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THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

LEGALLY-RELATED RELIGIOUS CHALLENGES

TO PUBLIC SCHOOL

MATERIALS, CURRICULA, AND INSTRUCTIONAL ACTIVITIES:

THE *IMPRESSIONS* CONTROVERSIES, 1986-1994

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements

for the degree of

DOCTOR OF EDUCATION

by

Frances Roberta Agnes Paterson

Norman, Oklahoma

1997

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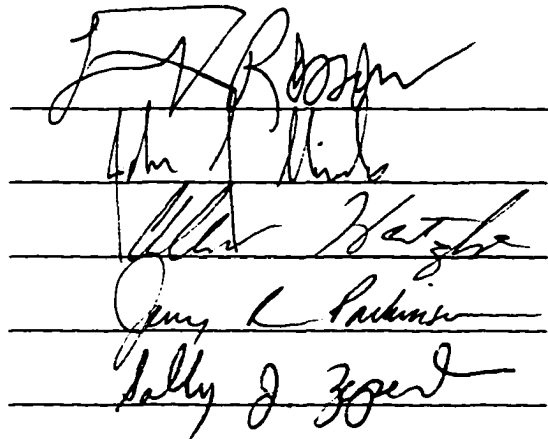
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A DISSERTATION

APPROVED FOR THE DEPARTMENT OF EDUCATIONAL LEADERSHIP
AND POLICY STUDIES

APPROVED BY



The image shows five handwritten signatures, each written on a horizontal line. The signatures are: 1. J. W. Rosen, 2. John H. ... (partially obscured), 3. ... Hatzler, 4. Gary L. Parkinson, and 5. Sally J. Ziper.

DISSERTATION COMMITTEE

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DEDICATION

This dissertation is dedicated to my father, Robert Leckie Paterson.

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This work would not have been possible without the institutional and individual support I have received from both the College of Education and the College of Law. Faculty members in both colleges have contributed to my development as a scholar. My sincere thanks goes to Lawrence Rossow, chair of my committee, for his time, counsel, and encouragement. John Chiodo, Alan Hertzke, Jerry Parkinson, and Sally Zepeda graciously shared expertise from their respective fields, patiently listened as this work evolved, and provided the challenges necessary for professional growth.

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ABSTRACT

Surveys of challenges to public school materials in the 1960s, 1970s and early 1980s indicated that only a small percentage of the total number of challenges were on explicitly religious grounds. Beginning in 1983, the American Library Association and People for the American Way began issuing annual reports listing challenges and noting increases in Christian Right involvement in challenges. Reflecting major themes in Christian Right literature related to public education, explicitly religious objections can be divided into four main issues of concern: evolution, secular humanism, denigration of religion and occult content. The patterns of reported challenges from 1983 to 1996 indicate that activism related to secular humanism and occult content was, in some respects, an artificial construct of Christian Right leaders--artificial in the sense that activism on these issues was a product of focused, persuasive literature distributed to members of the movement. The activists' perceptions that public school materials and curricula endanger both school children and American society were heightened by books and materials published and distributed by Christian Right organizations.

The increase and subsequent decline of challenges based on occult content coincided with a large number of challenges to Holt, Rinehart and Winston's *Impressions* reading series, the first whole language reading series and the most challenged set of curricular materials in American history. While Christian Right literature has tended to be critical of public school curriculum, *Impressions* was subject to more intense Christian Right opposition than any other textbook series.

Overwhelmingly, individuals and groups that objected to *Impressions* did so after the series was adopted, and in almost all of these disputes the protestors sought to have the series removed. In the majority of cases, the protestors objected to the series on the grounds of its alleged occult content although other objections congruent with Christian Right issues were also raised. Five lawsuits were filed against *Impressions*; four of which went to trial. Two of these four cases involved alleged violations of the Establishment Clause and were ultimately decided in favor of the school districts by their respective federal courts of appeals.

I. INTRODUCTION

A. Purpose of the Study

The purpose of the present study is to present a history of the religious right and public school censorship with a special emphasis on the nation-wide challenges to *Impressions*. *Impressions* was the first whole language basal reading series and the most challenged textbook in the United States.¹ To accomplish this purpose, the study chronicles the controversies surrounding Holt, Rinehart and Winston's *Impressions* reading series and connects the controversies and litigation over *Impressions* to earlier and contemporaneous challenges and litigation over public school materials, curricula and instructional activities.

Although the roots of American fundamentalism lie earlier, the challenges to the *Impressions* reading series began with events in the early twentieth century and ended in 1994 with two appellate court decisions and the decision of Harcourt, Brace and Jovanovich to discontinue the U.S. publication of *Impressions*.² However, the phenomenon of challenges brought on grounds similar to those cited by the *Impressions* challengers is on-going for two reasons. First, two of the legal challenges to *Impressions* alleged that the series violated the First Amendment by establishing the religion of Wicca, witchcraft and satanism in the public schools. Religious conservatives continue to challenge materials used in public schools on these grounds.

¹ Herbert N. Foerstel, *Banned in the U.S.A.: A Reference Guide to Book Censorship in Schools and Public Libraries* 136 (1994).

² Although *Impressions* was initially published by Holt, the company was acquired by Harcourt shortly after U.S. publication of the series began.

Regarding the legal challenges, the Florida Supreme Court ruled that the presence of Halloween decorations and teachers dressed as witches did not have the primary effect of advancing "[W]icca, satanism, witchcraft or any other type of religion" and, thus, did not violate the First Amendment.³ In December 1995, the United States Court of Appeals for the Sixth Circuit ruled that the use of a "Blue Devil" mascot did not establish the religion of satanism in an Illinois school district.⁴ Second, some of the opposition to *Impressions* was generated by their commitment to the use of phonics as a method of reading instruction.⁵ As to continuing political activism on this issue, in 1996 eleven state legislatures were considering a total of eighteen bills mandating or promoting the teaching of phonics.⁶

³ *Guyer v. School Bd. of Alchua County*, 634 So. 2d 806 (Fla. 1994).

⁴ *Kunselman v. Western Reserve Local Sch. Dist.*, 70 F.3d 931 (6th Cir. 1995). See generally Frances R. A. Paterson, *Satan and Censorship: Conservative Christian Challenges to Public School Materials* (Dec. 1995) (unpublished manuscript, on file with the author).

⁵ See *The Whole Language Fraud*, *Blumenfeld Education Letter*, March 1989, at 1; Tim LaHaye, *The Battle for the Public Schools: Humanism's Threat to Our Children* 33-56 (1983); Pat Robertson, *The Turning Tide* 214-15 (1993).

⁶ See generally Frances R. A. Paterson, *The Christian Right and the Pro-Phonics Movement: A Political Analysis*. (The Program in Language and Literacy, University of Arizona, Tucson, Ariz.) (forthcoming 1997); Frances R. A. Paterson, *Mandating Methodology: Promoting the Use of Phonics Through State Statute*, in *Who's Afraid of Whole Language?* (Ken Goodman, ed.) (forthcoming 1997).

B. Introduction

Impressions was not the first reading series to be challenged in the federal courts. The distinction belongs to Heath's *Communicating* series which was the subject of a bitter controversy in Kanawha County, West Virginia during the 1974-1975 school year. In 1983, Holt's *Basic Reading* series was the subject of a challenge in Hawkins County, Tennessee. Both the challenges and their litigation have been the subject of numerous articles and books, most notably James Moffett's *Storm in the Mountains: A Case Study of Censorship, Conflict and Consciousness* (1988) and Joan DelFattore's *What Johnny Shouldn't Read: Textbook Censorship in America* (1992).⁷ The present study draws from a wide variety of primary and secondary materials in several disciplines to update the work of Moffett and DelFattore by including the *Impressions'* challenges and litigation. To consider such controversies only from a legal perspective or to exclude the nonlegal aspects fails to draw a complete picture of the entire phenomenon of the local and national campaigns against the series. Moreover, to fail to examine Christian Right literature related to the issues of concern raised by the protestors would denigrate by omission their genuine fears regarding the well-being of their children and indeed of our society.

Conservative Christian challenges to public school materials, curricula, and instructional activities continue to embroil school districts in bitter community

⁷ James Moffett, *Storm in the Mountains: A Case Study of Censorship, Conflict and Consciousness* (1988) focuses on Kanawha County. Joan DelFattore, *What Johnny Shouldn't Read: Textbook Censorship in America* (1992) considers the Hawkins County dispute and litigation.

controversies and occasionally in litigation. The present study seeks to illuminate the nature of such controversies by examining the most recent manifestation of a discrete set of disputes. The *Impressions* controversies were both wide-spread and bitterly polarizing in the communities in which they occurred. In the most fundamental sense, the present study seeks to understand not only the events surrounding these intense disagreements about what schools should teach but also why these disputes arose.

C. History of Conservative Protestant Criticism of Public Education

1. Introduction

In order to place recent Christian Right political activism regarding American public education in its broader context, the section briefly introduces the reader to some historical aspects of conservative Protestantism's relationship with public schooling. The term "New Christian Right" is used by some scholars to refer to the late twentieth century resurgence of political activism by some fundamentalist Christians. Even as fundamentalism has its roots deep in American history, so too, the uneasy and sometimes troubled relationship between conservative Protestants and public education predates the contemporary period.

Using militaristic phrases such as "holy war" and "mortal jeopardy," fundamentalist Christians have become increasingly vociferous in their criticisms of the nation's public schools. Although fundamentalists were politically active and engaged in controversial public disputes during the 1920s, they became less active and

more separatist after the Scopes trial of 1925.⁸ The contemporary resurgence of political activism of the religious right has posed many problems for public school educators.⁹ Although their critical stance toward public education may seem to be a spontaneous phenomenon, it is more properly viewed as a continuation of a series of critical responses to American education generally and to public school curricula particularly.

It is important to understand precisely where fundamentalism stands in relation to American Protestantism. Evangelical Christianity has long been a force in American culture. To evangelicals, witnessing for their faith and the conversion of nonbelievers are of paramount importance.¹⁰ The revivalist traditions of the nineteenth century were a direct precursor of the twentieth century evangelical movement. Evangelicalism embraces persons who hold widely varying belief systems, e.g., Pentacostals and charismatic Catholics. Fundamentalists form a subgroup within the larger evangelical movement. Fundamentalists characteristically have strong views

⁸ George M. Marsden, *Fundamentalism in American Culture: The Shaping of Twentieth Century Evangelicalism, 1870-1925* at 185-88 (1980).

⁹ Martha McCarthy, *Conservative Groups' Challenges to Public School Programs*, Catalyst for Change, Fall 1995 at 5.

¹⁰ Sara Diamond, *Spiritual Warfare: The Politics of the Christian Right 2* (1989).

regarding particular theological positions, especially the inerrancy of the Bible.¹¹

Typically, they have conservative social and political views.¹²

Often, fundamentalists have absolutist notions regarding history and contemporary events. In their opinion the forces of God and Satan are engaged in a war. This view accounts for much of the militant rhetoric used by fundamentalists and their insistence on defining the world in terms of black and white, good or evil.¹³

Anti-modernity is often an important part of fundamentalist thinking. It is important to note that many of the criticisms of what the public schools teach are common to both fundamentalists and conservative commentators who do not share fundamentalist religious views. This section examines the early and mid-nineteenth century objections to common schooling, especially early disputes over school library materials, fundamentalist opposition to Darwinism, and the resurgence of the conservative religio-political activism which preceded the *Impressions* controversies. As such, it is less a review of the literature than a setting of the stage for the events which followed.

¹¹ Lloyd J. Averill, *Religious Right, Religious Wrong* 32 (1989). "Biblical inerrancy is both the center and circumference of fundamentalist belief." It should be noted that conservative Christians differ on divine origins of scripture. One view holds that the Bible is infallible concerning matters of faith, but not in its recounting of historical events or explanations of scientific phenomena. A second view is that the Bible is the actual word of God as dictated to its human authors. Discrepancies and inconsistencies in scripture are accounted for by the explanation that some original texts have been lost.

¹² Marsden at 92.

¹³ *Id.* at 161, 201, 205, 224.

