, political, and moral tastes and not because the books, taken as a whole, were lacking in educational value.” A dozen library and free speech organizations filed briefs on the students’ behalf. The case went to the Supreme Court.

The Supreme Court ruled in the students’ favor on First Amendment grounds, holding that the right to read is implied by the First Amendment. The government—in this case, a public school—cannot restrict speech because it does not agree with the content of that speech. The decisions called libraries places for “voluntary inquiry” and concluded that the school board’s “absolute discretion” over the classroom did not extend to the library for that reason.

#### QUESTIONS

1. Why did a New York community group ask for nine books to be removed from the school library?
2. Why did Steven Pico and four other students object to the books’ removal?
3. How did the Supreme Court rule, and why?
4. In his dissenting opinion, Justice Burger said, “*If the school can set curriculum, select teachers, and determine what books to purchase for the school library, it surely can decide which books to discontinue or remove from the school library.*” Do you agree?



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### ANSWERS

1. The complaint asserted that school policies on library books were too “permissive.” Specifically, the parent group complained about nine books, saying they were “anti-American, anti-Christian, anti-Semitic and just plain filthy.”
2. Pico and the other students objected because they believed the books were removed because of the content of their messages, not because they lacked educational value.
3. The Supreme Court ruled in the students’ favor on First Amendment grounds, holding that the right to read is implied by the First Amendment. The government—in this case, a public school—cannot restrict speech because it does not agree with the content of that speech.
4. Answers will vary.