2. Conservative Christian Opposition to the Common Schools

During the first half of the nineteenth century, opposition to the establishment of the common schools rested on both secular and religious grounds. Religious opponents "felt that common schools would threaten their existence by creating a common . . . religion."¹⁴ Scholars differ regarding the strength of purely religious opposition to the common schools. Certainly, the advent of the common schools threatened the vested interests of the church-controlled schools of the day. A significant amount of the opposition appears to have been sectarian in nature with the various denominations fearing the hegemony of one of their number. Horace Mann, generally acknowledged to be the father of the common school movement, advocated a common (Protestant) Christianity and daily Bible readings in the new schools. However, opponents argued that "[t]he Bible . . . insisting on the great facts of man's moral ruin [and] of his need of a Redeemer . . . should be daily and thoroughly taught in the schools."¹⁵ Sounding much like contemporary fundamentalist elites, Matthew Hale Smith assailed the new schools by attributing "the increase in intemperance, crime and juvenile depravity. . . to the 'Godless' schools, [that] the schools [were] a counterpoise to religious instruction at home in Sabbath schools," and that "impiety

¹⁴ Gerald L. Gutek, *Education in the United States: An Historical Perspective* 102 (1986).

¹⁵ Ellwood P. Cubberly, *Public Education in the United States: A Study and Interpretation of American Educational History* 234 (1934) (quoting one of a series of letters appearing in the *Boston Recorder* during the winter of 1838-1839).

and irreligion" were being supported by the state.¹⁶ Daniel Webster, representing the parties opposed to the establishment of a privately funded secular school, argued before the Supreme Court that education "from which Christian instruction by Christian teachers [was] seduouly and rigorously shut out [was] deistical and infidel both in its purpose and its tendency."¹⁷

The first attempt to control the content of schoolbooks arose almost contemporaneously with the establishment of the common schools. In 1838, Frederick Packard, an advocate of orthodox Presbyterianism and a publications editor for the American Sunday School Union, sought to have a book titled *Child at Home* placed in the proposed school library. *Child at Home* emphasized "the final judgment as a sanction against [children's] misbehavior."¹⁸ Mann refused on the grounds that the content of religious instruction should consist of the "Religion of Heaven," i.e.,

¹⁶ *Id.* at 234-235 (quoting *Smith and the Godless Schools* in Ellwood P. Cubberley, *Readings* (no bibliographic information given)); Charles Leslie Glenn, Jr., *The Myth of the Common School* 187 (1988). Smith and Mann exchanged a number of letters. Subsequently, like religious public school critics of the present, Smith published *The Bible, The Rod, and Religion, the Common Schools* (1847) (Cubberley at 235 n.2). Contemporary fundamentalists ascribe the formation of the common schools to a cabal of Harvard Unitarians who forced public education on an unwilling and deceived American public in order to promote the rebellion against Calvinism and the doctrine of innate depravity. See generally Samuel Blumenfeld, *Is Public Education Necessary?* (1985).

¹⁷ Glenn at 191 (quoting Daniel Webster, *The Writings and Speeches*, vol. 2, *Legal Arguments and Diplomatic Papers* 137 (1903); *Vidal v. Girard's Executors*, 43 U.S. 127 (1844).

¹⁸ Glenn at 184.

"doctrines on which all can agree."¹⁹ Packard responded by stating that it was the duty of schools to insure that students understood "the corruption of the human-the sacrifice of Christ for sin [and] the eternal punishment of the finally impenitent."²⁰ Perhaps in response to this controversy, the Massachusetts Committee on Education established the policy that materials selected for the school library would "be free from both sectarian and political objections" although the committee recognized the total elimination of such material was both impossible and undesirable.²¹ In an 1846 sermon, Matthew Smith responded to the board's policy by stating that "the school library exclude[d] books as sectarian that inculcate truths, which *nine-tenths of professed Christians of all names believe*, while it accepts others that inculcate the most deadly heresy-even universal salvation."²²

¹⁹ Raymond B. Culver, *Horace Mann and Religion in the Massachusetts Public Schools* 76 (1929) (quoting a letter of July 22, 1938 from Mann to Packard); Glenn at 185.

²⁰ Culver at 78 (quoting Packard's September 19, 1838 reply to Mann). Packard goes on to state that the "'neutral ground of the (common) schools,' is a grand instrument in the hands of freethinkers, atheists and infidels for the accomplishment of their purposes. They would shut out every ray of light from the Bible." Culver at 283.

²¹ Glenn at 124 (quoting from 2 *The Common School Journal*, 225-226 (Horace Mann, ed.) (August 1, 1840)).

²² *Id.* at 187 (quoting Matthew Hale Smith, *The Bible, the Rod, and Religion, in the Common Schools* 10-11 (1847)). The argument that a religious practice or teaching should be permitted in public schools because it is desired by a majority of community members is a common theme in contemporary fundamentalist literature.

3. Fundamentalist Opposition to Darwinism

The modern fundamentalist movement can trace its roots back to the Protestant revivals of the mid-nineteenth century. From the late nineteenth century to the present day, fundamentalists have vigorously opposed the liberal theology of higher criticism, modernism and the influence of Darwinism. During the early twentieth century, a formidable religious movement emerged as a result of reactions to these cultural and intellectual phenomena, dissatisfaction with the social gospel movement, and the hyper-patriotism engendered by the First World War.

During the rise of modern fundamentalism in the early twentieth century, the schools were quickly seen as an important arena in the struggle to defeat the "monster" of modernism that was "plotting world domination, the wreck of civilization and the destruction of Christianity itself."²³ Liberal seminaries were seen as having "Philistine teachers" whose influence would lead students to "fall under the witchery of a scholastic Delilah" and cause them to be "bound to the unspeakable service of a godless master."²⁴ As early as 1920, a leading fundamentalist newspaper stated that the Devil was dispensing "a Satanic poison that threatens the very foundations of the

²³ Marsden at 149, 160.

²⁴ *Id.* at 160 (quoting J.C. Masee, "Opening Address" in *Baptist Fundamentalists: Being Addresses Delivered at the Preconvention Conference at Buffalo, June 21 & 22, 1920* at 5, 8 (1920)).

Republic" in the public schools.²⁵ Readers were exhorted to "MAKE THE COUNTRY SAFE FOR CHILDREN."²⁶

The first large scale, fundamentalist opposition to public school curricula came in the form of opposition to the teaching of evolution. This dispute continues to the present day. It is not difficult to see that Darwin's theory, if accepted as true, conflicts with the view that the Bible is the inerrant word of God and is not open to human interpretation. As early as 1918, fundamentalists considered "evolution. . . responsible for debasing secular and religious education in both lower and higher institutions of learning."²⁷ With increasing stridency fundamentalists came to view evolution as part of "the conflict of the ages, darkness versus light"²⁸ Marsden describes the rise of the anti-evolution issue during this period as meteoric.²⁹ By the time of the Scopes trial in 1925, a number of states, primarily in the South, had enacted statutes which prohibited the teaching of evolution in the public schools, and several other states were on the verge of enacting similar statutes. Between 1921 and 1929, legislators in 20 states introduced 37 anti-evolution bills.³⁰ Clarence Darrow's oratory and superb

²⁵ *Id.* (quoting XII *The King's Business*, March 1921 at 217).

²⁶ *Id.* (quoting XI *The King's Business*, December 1920 at 1111). This rhetoric is similar to that contained in contemporary fundamentalist literature.

²⁷ Stewart G. Cole, *History of Fundamentalism* 231 (1931).

²⁸ Marsden at 161.

²⁹ *Id.* at 170.

³⁰ James Davison Hunter, *Culture Wars: The Struggle to Define America* 83 (1991).

defense of the teacher accused of violating Tennessee's anti-evolution statute and the subsequent ridicule heaped on the anti-evolutionists brought efforts to prohibit the teaching of evolution to a halt. Indeed, fundamentalism suffered a serious decline as a popular movement because of the negative publicity engendered by the Scopes trial.³¹ However, the resurgence of religio-political activism by the Christian Right has coincided with renewed attempts to mitigate the sway of Darwinism in science education. Like fundamentalist political activism generally, evolution as a legal issue remained largely dormant until the late 1960s and it can be argued that, like criticisms of public education generally, renewed efforts to promote the Genesis account of creation were a response to Supreme Court decisions which were perceived as increasing the secularization of the public schools. In 1968, the Supreme Court ruled that a 1928 Arkansas statute which outlawed the teaching of evolution was unconstitutional.³² Subsequently, the anti-evolution movement found new life in the creation science movement. Adherents of creation science hold that the Biblical account of creation is scientifically based. In 1981, Arkansas passed a statute which required balanced treatment of evolution and creation science. When a lawsuit was brought challenging the constitutionality of the Arkansas statute, the federal district court held that the statute violated the establishment clause of the First Amendment.³³ That year, Louisiana passed the "Balanced Treatment for Creation Science and

³¹ *Id.* at 184-187.

³² *Epperson v. Arkansas*, 393 U.S. 97 (1968).

³³ *McLean v. Arkansas Bd. of Educ.*, 529 F. Supp. 1255 (E.D. Ark. 1982).

Evolution-Science in Public School Act" which was struck down by the U. S. Supreme Court as violative of the Establishment Clause.³⁴ As recently as 1995, the Ninth Circuit ruled that requiring a teacher to teach the theory of evolution did not violate the plaintiff's free speech rights.³⁵ Despite the clear holdings of both the lower courts and the Supreme Court, creation science advocates continue to press for the inclusion of creationism in public school science classes.³⁶ Such activities occur at both the local and state levels.

4. Resurgence of Religio-Political Activism

After the Scopes trial and the ridicule heaped on fundamentalists by journalists such as H. L. Mencken, the movement entered a period of relative dormancy which did not end until the 1960s and early 1970s. The following section briefly describes this period and introduces the movement's involvement with controversies and litigation which preceded the *Impressions* challenges. Although conservative criticism

³⁴ *Edwards v. Aquillard*, 482 U.S. 578 (1987) (Louisiana's balanced treatment act had a improper religious purpose).

³⁵ *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1995).

³⁶ For additional discussion of attempts to include creation science in curricula, see discussion *infra*. An interesting account of the development of the "young earth" explanation, as opposed to nineteenth century acceptance of geological evidence regarding the age of the earth; the schism between creationists over whether creationism is science or religion; and a small resurgence in geocentrism. See James Moore, *The Creationist Cosmos of Protestant Fundamentalism in Fundamentalisms and Society: Reclaiming the Sciences, the Family and Education* 42-72 (Martin E. Marty & R. Scott Appleby eds., 1993). Note that despite clear pronouncements by the High Court regarding the constitutionality of organized, school sponsored prayer, such practices continue to occur.

of public school curriculum occurred between the time of the Scopes trial and the resurgence of conservative Christian activism related to educational issues in the 1960s and early 1970s, it is difficult to find evidence of a direct connection between fundamentalists and these challenges. However, it is not unreasonable to assume that fundamentalists and conservative Christians generally supported efforts to ban textbooks which attempted to present the shortcomings of America's capitalist system. During the Second World War, curricular materials critical of American capitalism met with great hostility.³⁷ A particularly vitriolic attack entitled "Treason in the Textbooks" appeared in the September 1940 issue of the *American Legion Magazine*.³⁸ The author, O. K. Armstrong, denounced a series of history books written by Harold Rugg of Columbia University as "radical and communistic textbooks" which taught "doctrines so subversive as to undermine [children's] faith in the American way of life."³⁹ Rugg's books were publicly burned by the vice president of the Bradner, Ohio school board.⁴⁰

The secularization of American culture after the Second World War and particularly during the 1960s and 1970s resulted in a diminution of the traditional pan-Protestant hegemony in the nation's institutions, including the public schools. These

³⁷ Herbert M. Kliebard, *The Struggle for the American Curriculum, 1893-1958* at 177 (1995).

³⁸ O. K. Armstrong, *Treason in our Textbooks*, *The American Legion Magazine*, Sept. 1940 at 8.

³⁹ *Id.*

⁴⁰ *Book Burnings*, *Time*, Sept. 9, 1940 at 64, 65.

two factors combined with the increasing pluralism of American society, the dislocations occasioned by the civil rights and women's movements, and two Supreme Court decisions concerning school devotional exercises, which remain unaccepted by the Christian Right to the present day, made strong resistance virtually inevitable. As a public institution, American education has historically been the subject of public debate making it difficult to define precisely which incidents mark the beginning of the activism of the newly repoliticized fundamentalist movement on educational issues. Two early events appear to have presaged the rise of contemporary fundamentalist criticism of public school curricula and textbooks. First, in 1961 Mel and Norma Gabler of Longview, Texas began their campaign to eliminate textbooks which, in their opinion, were hostile to Judeo-Christian values and American constitutional liberty and which "advocate[d] atheism, evolution, secularism, and a collectivism which governs and regulates religion, parenthood, and the lifestyle of all members of society."⁴¹ Second, an early manifestation of public school curriculum controversy occurred in Anaheim, California in 1963.⁴² Resistance to a newly implemented sex education curriculum mirrored the more wide-spread protests of the 1970s, 1980s and 1990s.

Fowler and Hertzke divide the resurgence of the Christian Right into two phases: the first, beginning in the late 1970's and lasting until 1989, is characterized

⁴¹ Edward B. Jenkinson, *The Schoolbook Protest Movement: 40 Questions and Answers* 55 (1986); Mel Gabler & Norma Gabler, *What Are They Teaching Our Children* 31-33 (1985).

⁴² *The Rise of the Christian Right* (PBS television broadcast, Sept. 27, 1996).

by the authors as an "age of discovery and disappointment" and the second, which began with the rebuilding of the movement after Pat Robertson's unsuccessful 1988 presidential campaign, is described as "the age of realism."⁴³ The Kanawha County dispute, *Williams v. Board of Education of Kanawha County*, is identified as one factor that led to the first phase of the resurgence of the Christian Right.⁴⁴ The *Smith* (Mobile, Alabama) and *Mozert* (Hawkins County, Tennessee) cases also occurred during this period.

The second phase was marked by a concerted effort to organize at the grassroots level and to address local issues. Phase two encompasses the bulk of the *Impressions* challenges and virtually all the involvement by conservative Christian leaders in the criticisms of the series. In the struggle to remove *Impressions* from the public schools the Christian Right, while disappointed in the results of the litigation it undertook (which did not differ appreciably from the decisions of the *Williams* and *Mozert* courts during "phase one"), was probably pleased by its political success. The *Impressions* challenges demonstrated the effectiveness of a grassroots strategy when applied to curricular disputes. One defining difference may have been whether individuals concerned about textbook content sought support from national fundamentalist organizations, e.g., Kanawha County and Hawkins County, or whether materials disseminated by these organizations precipitated the dispute. Initially, the

⁴³ Robert Booth Fowler & Allen D. Hertzke, *Religion and Politics in America: Faith, Culture and Strategic Choices* 138 (1995).

⁴⁴ *Id.* at 138, 139.

Impressions challenges which began in 1986 appear to have been purely local. Later challenges may have arisen as a result of materials distributed by national fundamentalist groups.⁴⁵

D. The Christian Right and the Politics of Curriculum

During the 1980s and 1990s, public schools and their leaders experienced a number of external pressures. According to a survey of school superintendents, these pressures included

1. Misleading and negative myths.
2. Decline in parental responsibility.
3. Inadequate financial resources.
4. Support given only to schools attended by close family members.
5. Expectation of similar results from all schools regardless of differences in circumstances.
6. Difficulties in administrator/school board relations, e.g., power politics, pressure from special interest groups, board attempts to micromanage, and "pandering to the electorate."
7. Lack of concern over social issues that impact schools.
8. Divisiveness of the religious right.

⁴⁵ See discussion *infra* pp. 66-67 and 276.

9. Resistance to education efforts by business and political leaders as well as unions, community, and parents.⁴⁶

Pressure from diverse groups, e.g. parents; students; religious, ethnic, and racial special interest groups; business leaders; teachers; and administrators, as well as members of the community at large with direct or indirect interests in public education, have presented schools and school leaders with "conflicting demands and needs."⁴⁷ To this list Ledell adds policymakers, national and professional organization leaders, civil rights activists, volunteers, noneducation government officials, and military veterans.⁴⁸ When these "conflicting demands and needs" were driven by "ultra-conservative religious ideology" the result was controversies that "have torn communities apart"⁴⁹

Many of the pressures on schools and school leaders have centered around curriculum. Among organizational and curricular issues that have generated controversy are cooperative learning, critical thinking, experimental or innovative

⁴⁶ Horace Mann League, *The Top Ten Destructive Forces Influencing Public Education* (Horace Mann League, Omaha, Neb.), n.d., at 1. Paper presented at the National Conference of Education, American Association of School Administrators, San Diego, 1996; Horace Mann League, *The 1997 Report on the Top Ten Destructive Factors Impacting Education* (Horace Mann League, Omaha, Neb.), 1997, n.p. (in the 1996 report two responses related to inadequate funding).

⁴⁷ Gene R. Carter & William G. Cunningham, *The American School Superintendent: Leading in an Age of Pressure* 146 (1997).

⁴⁸ Marjorie A. Ledell, *How to Avoid Crossfire and Seek Common Ground: A Journey for the Sake of the Children* (Association for Supervision and Curriculum Development, Alexandria, Va.), 1995 at 12-13.

⁴⁹ Horace Mann League, *The 1997 Report*, n.p.

programs, global education, master learning, outcome based education, self-esteem programs, shared decision-making, learner-centered instruction, decision-making skills programs and whole language.⁵⁰ In general, these controversies have centered around both the aims and the content of school curricula and the focus has been on the conflict between traditional and progressive approaches to what schools teach and how they teach it.⁵¹

In the discussion that follows, the term "curriculum" is used broadly to encompass not only formal school curricula but also the inclusion of materials that fall between the overt and the hidden curriculum. This category includes books included on reading lists, supplementary materials available in classrooms, and school library books. These materials differ from the formal curriculum with its required reading in adopted textbooks and topics presented according to a syllabus or series of lesson plans. In a sense, student exposure to this quasi-curriculum is, for the most part, voluntary. With certain exceptions, no one is required to read a particular library book or to select a book from a classroom collection or suggested reading list. There is a considerable difference between watching a filmstrip about Valley Forge and choosing a collection of fairy tales in the school library. Nevertheless, materials selected for classroom and library collections or included on reading lists bear the imprimatur of

⁵⁰ Marjorie Ledell & Arleen Arnsperger, *How to Deal with Community Criticism of School Change*, (Association for Supervision and Curriculum Development, Alexandria, VA), 1993, at 16-17.

⁵¹ David C. Berliner & Bruce J. Biddle, *The Manufactured Crisis: Myths, Fraud, and the Attacks on America's Public Schools* 299, 310 (1995).

school approval. Someone has made a conscious decision to make them available to students. Reading lists are perhaps the closest to the formal curriculum, classroom collections fall in the middle, and school library materials are arguably the farthest from it.

To Sleeter and Grant "[d]ebates about curriculum content can be understood broadly as struggles for power to define the symbolic representation of the world and of society, that will be transmitted to the young, for the purpose of either gaining or holding onto power."⁵² Starting from the premise that knowledge is power, schools have an exceptionally strong role to play in defining knowledge because they present a specific corpus of information and understandings as defined by a process Williams terms "'selective tradition' [in which] certain meanings and practices are chosen for emphasis [while] other meanings and practices are neglected and excluded."⁵³ Luke argues that "textual expression [whether in formally adopted textbooks or other materials selected by the school] convey[s] particular ideological messages and create[s] ideological effects."⁵⁴ So strongly does school knowledge convey these messages that it is a major contributor to what we as individuals and as a society view as reality. Transmitted by the school, an institution of great authority because it is

⁵² Christine E. Sleeter and Carl A. Grant, *Race, Class, Gender, and Disability in Current Textbooks in The Politics of the Textbook* 79 (Michael W. Apple & Linda K. Christian-Smith eds., 1991).

⁵³ Raymond Williams, *Base and Superstructure in Marxist Cultural Theory*, in *Schooling and Capitalism: A Sociological Reader* 202, 205 (Roger Dale et al. eds., 1976).

⁵⁴ Allan Luke, *Literacy, Textbooks and Ideology: Postwar Literacy Instruction and the Myth of Dick and Jane* 20 (1988).

encountered at a time when individuals are particularly impressionable and vulnerable, school knowledge, often becomes the lens through which subsequent perceptions of reality are filtered.

To Apple, schools engage in both the dissemination (distribution) and production (through selection preservation and reinterpretation) of knowledge. Through both these processes, schools, among other institutions, give legitimacy to certain views of reality while marginalizing other experiences and perspectives. As powerful, reality-defining institutions schools can saturate the consciousness of students, and by extension the adults they become, in ways that make a school-legitimated world view appear to be neutral.⁵⁵ Apple asks his readers to consider, "Whose knowledge is it? Who selected it? Why is it organized and taught in this way? To this group?"⁵⁶ Later the author poses the question, "In whose interest is certain knowledge (facts, skills, and propensities and dispositions) taught in cultural institutions like schools?"⁵⁷ Succinctly put, who benefits?

What Apple terms "the conservative restoration" has generated much debate over school curricula and he suggests that "conflicts over texts are often proxies for wider questions of power relations."⁵⁸ While some of the debate has arisen from economically oriented conservatives, who view education as primarily a means to

⁵⁵ Michael W. Apple, *Ideology and Curriculum* 1-25 (1990).

⁵⁶ *Id.* at 7.

⁵⁷ *Id.* at 16.

⁵⁸ Michael W. Apple, *Official Knowledge: Democratic Education in a Conservative Age* 48 (1993).

obtain an efficient workforce, social conservatives have had no small part to play in framing the substance of discussions over what schools should teach and how they should teach it. Although the categories are not mutually exclusive, Lugg identifies three strands of twentieth century conservatism that have had considerable impact on school policy: libertarianism, social traditionalism, and militant anti-Communism. "Christianity (and especially orthodox Protestantism) with its messages of sin, punishment, and of eternal salvation provide[s] the major foundation for social traditionalism."⁵⁹ While not all social traditionalists are part of the Christian conservative movement, those who combine a hard right political ideology with an absolute conviction that their political views are rooted in God's word have framed their stance vis à vis public education to express a particular religio-political ideology. Lugg observes that a political ideology not only "explains the world" for its adherents but also "describes past and present political events and [presents] an articulated agenda for building a future."⁶⁰ In the case of the Christian Right, political ideology and religious convictions are inextricably intertwined. Through school curriculum, social traditionalists who are deeply committed to orthodox Protestantism seek to reify a particular set of religio-social beliefs. While the state cannot, under the strictures of the First Amendment, overtly espouse (in legal terms "promote," "advocate," or "endorse" Christianity), it can redefine what counts as legitimate knowledge and

⁵⁹ Catherine A. Lugg, *For God and Country: Conservatism and American School Policy* 13 (1996).

⁶⁰ *Id.* at 11.

restore at least a portion of the unwritten contract of panProtestantism which governed the relationship between religion and public education through the nineteenth and early twentieth centuries.

While the curricular goals of social traditionalists and the Christian Right are not entirely congruent, the difference between the larger group and the Christian Right lies more in emphasis and motivation than disagreement on what schools ought to teach and how they ought to teach it. Thus, both social conservatives as a whole and the subgroup may oppose certain aspects of contemporary curricula, e.g., multicultural components of the proposed Goals 2000. Social conservatives may believe multicultural education diminishes attention to traditional American curricular content. Adherents of the Christian Right are more likely to find that the presentation of such topics in schools not only expresses a lack of patriotism but also an underlying notion that nonChristian religions and their cultures are the equivalent of Christianity and America as a Christian nation. While social traditionalists may oppose sex education in the schools because they believe it leads to increased adolescent pregnancy, the Christian Right views contemporary sex education curricula as contradicting Biblical mandates regarding premarital chastity. Thus, not all sex education programs are problematic for fundamentalists, other orthodox Protestants and religious conservatives. Abstinence-only programs are acceptable and a good deal of controversy in this area has centered around the use of abstinence-based as opposed to abstinence-only programs. Social traditionalists would view abstinence-only programs as acceptable primarily because of the putative social results. The Christian Right, while welcoming

the social improvements they anticipate from such programs, press for their use *because* they do not contradict Biblical morality.

The present study examines how religiously based objections to what public schools teach have manifested themselves in recent years. According to Holderer, the censorship conflicts engendered by the religious right have centered on language arts programs, including reading education.⁶¹ Explicitly religious challenges to the content of reading textbooks, whether used as primary or supplementary classroom materials, are linked in kind to challenges to school library materials. It can be argued that to examine religious disputes over language arts programs without also considering such challenges to other curricular areas as well as classic school library book censorship incidents would be to see only a portion of the contemporary conservative drive to "impos[e] a specific religious interpretation on what can and can be taught in schools."⁶²

Controversies over what shall be taught and, to a lesser extent, how it should be taught, have been a part of public education from its inception. Ultimately, these are conflicts over power: the power to prescribe whose values and vision of reality will be transmitted to the nation's young people. The Christian Right has a religiously-based vision of what American education should be and has made this vision part of its political agenda.

⁶¹ Robert W. Holderer, *The Religious Right: Who Are They and Why Are We the Enemy?* English Journal, Sept. 1995, at 74.

⁶² Barbara Miner, *Splits on the Right: What Do They Mean for Education*, Rethinking Education, Spring 1996, at 12.

E. Significance of the Study

1. School Personnel and Challenges to Materials and Activities

a. School and Community Relations

Rossow identifies one task of building-level administrators as identifying power brokers or subpublics within the community.⁶³ One effect of controversies over curricula, materials or instructional activities may be to reveal previously unknown power brokers who can influence public policy. These individuals and groups may not occupy formal roles or positions within the community. Thus, while generally accurate, the use of the role position technique to identify subpublics might fail to identify conservative Protestants. If the district has experienced a materials challenge, then an issue-analysis technique would reveal the major players involved in the controversy. Accounts of challenges are replete with situations in which school administrators initially dismissed the protestors and failed to recognize that such groups and individuals can dominate, at least temporarily, discourse over curriculum and materials.

Rossow recommends that administrators seek a broad spectrum of community representation when more controversial curriculum decisions are contemplated.⁶⁴ The Christian Right and neo-conservatives are most comfortable with essentialist models of curriculum, e.g., the fundamental skills/literacy approach typified by the "back to

⁶³ Lawrence F. Rossow, *The Principals: Dimensions in Instructional Leadership*, 282 (1990).

⁶⁴ *Id.* at 118.

basics movement."⁶⁵ Controversy may ensue when school administrators, acting in concert with their own curricular philosophies or in response to faculty wishes, attempt to institute curricular reforms reflecting a more existential approach with its emphasis on "creativity, self-awareness, and the growth of the individual."⁶⁶ Often, school districts implement curricular changes assuming that the new curriculum will be acceptable because no objections have been made during the decision making process or that the rationale for such changes has been communicated to the public. In some cases, only after implementation has begun do informal power brokers within the community reveal their opposition to the newly adopted instructional design. This was the case in a number of *Impressions* disputes.

b. Impact on Instructional and Noninstructional Staff

Staff time spent responding to challenges of this nature varies widely, but is often significant. For example, a district which experienced an *Impressions* challenge with litigation spent between eight and nine hundred hours on challenge-related activities over a two year period.⁶⁷ A district in Western New York that also experienced a challenge to the series, although without litigation, estimates that between two and three hundred hours of staff time were spent on challenge-related

⁶⁵ See generally Lawrence F. Rossow, *Leadership in the Curriculum in The Principalship* 97-123.

⁶⁶ *Id.* at 99.

⁶⁷ Electronic message from Eva Lewis (pseudonym), former Language Arts Coordinator, Stafford County Public Schools, Feb. 2, 1997 (on file with the author); Electronic message from Eva Lewis (pseudonym), former Language Arts Coordinator, Feb. 5, 1997 (on file with the author). Lewis' estimate includes only administrative staff time and excludes time devoted to the challenge by teachers and attorneys.

tasks.⁶⁸ The Noble (Oklahoma) School District experienced a nonlitigated challenge to the novel, *The Giver*. The superintendent estimates that administrators and teachers in his district spent approximately one hundred hours on challenge-related tasks.⁶⁹ These estimates suggest that districts experiencing challenges may face a considerable drain on their resources. Instructional and noninstructional staff may find that their ability to perform their regular duties is significantly impeded.

c. The Chilling Effect

While the impact of controversies over library books and instructional materials and activities can be quantified, the effect on the free flow of ideas in precollegiate education is difficult to assess. References to "the chilling effect," once seen virtually exclusively in legal opinions and scholarly discourse regarding the nature of censorship in the larger society, have begun to appear in educational studies. Whether the phenomenon is termed "chilling effect" or precensorship, the concern is real. Complicating the issue is the fact that neither courts nor the larger society has come to terms with the question of how to balance education for ideas and education for virtue. Thus, common education enjoys a lesser degree of protection in terms of academic freedom than that accorded to colleges and universities. Precensorship can occur at many levels in context of common schooling. Publishers alter textbooks to avoid

⁶⁸ Telephone interview with Stella Crockett (pseudonym), Director of Language Arts, Lakenheath City School District (pseudonym), Feb. 7, 1997. This estimate includes time spent by teachers.

⁶⁹ Telephone interview with Tony Compston, Superintendent, Noble (Oklahoma) School District. This estimate includes time spent by teachers.

controversy.⁷⁰ School administrators may shy away from innovative programs. Not all educational innovations are worthy of implementation, but the issue is whether such programs or approaches even permitted to demonstrate their educational value. Instructional personnel may avoid including sensitive or potentially controversial topics. Such avoidance can take the form of not reaching a chapter on evolution by the end of the school year or discouraging class discussion of certain subjects.

Controversies over instructional materials can alter school programs, possibly having a negative effect on student achievement. Two school districts which experienced *Impressions* challenges reverted from whole language programs to basal reader approaches as a result of the controversies in their districts. A neighboring district which also experienced an *Impressions* challenge did not alter its approach. Subsequently, reading scores in the districts that returned to basal reader programs dropped while those of the district that had continued its whole language program remained constant.⁷¹

Although not well-documented, anecdotal evidence also suggests that classroom teachers also alter their instructional approaches during and after disputes over materials and activities. One survey respondent in California stated, "Please note that while we make independent judgements, challenges are causing us to be more

⁷⁰ See generally Diane B. Paul, *The Market as Censor*, 21 *Political Science and Politics* 31-35 (1988).

⁷¹ Crockett, *supra* note 68.

conservative and take fewer risks."⁷² Stella Crockett echoed this comment by relating that the controversy in her district had "made [teachers] overly cautious" and teachers perceived the dispute as "an attack on their [professional] decision-making."⁷³

Whether it is a good thing for teachers to become more conservative and cautious and to take fewer pedagogical risks, there can be little doubt that such actions are troubling when done out of fear rather than for legitimate instructional purposes based on the needs of students and sound professional judgment.

2. Seeking Recognition for Faith-Based Public School Reform

During the 1980s and 1990s many conservative individuals and groups have been sharply critical of American education.⁷⁴ When Christian Right elites and activists use the political process and/or the courts to restructure public school curriculum or to restrict access to information and ideas for all students, they are seeking to reform American education to conform with their religious "agenda for shaping what 'reality' will be in the future."⁷⁵ Frequently, clashes between conservative education reformers, especially those espousing a faith-based vision for

⁷² Louise Adler, *Curriculum Challenges in California: Third Statewide Survey of Challenges to Curriculum Materials and Services*, at 23 [hereinafter Adler, *Third Statewide Survey*].

⁷³ Crockett, *supra* note 68.

⁷⁴ Hunter, *Culture Wars* 197-224 ; See generally Berliner, *The Manufactured Crisis*; Barbara B. Gaddy, T. William Hall & Robert J. Marzano, *School Wars: Resolving Our Conflicts Over Religion and Values* (1996).

⁷⁵ Catherine Lugg, *For God and Country* at 9.

American education, and school district personnel become angry confrontations.

In 1950, R. Freeman Butts wrote, "Religious beliefs, democratic values and the education of children always raise sharp differences of opinion, but when all of these three are joined together and focused on one problem then the debate really becomes fired with emotion and beset with confusion."⁷⁶ Whether the one problem was or is a offensive library book, a entire reading program, a nonabstinence-based sex education curriculum, or making up a magic spell to enrich the appreciation of a story, religiously motivated challenges to materials, curricula, or instructional activities are virtually always "fired with emotion and beset with confusion." Accounts of such disputes frequently include the words "divisive," volatile," "polarizing" and "bitter." One school district which was asked to send materials related to an *Impressions* challenge that had occurred five years ago blacked out every name in the newspaper clippings (forgetting perhaps that these are documents easily obtainable by a persistent researcher).

Christian Right activists also fear for the nation, and this fear is as strong as the fear of those in the 1950s who believed that the nation was under siege by Communists without and within. Today, many in the Christian Right movement believe "Christian America" is beset by the forces of the anti-Christ. Modernism in public education is a manifestation of Satan's active intervention against God and God's people. Perceiving the nation and its children to be in peril leads some in the

⁷⁶ R. Freeman Butts, *The American Tradition in Religion and Education* ix (1950).

movement to an anger compounded by disbelief when the larger society, especially the educational establishment charged with the well-being of the nation's children, does not perceive the danger.

The perception that the nation is in peril and that, at least in part, public education is a contributor to its imperilment, leads elites and members of the Christian Right to seek a reshaping of American education. This study assists educational policy makers, educators and scholars in understanding the nature of recent efforts to reshape what is taught in public schools to conform more closely with conservative, and especially conservative Protestant values. In order to compare and contrast future initiatives directed toward this type of educational reform, it is necessary to understand the nature of recent conservative religio-political activism over materials, curricula and instructional activities. For example, while concern over the lack of phonics in *Impressions* did not play a major part in the disputes over the series, it was and is linked by protestors and Christian Right authors to educational innovations perceived as less compatible with conservative Protestant beliefs, particularly a literal interpretation of the Bible. After the end of the *Impressions* challenges, the number of state legislative bills encouraging, promoting, or requiring the use of phonics increased dramatically. Having a clearer understanding of the ways in which religiously motivated persons have sought to shape public education, allows the similarities and differences between different kinds of activism and activism over different issues to be examined as they occur.

F. Limitations of the Study

1. Fundamentalists find many aspects of contemporary American public education problematic. It is beyond the scope of the present study to examine the arguments that legal decisions over school prayer and religious instruction reflect a growing awareness of the nation as a multireligious society and an increasing willingness to protect the rights of non-believers and non-Christians.
2. Conservative Christians are particularly concerned about the presence of materials, curricula, and instructional practices related to human sexuality. A significant number of challenges are based on objections to school materials (school library books, student drama productions, etc.), curricula, and activities (school-based health clinics) related to sex education. The present study excludes challenges or objections to sex education.
3. The present study confines itself to challenges that are overtly religious in nature. Thus, objections which may arise from religious motivation, but do not explicitly mention a religious basis, are excluded. Typically, such challenges include: the absence of absolute values (objections to values clarification, moral relativism, situation ethics); death education; disrespect for parents or authority; equality of values (feminism or nontraditional roles for women and multiculturalism as portraying nontraditional lifestyles or beliefs as the equivalent of traditional "family" or Judeo-Christian lifestyles or beliefs); globalism or one-world government; lack of patriotism; and failure to instruct children in the superiority of the free enterprise system. While much

fundamentalist literature has been written about these concerns, relatively few challenges have been brought on these grounds.⁷⁷ The focus of the present study is on those challenges which explicitly implicate religious beliefs: secular humanism; denigration of religion; creation science versus evolution; and occult content. Occult content includes but is not limited to, Satanism, witchcraft, the presence of Eastern religions or mysticism, and neo-paganism. Where environmental education has been objected to on such grounds, it has been included.

4. Creation science versus evolution controversies are included when they form a basis for challenges to materials used in schools. Attempts to influence districts or state legislatures to include creation science or to place disclaimers in textbooks stating that evolution is merely a theory are not included.

G. Format of the Study

In the subsequent sections, review of the literature and the presentation of data follow in generally chronological order. In addition, both sections move deductively from the general to the specific. Thus, works and information dealing with more broadly-based objections precede those related to narrower issues. For example, "secular humanism," defined as everything which is not religious in nature, is followed

⁷⁷ Frances R. A. Paterson, *Grounds for Christian Right Challenges to Public School Materials*, 1996, unpublished raw data. For example, challenges on the grounds that the material promoted globalism averaged less than one percent (0.7%) of the yearly challenges from 1982-1994.

by discussions of New Age religion which, in turn, is followed by discussions of even more refined issues of concern, such as Eastern religions and eco-feminism. This arrangement also, to some extent, reflects the chronology of Christian Right objections to public school materials, curricula, and instructional activities. Objections to "secular humanism" predated the rise in concerns over New Age influences in public schools. It should be noted, however, that considerable overlap exists and challenges to materials on such grounds as denigration of religion, secular humanism, and presentation of evolution as fact or failure to include creation science continue to the present day.

H. Definition of Terms

For some terms the present study draws on both the common, dictionary, or scholarly definition of a term and the way the word or phrase is used by the Christian Right. It can be difficult to discern precise definitions of such terms because Christian Right literature appears to be more oriented toward persuading its readers of imminent danger and the need to take action than toward a precise definition of terms. Unless otherwise noted, words with dual meanings will be given the meanings ascribed to them by the Christian Right.

Secular humanism

As defined by the dictionary, "secular" refers to that which is "not concerned with religion or religious belief."⁷⁸ "Humanism" is "an outlook or system of thought concerned with human rather than divine or supernatural matters."⁷⁹ As defined by Christian Right literature, "secular humanism" is an anti-Christian worldview. From this perspective, what is not concerned with religion must, of necessity, be defined as anti-religious. A worldview or philosophy cannot be neutral. What is not "of God" must, by its nature, be in opposition to God. Ultimately, the issue is the replacement of God with man.⁸⁰

Occult

According to the *Oxford Encyclopedic English Dictionary*, the term "occult" refers to that which "involv[es] the supernatural."⁸¹ As used by the Christian Right, it is, like "secular humanism," a broad and vaguely defined term. It is a perjorative term encompassing beliefs and practices believed to be inspired by Satan or leading to demonic possession, often linked with nonmainstream religious beliefs and practices, such as Wicca, witchcraft, sorcery, Native American religions, Hinduism, Buddhism and New Age belief and practices.

⁷⁸ *Oxford Encyclopedic English Dictionary* 1310 (Joyce M. Hawkins & Robert Allen, eds., 1991).

⁷⁹ *Id.* at 694.

⁸⁰ Most Christian Right authors use the term "man" rather than humanity or humankind.

⁸¹ *Oxford Encyclopedic English Dictionary* at 1006.

New Age

As defined by Christian Right authors, the term "New Age" refers to pagan beliefs and practices such as polytheism ("belief in many gods, spirits, counterfeit angels and other supernaturals"); pantheism ("belief in many gods, as in Greek mythology, wicca, shamanism"); and monism ("belief that all is one; everything is interconnected, bound together through a pantheistic spirit that infuses everything with spiritual life").⁸² To fundamentalist Christians, New Age spirituality incorporates elements of Eastern religions, such as Buddhism and Hinduism, and is diametrically opposed to God and Christianity. Some Christian Right authors use the term "cosmic humanism" interchangeably with "New Age" and as a generic substitute for all forms of nontraditional or non-Western religion.⁸³ As with "secular humanism," the issue is the replacement of God, in this case with other spiritual entities and/or Satan, and the

⁸² Berit Kjos, *Brave New Schools* 357, 360 (1995); Berit Kjos, *Your Child and the New Age* 168 (1990). See discussion of Kjos' books *infra* pp. 63-64.

⁸³ Pre-Christian European religions, such as Druidism, and what have been historically viewed as Christian heresies, such as Gnosticism and Albigensianism, are sometimes seen as components of contemporary New Age religion. Islam is not seen as a contributor to the movement. For a discussion of cosmic humanism, see generally, David A. Noebel, *Understanding the Times: The Story of the Biblical Christian, Marxist/Leninist, and Secular Humanist Worldviews* (1991) and David A. Noebel, *Understanding the Times: The Religious Worldviews of Our Day and the Search for Truth* (1995). *Understanding the Times: The Religious Worldviews of Our Day and the Search for Truth* is an abridged version of the 891 page *Understanding the Times* and was prepared for use in fundamentalist Christian schools.

substitution of beliefs and practices which are not based on the revealed word of God in scripture.

Whole Language

Whole Language is a philosophy of learning and teaching predicated on the belief that learning is enhanced when it is meaningful. Thus, whole language advocates stress immersion in authentic literature, most commonly children's trade books, as opposed to selections written to provide practice for discrete lesson in a particular reading strategy. Whole language advocates also hold strong beliefs regarding the necessity of incorporating semantic, syntactic, and phonetic reading strategies into their instructional practices. Whole language theorists envision reading as a process wherein the reader "transacts" with the text by bringing his/her experiences to the act of reading. Reading is less about what the author literally says to the reader than what the reader constructs through the interplay between his or her prior experiences and the written or spoken word.⁸⁴

Phonics

To whole language advocates, phonics is one strategy employed by readers to discover the meaning of an unfamiliar word. It is a strategy based on sounding out the word vocally or subvocally in order to "hear" it and then determine its use in the text.⁸⁵ Fundamentalists and Christian Right elites also use the term "phonics" to refer

⁸⁴ See generally Constance Weaver, *Reading Process and Practice: From Socio-Psycholinguistics to Whole Language* (1993).

⁸⁵ *Id.*

to this sounding out process. In addition, these individuals use the term "phonics" to refer to a method of teaching reading which is highly structured, sequential and tends to emphasize the acquisition of decoding skills. Such a view of reading posits that the literal meaning of the text, i.e., an almost one-way communication from the mind of the author to the reader, is more important than the reader's interpretation of what the author is attempting to communicate.

Censorship

As used in the present study, "censorship" is an act by a governmental body to restrict previously granted access to information or materials. "Censorship" can be distinguished from "selection," which is the choosing of materials, curricula or instructional techniques. While materials or methodology may be selected for political or religious reasons--and those reasons may be paramount or improper--censorship refers to the removal of material that has already been selected or is in use. Self-censorship is the deliberate omission of content or alteration of instructional methodology at the classroom level to avoid controversy. Self-censorship can also refer to the omission or alteration of content by publishers to avoid political or religious controversy.

Challenge

In the present study, a challenge refers to an act intended to cause the removal or alteration of public school materials, curricula, or instructional activities. Challenges can include community activities engaged in by protestors, such as protest meetings; informal conversations with teachers, administrators, other parents, and/or

other community members; letters to newspaper editors; distributions of materials, flyers or literature; comments at school board meetings; and formal complaints, i.e., from the filing of a "request for reconsideration of materials" form to the filing of a legal complaint with or without subsequent litigation. As used in the present study, a challenge refers to any of these activities. Most commonly, however, a challenge involves the filing of a request for reconsideration of materials or a formal letter to school officials objecting to the use of a specified curriculum, book, piece of nonprint media, or instructional activity, e.g., the selection of particular play for a drama production.

Fundamentalism

Scholars differ on the correct terminology to use when referring to individuals and groups currently engaged to a significant degree in religio-politically motivated criticisms of public education. A distinction must be made between theological and cultural definitions. Theologically, Christian fundamentalists are a subset of evangelical Christians, as are charismatics and pentacostals.⁸⁶ For the present study, however, the term "fundamentalism" (and its derivatives) refers to individuals and groups who combine a highly conservative political stance with strongly orthodox religious views. The term "fundamentalism" will be used interchangeably with the phrase "Christian Right." Some authors use the term "New Christian Right" or,

⁸⁶ The theological distinction between fundamentalists who believe that miracles or "gifts of the spirit," such as speaking in tongues or incidents of faith healing, ended with the Biblical era, and Pentacostals who believe such events are manifestations of an individual's being in a state of grace are not relevant for the present study.

seeking to include politically and religiously conservative non-Christians, "religious right."

Lemon Test

The most widely used legal standard to determine if a governmental activity violates the Establishment Clause was set out by the Supreme Court in *Lemon v. Kurtzman*.⁸⁷ The test has three prongs, requiring the court to answer three questions. First, does the governmental activity have a secular purpose? Second, is the primary effect of the activity to advance or inhibit religion? And, third, does the challenged activity necessitate the excessive entanglement of government with religion? Failure to satisfy any one of the three prongs of the test results in a determination that the challenged activity violates the Establishment Clause.

I. Summary

Conservative Protestant religious challenges to materials, curricula and instructional activities have been a continual part of the history of public education. From the resistance of some clergy members to the common school movement through the strong reaction against Darwinism in the 1920s to the religio-political activism of the Christian Right, criticisms of public school materials and activities have waxed and waned, but never disappeared entirely from the public discourse. The *Impressions* controversies are but one, albeit particularly widespread and divisive, of a series of

⁸⁷ 403 U.S. 602 (1971) (aid to parochial schools in the form of salary supplements and purchase of services violated the Establishment Clause).

dialogues over the place of religion and the power of devout religiously conservative parents to direct their children's education and of fundamentalist elites to shape American education to conform with their vision of a "Christian America." The venue for this dialogue has moved from churches, school board meetings, and the mass media to the courts and back again in a seemingly endless struggle over what schools should teach to the youth of the nation. In the nineteenth century, individuals and Protestant denominations gave their tacit approval to the common schools when Horace Mann devised a pan-Protestantism that satisfied to some extent the religiously-based fears of opponents. As long as the courts and the public schools observed this unwritten agreement, orthodox Protestants supported public education. The teaching of Darwinism was seen by many fundamentalists as a breaking of that contract. In truth, the teaching of evolution was a manifestation of a fracturing of the Christian world vision. Some Christians were able to integrate Darwin's theories into their theological world view while others found that any deviation from the Genesis account struck at the very foundations of Christ's redemption of sinful humanity.

The actions of the courts and, especially of the Supreme Court, in the mid-twentieth century further eroded the provisions of the unwritten pan-Protestant contract for the education of children. Fundamentalists frequently express their perception that God and Christianity have been expelled from the public schools and have been replaced by alien beliefs and practices. The controversies over public school materials, curricula and instructional activities can be seen as a response both to judicial activism

and to an increasingly secular common culture and also as an expression of concern for the moral and spiritual health of the nation.

II. REVIEW OF THE LITERATURE

A review of the literature related to challenges to public school materials, curricula, and instructional activities must consider three discrete categories of materials: literature produced by Christian Right elites and organizations, scholarly works dealing with the relationship of the Christian Right to public education, and litigation related to challenges to materials. Each section is arranged in a roughly chronological fashion and in decreasing generality.

A. Review of Christian Right Literature Related to Education

Christian Right literature is a specific genre of persuasive writings. With their own publishers and mass market strategies, the works discussed in the following sections have a distinctive style. It is the language of the pulpit and perhaps, it can be said, the pulpit of our Puritan ancestors mixed with the rhetoric of the revival. The intent, whether conscious or unconscious, is to convince the reader that a serious problem exists, that God's people are in peril. Comfortable with the anecdote as parable, the appeal is to the emotions and the tone is not to reassure and comfort, but to rouse the reader to take action. In order to convey the essential quality of this type of literature, the present study makes extensive use of quotations. The first section considers early works exclusively related to public education and those authors who are generally recognizable by the broader culture. Subsequent sections examine authors whose audience appears to be readers already within the movement and whose focus becomes increasingly more narrow.

1. Early Works and Fundamentalist Writers of Mass Appeal

This section includes early works concerned with educational issues which coincided with the resurgence of religio-political activism in the late 1970s as well as somewhat more recent works by Christian Right leaders who appear to speak to and for the movement generally. An early example of Christian Right literature devoted solely to educational issues is Barbara Morris' *Change Agents in the Schools*.⁸⁸ Morris defines a change agent as "a person, organization, or institution that changes or helps to change the beliefs, values, attitudes or behavior of people without their knowledge or consent."⁸⁹ The term was originally used in ERIC documents to describe teachers who would disseminate information about innovative education methods. However, to Morris the "government schools" are "change agents for the destruction of Christian Western civilization and to establish [sic] instead, a Humanist/Socialist 'new world order.'"⁹⁰

Morris attributes virtually all of modern society's ills to secular humanism (a falling away from God's word) generally, and to public education (Morris uses the term "government schools") specifically. Morris focuses on values clarification (broken down into chapters on sensitivity training, citizenship education, and moral development as further examples of situation ethics); sex education (as causing sexual promiscuity and incest); death education ("eliminate[s] a fear of death while

⁸⁸ Barbara Morris, *Change Agents in the Schools* (1979). Morris had written an earlier book, *Betraying America in the Schools* (no bibliographic information available).

⁸⁹ *Id.* at 15.

⁹⁰ *Id.* at 18.

simultaneously creating a fascination with the process and event of death"); drug education (as contributing to drug use because humanistic teachers take students on field trips to rock concerts); and global education.⁹¹ According to Morris, values clarification, also termed situation ethics or moral relativism, is responsible for a host of societal problems, including parent-child alienation (there are both explicit and implicit references to the "respect of authority" and respect for parents issues that surfaced in every challenge to reading textbooks from *Williams* to *Fleischfresser*) and membership in cults (including the Jonestown tragedy). "[S]hould we be surprised that young people are ripe to be picked off by . . . rigidly controlled religious cults . . . when [their] clear set values instilled at home and church . . . are systematically questioned, badly shaken, and often ruthlessly destroyed in values clarification exercises?"⁹²

Like much of the Christian Right literature which was to follow it, Morris' book displays elements of conspiracy theory, e.g., sex education is seen as a plot to produce sex-obsessed young people. Morris makes much of the fact that teaching is done behind *closed doors* and of the fact that one parent was denied unlimited and unfettered access to a classroom. The list of those responsible for the decline in contemporary education is long and ranges from the obscure to the prominent: the National Education Association ("storm trooper mentality"); the government, especially the federal government ("[t]o help make people psychologically ready for change, U.S.

⁹¹ *Id.* at 242.

⁹² *Id.* at 119.

government grants have been given to universities for the training of change agents"); and colleges of education, rarely referred to without the modifier "ivory-towered."⁹³ Morris is also critical of many other individuals and groups, e.g., the Association for Curriculum and Supervision (chaired by the "humanistic missionary, Arthur Coombs"); the National Endowment for the Humanities; various universities; the journal *Educational Leadership*; the New York State Department of Education; the Bicentennial Commission; Lawrence Kohlberg; John Dewey; and Horace Mann. Morris employs a good deal of sarcasm. Commenting on the use of third person hypotheticals on questionnaires used in school, Morris asks, "Sneaky rascals, aren't they? Do you really think your immature children are a match for them? And by the way, "instrument" is educationese for "questionnaire."⁹⁴ Speaking of the National Education Association, Morris says, "[H]eaven help little Willie's mother and all the other mothers who protest. They may well end up on a blacklist of those who criticize NEA-style education."⁹⁵ Morris is highly critical of both *Man: A Course of Study* (MACOS) and the *Quest* program (*The Ethical Quest in a Democratic Society*).⁹⁶

Some commentators date the rise of the Christian Right from the founding of the Moral Majority by Jerry Falwell. Quoting from Martin Luther ("I am much afraid

⁹³ *Id.* at 66.

⁹⁴ *Id.* at 91.

⁹⁵ *Id.* at 53.

⁹⁶ MACOS was an elementary social studies curriculum based on intensive study of a single cultural group. *Quest* is a values education program.

that school will prove to be the great gates of hell unless they diligently labor in explaining the Holy Scriptures. . . Every institution in which men are not unceasingly occupied with the Word of God must become corrupt."'), Falwell sees modern American education as both reflecting and contributing to the nation's social, moral and spiritual decay.⁹⁷ Falwell expresses an early but unmistakable version of the displacement argument that "prayer and Bible reading were taken out of the classroom by the U.S. Supreme Court. . . because they might 'offend' some child who did not believe in God."⁹⁸ God-centered education has been replaced with progressive education with its "evolution and secularism, humanism and vulgarity."⁹⁹ Falwell blames "the people who control the apparatus of education [presumably administrators, professors of education and the National Education Association]. . . [who regard] children as laboratory animals."¹⁰⁰ In Falwell's opinion much of the problem lies with contemporary textbooks. He singles out MACOS as particularly detrimental ("wife-swapping, men practicing cannibalism, the killing of baby girls, and eleven year old students leaving their grandmothers to die") and implies that the reason students were not permitted to take their booklets ("filled with. . . cruelty, violence and death") home

⁹⁷ Jerry Falwell, *Listen, America!* 190 (1980). The author does not give bibliographic information for this quotation. During the spring of 1996 the same quotation was displayed on an office door in the Oklahoma capital.

⁹⁸ *Id.* at 178, 182.

⁹⁹ *Id.* at 182.

¹⁰⁰ *Id.* at 184.

was to keep their parents from knowing the content of the curriculum.¹⁰¹ Falwell describes with approval Mel and Norma Gabler's activities in "fight[ing] the self-appointed system of secular humanism" and seconds their advocacy of Christian schools as an alternative to Godless public education.¹⁰² The author closes his discussion of public education by quoting Senator Jesse Helms: "'A handful of determined atheists and agnostics, in collaboration with a handful of pharisees on the Supreme Court [have] eradicate[d] all mention of God and his word in every public school classroom in America [which] has resulted in their being taken over by a totally secularist philosophy. Christianity has been driven out."¹⁰³

Four years after the publication of Morris' book, Tim LaHaye applied the view of secular humanism he set out in his earlier *Battle for the Mind* to the deficiencies in American education.¹⁰⁴ According to LaHaye, public education and modern American life are in shambles because a conspiracy of "humanistic educrats" is bent on destroying Christianity. The leaders of the conspiracy are humanistic professors in colleges of education who know that the most effective way to take over America and destroy Christianity is to "indoctrinate" ("indoctrinate" is used alternately with "brainwashing," and, like "humanistic educrats," appears frequently) prospective teachers who in turn will "indoctrinate" school children. LaHaye blames the federal

¹⁰¹ *Id.* at 181-182. An alternative explanation might be that the booklets were not sufficiently sturdy to withstand the wear and tear of home use.

¹⁰² *Id.* at 183, 189-192.

¹⁰³ *Id.* at 193. No bibliographic information given.

¹⁰⁴ Tim LaHaye, *The Battle for the Public Schools*.

government and the NEA for the alleged sorry state of American education. There is a short section describing the history of American education from a fundamentalist perspective.¹⁰⁵

Almost one-third of *The Battle for the Public Schools* concerns the pernicious effects of sex education in the schools. Starting with a chapter entitled "How to Make Sexual Animals out of a Generation of Children," LaHaye builds his theory that sex education is a humanist conspiracy designed to create young people who are so sex-obsessed that they reject Bible-based Christianity. LaHaye then discusses values clarification, death education and global education as part of the conspiracy to take over public education. In LaHaye's opinion the purpose of death education is to gain acceptance for euthanasia: "[o]nce euthanasia has become an accepted norm, the next step will be to rid society of the 'undesirables.' This would include the helpless, mental incompetents, and those who oppose 'progress'-like Christians and other traditional moral activists who do not agree with homosexuality and radical feminism or do not agree with antimoral humanists."¹⁰⁶ Paranoia of this type is a persistent theme throughout *The Battle for the Public Schools*.¹⁰⁷ LaHaye frequently alludes to the small numbers of "secular humanists" who are "duping" the majority of Americans who are Bible-believing Christians. According to LaHaye, humanist educators in

¹⁰⁵ For a more complete fundamentalist view of the history of American education, see Samuel Blumenfeld, *Is Public Education Necessary?* (1985).

¹⁰⁶ *Id.* at 222.

¹⁰⁷ See discussion *infra* page 56 for additional discussion of perceived physical danger to Bible-believing Christians.

Germany were responsible for all the horrors of the Nazi regime. In contemporary America humanist educators put into practice a philosophy based on "Greeks, skepticism [identified as French] and the Enlightenment and are responsible for social ills ranging from prostitution, child pornography, Keynesian economics, genocide, easy divorce, "unformitarianism"(?), terrorism, famine, family breakdown, incest, witchcraft, occult, "doomsday-itis"(?), etc. For LaHaye, true Christianity leads to virtue, compassion, free enterprise, patriotism, wholesome literature and art, temperance, prudence, true scholarship, masculinity and femininity, orphanages, schools and colleges, etc.¹⁰⁸

Although LaHaye only includes minimal and scattered references to textbooks, with the exception of sex education textbooks, MACOS and values clarification textbooks, he discusses the Gablers at length. Other books produced by the Christian Right have more to say about text and library books in schools; however, LaHaye's book is valuable for students of the Religious Right because he has a coherent vision of what he considers wrong with American society. Often cited in Christian Right literature, LaHaye appears to be an early spokesperson for the movement's attacks on public education.

LaHaye is, not surprisingly, a staunch advocate of private Christian education: "We would certainly not be lagging so far behind the Russians and Chinese if 50% of

¹⁰⁸ *Id.* at 247-248. The terms used are drawn directly from charts in *The Battle for the Public Schools*.

our children went to private school."¹⁰⁹ He argues vehemently for diverting government subsidies in the amount of the current expenditures for public education to support private schools, presumably including fundamentalist Christian schooling; however, it is not clear if tuition tax credits and/or vouchers are the subsidies to which he refers.

According to LaHaye, the public schools should be cleansed of all "humanistic educrats." Saving the public schools requires more testing and respect for authority ("children and young people who do not want to learn or who do not respect teachers or authority [should be] transferred to work farms . . .").¹¹⁰ He calls for Christian attorneys to challenge the presence of the religion of secular humanism in public schools. *The Battle for the Public Schools* was published in 1983, the same year that *Wallace v. Jaffree*, a school prayer case, commenced. Three years later, in 1986, Judge Hand permitted the intervention of a different set of plaintiffs. Thus, *Wallace* was transformed into *Smith v. Board of School Commissioners of Mobile County* and the legal issue became the use of allegedly secular humanist textbooks as an establishment of religion in public schools.¹¹¹

Like Jerry Falwell, Pat Robertson is a national leader in the Christian Right. While the two men may disagree on theological issues, they are consistent in their criticism of public education. Progressive education was founded by John Dewey

¹⁰⁹ *Id.* at 262.

¹¹⁰ *Id.* at 261.

¹¹¹ See discussion of *Smith infra* pages 134-38.

who, during "his notorious career at Columbia [University]," inspired "the secular establishment [to] patiently and persistently dismantle America's inherited value system and its ethical foundations."¹¹² Decrying American students' lack of academic achievement, Robertson states that "[humanist] educators do not believe reading, math, history and geography skills are important"; rather they seek "the sociological and behavioral indoctrination of our children."¹¹³ John Dewey and the "radical leftist N.E.A." (National Educational Association), "an educational establishment run by wise fools," have been responsible for the "dumbing of America" and "the hopelessness and despair" of urban youth who face "a short and unhappy existence. . . ."¹¹⁴ Painting an idyllic picture of an America after the adoption of school vouchers, "[a]ll summer long the parents and their children would have been poring over the brightly colored brochures advertising schools specializing in physics. . . computer science. . . Latin, romance languages or the classics." Robertson states, "The old [education] system cannot be reformed. Like communism it must be replaced."¹¹⁵

Robertson sees "a single thread" linking the American government, including the White House, Department of State, and the Federal Reserve, through the Trilateral

¹¹² Pat Robertson, *The New World Order* 164 (1991).

¹¹³ Pat Robertson, *The New Millennium* (1990) in *The Collected Works of Pat Robertson* 153 (1994).

¹¹⁴ *Id.* at 152-155.

¹¹⁵ *Id.* at 156-157. Buried in a long list of school choices are those that "would stress religious teaching and Bible study." *Id.* at 156.

Commission and secret societies, e.g., the Club of Rome, to "extreme New Agers."¹¹⁶ Like Cumbey (see discussion *infra*), Robertson connects New Age religion with Nazism and fears that "the emergence of a New Age world religion would lead to occult power [and] demonic power [from] a single source identified in the Bible as Satan. . . ." ¹¹⁷ Among other things, "there must be a complete elimination of Christianity."¹¹⁸ In furtherance of their "psycho-political" mission of indoctrinating America's young people "toward the agenda of the left," the "false prophets of humanism" have substituted New Age religion for Christianity in America's public schools.¹¹⁹

2. Replacement of Secular Humanism with New Age Religion

as a Threat to Orthodox Protestantism

During the 1980s, several writers expanded on the theme of the New Age movement as a danger to the nation and to Christianity. Like Robertson, Cumbey, Groothuis, and Marrs all describe the New Age movement as antithetical to traditional Christianity.¹²⁰ Each author regards the New Age movement as the most recent

¹¹⁶ Robertson, *The New World Order*, at 6.

¹¹⁷ *Id.* at 168.

¹¹⁸ *Id.*

¹¹⁹ Robertson, *The Turning Tide* at 148. Robertson, *The New World Order* at 165.

¹²⁰ Constance E. Cumbey, *The Hidden Dangers of the Rainbow: The New Age Movement and Our Coming Age of Barbarism* (1983); Douglas R. Groothuis, *Unmasking the New Age* (1986); Texe Marrs, *Dark Secrets of the New Age: Satan's*

manifestation of Satan's attempt to destroy Christianity in order to achieve dominion over the world. The New Age movement fulfills the "end-times" prophecies in the book of *Revelations*. This argument is most explicitly made in Cumbey's book as the author quotes extensively from *Revelations* to show how the New Age movement fulfills scriptural prophecies. Cumbey also links Hitler and Nazism to these end-times prophecies. "Both Nazism and the New Age movement are political/spiritual entities based on the same esoteric foundations: the 'Secret Doctrine' which has been the base of all pagan religions and esoteric 'Christianity.'"¹²¹ All three authors explicitly link the New Age movement to non-Christian religions, specifically "Hinduism, Buddhism, Sufism, Sikhism, Feminist Spirituality [sic]. . . occultism, neo-paganism, and witchcraft."¹²² Groothuis adds "ancient Goddess religions ['often align[ed] with feminist concerns']," "shamanism," "druidism, Celtic spirituality, Egyptian religion, . . . and any number of tribal and indigenous forms of animism and pantheism."¹²³ Marrs, founder of the Living Truth Ministries in Austin, Texas and the author of several books on the rise of the New Age movement, considers the New Age movement a manifestation of the ancient Babylonian mystery religion, Satan's original church

Plan for a One World Religion (1987). See also Robertson, *The New World Order* at 157 ("the New Age Movement. . . can syncretize with any faith except Christianity" (quoting Tal Brooke, *SCP Journal*, July 1991, no further bibliographic information given)).

¹²¹ Cumbey at 101.

¹²² *Id.* at 149.

¹²³ Groothuis at 135, 137, 139.

which "calls herself New Age World Religion."¹²⁴ While the New Age movement is related to secular humanism, the primary emphasis for all three authors is its connection to Eastern religions, Buddhism ("'atheistic to pantheistic' schools [of thought]") and Hinduism ("preaches a gospel of occultic, idolatrous practices, man-gods and the worship of devils").¹²⁵ For Cumbey "[t]he heart of the New Age Movement is old fashioned Hindu occultism which is the original lie of the serpent right out of the garden of Eden."¹²⁶ "The classic Western spirituality of prayer, faith and obedience to an external God must be replaced by monistic mediation, personal experience and the God within."¹²⁷ "[Satan] has sent forth his ambassadors to push in the West the strange but currently popular doctrine so long accepted in the East: pantheism."¹²⁸

According to Groothius, Eastern religious beliefs and practices have infiltrated a number of Western institutions including the Roman Catholic Church, mainline Protestant denominations and even some evangelical churches. Unsuspecting and naive priests, pastors and lay members have been deceived into committing apostasy. Even church members who innocently practice yoga for its health benefits ("all forms

¹²⁴ Marris, *Dark Secrets of the New Age* at 24-25. The author describes "Mystery Babylon" as a "modern day scarlet woman" who invites "all the world of her drunkenness and her fornication (but whose) real name is MYSTERY BABYLON THE MOTHER OF HARLOTS AND ABOMINATIONS OF THE EARTH." *Id.* at 25.

¹²⁵ Groothius at 140. Marris; *Dark Secrets of the New Age* at 47.

¹²⁶ Cumbey at 168-169.

¹²⁷ *Id.* at 142.

¹²⁸ Marris, *Dark Secrets of the New Age* at 199.

of yoga involve occultic assumptions") have opened the door to infiltration by Satan and his minions.¹²⁹ "The [New Age] movement has infiltrated all of Christianity as well as Judaism. . . taking the form of Easternization of our churches [which is] blatant among Roman Catholics and mainline Protestant denominations--particularly Episcopalians and United Methodists."¹³⁰ Despite their unwitting cooperation in Satan's plan, both Jews and Christians face a dire fate if the movement is successful. Marris has the most apocalyptic version of the fate of Christians in the new world order as he speculates of the existence of documents spelling out the "ominous provisions for Christians."¹³¹ "[I]t would be difficult--perhaps impossible--for us to gain access to the actual documents that reveal outright a hideous, hidden intent to persecute, purge, or kill all the Bible-believing Christians at some point in the future after the Antichrist ascends to dictatorial power."¹³² The New Age has a "commitment to wipe off the face of the earth those who worship God and His Son only and who deny the man-god New Age doctrine."¹³³ The failure of Christians to perceive their

¹²⁹ Groothuis at 68.

¹³⁰ Cumbey at 39. Marris states that "mixed-up Christian leaders and congregations who are now desecrating their churches by bringing in occultism and listening to New Age heralds and teachers, or worse, demons, are the vanguard for Satan's New Age One World religion." Marris, *Dark Secrets of the New Age* at 219.

¹³¹ Marris, *Dark Secrets of the New Age* at 137.

¹³² *Id.*

¹³³ *Id.* at 144.

danger is attributed to Satan's cunning in keeping his ultimate plan secret and the use of "mysterious code words and phrases."¹³⁴

3. New Age Religion as a Pernicious Influence in Public Schools

The writers discussed in the previous section see young people as particularly vulnerable to Satan's influence through exposure to New Age and occultic ideas and practices. These dangers are seen as emanating not only from the popular culture but also from public education. Each author includes scattered references to the need to protect children and adolescents. The following section details works dealing with the danger to young people, especially that posed by materials and activities which, in the view of the authors, would cause children to turn away from Christianity to embrace demonically inspired religions.

a. The Danger to America's Youth

One aspect of Satan's plan to which these writers alert vigilant Christians is the danger posed to their children and to society generally by New Age influence over young people. Rock music and Saturday morning cartoons are prime examples of the corruption of children and adolescents. Movies such as "E.T.," "Close Encounters of the Third Kind," and "Raiders of the Lost Ark," "toys with explicit Satanism built in to the toy," "books written in hell" in school libraries, and "an alarming trend among toy and game makers and comic book publishers to display Satanic and witchcraft

¹³⁴ *Id.* at 150.

symbolism" are also instruments used by Satan to corrupt youngsters.¹³⁵ Marris sees "[an] avalanche of religious filth [as having] entered the classroom, brought in by those responsible to protect our children." "School supervisory personnel and administrators are even given formal instruction and training on how deceit and camouflage [sic] can bring New Age material into classrooms."¹³⁶ "Satan is inspiring many teachers to work at pushing an entire generation of young students over the cliff into a sea of occultism and spiritual despair."¹³⁷ From Cumbey's 1983 statement that children are being brainwashed in public schools to Marris' chapter entitled "Cry for Our Children," these books presage an increasing preoccupation with the dangers the New Age movement poses to children. While much Christian Right literature continues the series of broad-based criticisms exemplified by the writings of Morris; Falwell; Robertson; Blumenfeld; LaHaye; James Dobson of Focus on the Family; and Kathi Hudson and Robert Simonds of Citizens for Excellence in Education, a small group of authors writes specifically about the influence of Satanism and New Age philosophy on children. In the 1990s entire books have been devoted to this topic, and

¹³⁵ Marris, *Dark Secrets of the New Age* at 239, 244. In Marris' opinion "the secular publishing industry is *aiding and abetting* the New Age conspiracy [by] focusing the children toward the decadent, pro-Satan theology of both the New Age [including the portrayal of 'the dragon, the bat and the snake-symbolizing Lucifer as good' while denigrating Christianity] and Secular Humanism." *Id.* at 241 (emphasis added). See generally Phil Phillips, *Turmoil in the Toybox* (1986) which describes itself as a "shocking exposé [of] the New Age, Occult [sic], Violent [sic] and Satanic influences that have invaded the once innocent toybox [and which] reveals the hidden dangers found in He-Man and Masters of the Universe, Barbie, Rainbow Brite, G.I. Joe, Dungeons and Dragons, Care Bears, Thundercats, E.T., [and] Cabbage Patch."

¹³⁶ *Id.* at 239.

¹³⁷ *Id.*

similar material can be found in newsletters and flyers distributed by leading Christian Right organizations involved in educational issues, including Eagle Forum, Citizens for Excellence in Education and Focus on the Family.¹³⁸

b. Public Schools as Infiltrated by New Age Religion

In *The Seduction of Our Children*, Neil Anderson and Steve Russo speak of "the shocking things happening in our classrooms" (discussing holistic education).¹³⁹ Another writer on this subject, Joanna Michaelsen, warns parents that "shamans, Yogis, wizards, witches, magicians, mediums, witch doctors, and other assorted occultists . . . have become the raging vogue in public schools in every state and virtually every community around the country."¹⁴⁰ Michaelsen states that "Halloween is . . . a prime recruiting season for the Satanists" with children being invited to parties which serve as rituals "for the purpose of initiating these kids into Satanism."¹⁴¹ According to Michaelsen, "Halloween isn't the only time our kids are exposed to witchcraft in schools."¹⁴² Witches are "actively out proselytizing young children."¹⁴³ To Marrs, "seizing control of the education of our children is a paramount goal of the

¹³⁸ See discussion *infra* pp. 66-67 and 228-32.

¹³⁹ Neil T. Anderson & Steve Russo, *The Seduction of Our Children: Protecting Kids from Satanism, New Age, and The (sic) Occult* 64 (1991) (on the cover of the book the words "Satanism," "New Age," and "The Occult" are underlined).

¹⁴⁰ Joanna Michaelsen, *Like Lambs to the Slaughter* 33-34 (1989).

¹⁴¹ *Id.* at 192, 193.

¹⁴² *Id.* at 197.

¹⁴³ *Id.*

New Age leadership."¹⁴⁴ "Schools have tragically become battlefields of conflict and an astonishing and growing number have been transformed by New Age forces into evil inner sanctums where unsuspecting children are constantly being exploited and abused by wilful [sic] teachers and school administrators bent on poisoning captive young minds with occultic, New Age doctrines and rituals."¹⁴⁵ Marris "shudders to think what will be the fate of today's defenseless kids--boys and girls of kindergarten and elementary school age--whose tender and susceptible minds are being subjected to ceaseless bombardment from the occult and the New Age."¹⁴⁶

Parents are advised to "[w]atch for books . . . that focus on death, the occult, Satan-worship, black magic, reincarnation, or witchcraft."¹⁴⁷ To Michaelsen, school libraries have been "deluged with new books and stories about how wonderful, charming, exciting, delightful, loving and friendly Witches [sic] are."¹⁴⁸ Michaelsen describes a parent protest involving a filmstrip of Zilpha Keatly Snyder's novel, *The Headless Cupid*.¹⁴⁹ Michaelsen dismissed the school district's argument that the

¹⁴⁴ Texe Marris, *Ravaged by the New Age: Satan's Plan to Destroy Our Kids* 138 (1989).

¹⁴⁵ *Id.* at 15.

¹⁴⁶ *Id.*

¹⁴⁷ Anderson & Russo at 98.

¹⁴⁸ Michaelsen at 203.

¹⁴⁹ *Id.* at 208-210. *The Headless Cupid* was subsequently challenged at the Hays, Kan. public library (1989) and in school libraries in Grand Haven, Mich. (1990), Waldorf, Md. (1991), and Escondido, Cal. (1992) (Robert P. Doyle, *Books Challenged or Banned Books in 1993-1994* (American Library Association, Chicago, Ill.), 73 (1994)) [hereinafter Doyle, *Banned Books*, this designation will be used for all annual

filmstrip neither advanced nor inhibited religion because fiction does not persuade young readers, as "patently ridiculous." Fiction is a "powerful means of teaching principles and molding worldviews."¹⁵⁰ Michaelsen states that she "suspects that the majority of Witches [sic] and occultists who became involved in the occult as children [did so] through a fascination with myths and works of fiction that dealt with occult themes."¹⁵¹ In her discussion of censorship, she describes a high school student who was horrified to discover that his high school library had 25 works related to "Satanism, Witchcraft, voodoo and general occultism" which had been purchased to support a "Myths and Legends" class that had been subsequently discontinued.¹⁵² When the student requested that the books be removed from the school library, he argued that student access to them was comparable to giving a young child the keys to a car.¹⁵³ For this young man and many fundamentalists, the issue is not censorship but the protection and guidance of children.

Marrs titles a chapter of his book, *Ravaged by the New Age*, "Satan's Bookshelf: Dark Verses, Underground Rhymes, and Bed-Time Stories for Little

reports of the American Library Association]. Michaelsen also describes a challenge to activities in a teachers' "Bookmate" designed to accompany E. L. Konigsberg's 1968 Newbery Honor Book, *Jennifer, Hecate, Macbeth, William McKinley, and Me, Elizabeth* (*Id.* at 211). See also *infra* pp. 140, 145 and Section IV for discussion of challenges to teachers' anthologies in *Impressions* series.

¹⁵⁰ Michaelsen at 210.

¹⁵¹ *Id.*

¹⁵² *Id.* at 213.

¹⁵³ *Id.* at 213-15.

Witches."¹⁵⁴ He begins with the startling rhetorical question: "What evil lurks within the confines of elementary, junior high school, and public libraries?"¹⁵⁵ The answer, according to Marrs, is "Plenty!"¹⁵⁶ "Satan is having a field day . . . producing books . . . for children with only one express purpose to putrefy and trash mind and soul."¹⁵⁷

Marrs describes a challenge in Boulder, Colorado to *The Headless Cupid* and warns readers of Snyder's Newbery Award winning book, *The Egypt Game* ("other pagan adventures").¹⁵⁸ Madeleine L'Engle's trilogy, *A Wind in the Door*, *A Wrinkle in Time*, and *A Swiftly Tilting Planet* is "packed with New Age and pagan imagery and concepts."¹⁵⁹ Phyllis Schlafly's *Eagle Forum* published a letter describing L'Engle as "the leading Pied Piper of our nation's children into the Age of Aquarius, the New Age."¹⁶⁰ According to Marrs, Ms. L'Engle's sins include serving as the librarian at the church of St. John the Divine in New York City which is described as "a New Age cathedral."¹⁶¹ Even C. S. Lewis, author of *The Chronicles of Narnia* and a noted

¹⁵⁴ Marrs, *Ravaged by the New Age* at 175-93.

¹⁵⁵ *Id.* at 175.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* at 179, 182.

¹⁵⁹ *Id.* at 187.

¹⁶⁰ *Id.* at 189 (quoting Milton Craig, *Eagle Forum* (no bibliographic information given)).

¹⁶¹ *Id.*

Christian author, "distort[s] God's Word."¹⁶² "Lewis is revered by New Agers."¹⁶³ From the modern classics of C. S. Lewis to Nancy Drew (the new Nancy Drew is "indicative of where the New Age and secular humanist Masters [sic] of publishing want to take our youth"), books such as these are "poison[ing] our children's minds while trusting, unsuspecting parents are unawares [sic]."¹⁶⁴ The author warns of a "New Age make-over" of dragons which is "quite a departure from the Truth [sic] of the Bible" that "the great dragon was cast out, that old serpent, called the Devil, and Satan"¹⁶⁵

The 1992 publication of Berit Kjos's *Under the Spell of Mother Earth*, which is devoted to exposing how environmental education is permeated by neo-paganism and feminist Goddess religions, typifies an increasing focus on more specialized topics.¹⁶⁶ Like Marrs, Kjos sees neo-paganism as a contemporary manifestation of "the Babylonian religion that had captivated Canaanites in earlier days."¹⁶⁷ "Earth-based religions [including "ecofeminism" and "deep ecology"], led by demonic forces always

¹⁶² *Id.* at 185.

¹⁶³ *Id.* at 188.

¹⁶⁴ *Id.* at 189.

¹⁶⁵ *Id.* at 183-84 (quoting *Revelations* 12:9 (King James)). See Section IV for a discussion of challenges brought on the grounds that materials contained references to dragons, particularly challenges to the primary grade self-esteem program, *Pumsey in Pursuit of Excellence*.

¹⁶⁶ Berit Kjos, *Under the Spell of Mother Earth* (1992). Kjos is also the author of *Your Child and the New Age* (1990) and *Brave New Schools* (1995).

¹⁶⁷ Berit Kjos, *Under the Spell of Mother Earth* at 76.

hate those who love God. Today Babylon's fire of hatred has flared again and awaits the completion of God's irrevocable judgment."¹⁶⁸ According to People for the American Way, challenges based on belief systems such as those of Michaelson, Marrs, and Kjos have been increasing in recent years.¹⁶⁹

4. The Impact of Christian Right Literature

It is difficult to gauge the impact of Christian Right materials. What information exists is widely scattered and anecdotal. For example, Bates, in his study of the Hawkins County, Tennessee dispute and subsequent *Mozert* litigation, makes particular mention of the influence that Christian Right literature had on Vickie Frost through her close friend, Jennie Wilson.¹⁷⁰ According to Bates, Jennie Wilson was deeply influenced by Tim LaHaye's *The Battle for the Mind* and Constance Cumbey's *Hidden Dangers of the Rainbow*. *The Battle for the Mind* describes the danger secular humanism poses to American society. The relationship between *The Battle for the Mind* and LaHaye's subsequent book, *The Battle for the Public Schools*, is the same as that between Cumbey's book and Groothius' *Unmasking the New Age* to subsequent books focusing on the occult and New Age influences in public schools. First, the

¹⁶⁸ *Id.* at 90.

¹⁶⁹ Telephone interview with Alison Beers, Senior Researcher, People for the American Way, September 21, 1995.

¹⁷⁰ Stephen Bates, *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Our Schools* (1993). Vickie Frost initiated the protest over the Holt reading textbooks in Hawkins County and was the driving force behind the dispute. See discussion *infra* pp. 121, 122, 125.

danger to the broader society is postulated, then books connecting the danger to public education follow. Wilson describes how "she passed 'juicy tidbits' from her reading [of LaHaye and Cumbey] on to Frost" ¹⁷¹ In addition, both women were deeply influenced by a series of radio programs on the dangers of the New Age given by Cumbey. Frost stated that Cumbey was "'the one who brought these things to my heart and mind.'" ¹⁷²

A "whole box" of Mel and Norma Gabler's book, *What Are They Teaching Our Children?*, was sold to anti-*Impressions* parents during a California challenge to the series. ¹⁷³ A grandparent writing to the superintendent of the district to protest the use of *Impressions* advised the superintendent to read four books written from a Christian perspective on the dangers of the occult. ¹⁷⁴ Three of the four books the complainant recommended were written by Joanna Michaelsen, including *Like Lambs to the Slaughter*. ¹⁷⁵

For the present study six publishers and distributors of Christian Right books were contacted and asked to give the sales figures for the books discussed in this section. Only one, Intersarsity Press, publisher of Groothius' *Unmasking the New*

¹⁷¹ *Id.* at 18.

¹⁷² *Id.* at 19.

¹⁷³ Anita Olive Oliver, *The Politics of Textbook Controversy: Parents Challenge of the Implementation of a Reading Series* (1993) (unpublished Ph.D. dissertation, University of Wisconsin (Madison)).

¹⁷⁴ Letter from author unknown to the Superintendent of Citrus Valley (pseudonym) School District (Nov. 17, 1989) (on file with the author).

¹⁷⁵ See discussion pp. 60, 61.

Age, responded. According to Intersity Press, *Unmasking the New Age* sold more than 100,000 copies.¹⁷⁶ This figure can be compared with the circulation figures for Christian Right newsletters given in Table 1. It should be noted, however, that purchasers of books are making a conscious decision to receive information on a given topic rather than being passive recipients of the subjects discussed in newsletters. Thus, while purchasers of the Groothius book may share a common world view with readers of Christian Right newsletters, the former deliberately sought information related to the New Age movement written from a conservative Protestant perspective.

In addition to books such as those discussed above, Christian Right elites, notably Samuel Blumenfeld, author of *The Blumenfeld Education Letter*, and organizations distribute journals, newsletters and other materials.¹⁷⁷ Knicker summarized data related to these organizations (see Table 1).¹⁷⁸

¹⁷⁶ Electronic mail message from Melinda Syens, Editorial Assistant, Intersity Press, Feb. 11, 1997 (on file with the author).

¹⁷⁷ Materials from these organizations is discussed in the Section IV and is arranged according to its relevance to the themes of secular humanism, denigration of religion and the occult.

¹⁷⁸ Charles R. Knicker, *A Journey with Strangers: Understanding the Religious Right and its Impact Upon American Education*, Religion and Education, Fall 1996 at 28-29.

Table 1
Major Christian Right Organizations Involved in Educational Issues

Organization	Leadership	Membership	Publication
American Family Association	Donald Wildmon	N/A	<i>American Family Association Journal</i> ^a
Christian Coalition	Pat Robertson Ralph Reed	450,000	<i>Christian American</i>
Citizens for Excellence in Education	Robert Simonds	200,000	<i>President's Report Education Newsline</i> ^b
Concerned Women of America	Beverly LaHaye	600,000	<i>Family Voice</i>
Eagle Forum	Phyllis Schlafly	80,000	<i>The Phyllis Schlafly Report Education Reporter</i>
Focus on the Family	James Dobson	2,000,000	<i>Focus on the Family Citizen</i> ^c

Sources: Except where otherwise noted all data is from Charles R. Knicker, *A Journey with Strangers: Understanding the Religious Right and Its Impact Upon American Education*, Religion and Education, Fall 1996 at 28-29.

^a Anti-Defamation League, *The Religious Right: The Assault on Tolerance & Pluralism in America* 88 (1994).

^b *Id.* at 89.

^c *Id.* at 77.

Knicker identifies Wildmon's American Family Association and Concerned Women for America as heavily involved in the anti-*Impressions* movement and Focus on the

Family as particularly concerned about New Age influences in public education.¹⁷⁹

Phyllis Schlafly's Eagle Forum was also active in the anti-*Impressions* crusade.¹⁸⁰

5. Summary

Christian Right elites view contemporary public education as antithetical to true Christianity. From Morris' "change agents" and La Haye's "educrats" to Michaelson's "wilful" teachers and administrators, public school personnel influenced by colleges of education and federal and state bureaucrats have become, wittingly or unwittingly, Satan's tools in his battle to defeat God's people. Fundamentalists see John Dewey and Progressive education as unmitigated evils and every innovation or reform with even a trace of Progressive thought as suspect. In keeping with a view of humanity as innately depraved, children are viewed as particularly susceptible to Satan's influence. The presence of what are perceived as anti-Christian materials, especially those with even the slightest hint of New Age or occultic content, in the public schools represents a danger not only to the souls of individual children but also a threat to the realization of America as God's kingdom, the divinely ordained "shining city on the hill."

¹⁷⁹ *Id.* at 28-29.

¹⁸⁰ Anti-Defamation League at 89. *See* Section IV for a discussion of the involvement of these organizations as well as Citizens for Excellence in Education in the supporting opposition to *Impressions*.

B. Review of Scholarly Educational Literature

In keeping with the general to specific organization previously described, the following section considers censorship generally, then censorship of school materials and the Christian Right and its relationship to American education before the movement's impact on school censorship issues. The section next discusses scholarly appraisals of specific, pre-*Impressions* censorship incidents before concluding with an analysis of studies related to the *Impressions* controversies.

1. Censorship

a. Causes of Censorship

Much of the literature written on the subject of censorship includes censorship from both the Left and the Right. A particularly useful analysis which examines the root causes of censorship is Garry's *An American Paradox: Censorship in a Nation of Free Speech*.¹⁸¹ Garry analyzes a broad spectrum of challenges to free speech from the Alien and Sedition Act of 1798 to efforts to impose political correctness on university campuses and objections to the lyrics of certain types of popular music. According to the author, periods characterized by relatively high levels of censorship are cyclical, coinciding or following periods of intense social conflict when Americans seek to discover a new national identity or reaffirm a prior sense of communal values. Censorship, for Garry, is an expression of weak communities that perceive themselves

¹⁸¹ Patrick Garry, *An American Paradox: Censorship in a Nation of Free Speech* (1993).

as threatened. Thus, censorship is a "symptom of insecurity."¹⁸² For example, the Salem witch trials were a form of censorship engendered by the perceived disintegration of the Puritan community. Salem was a community "fraught with insecurity and anxiety over the future of its puritanical theocracy," and perceiving a threat to its survival the community lashed out to suppress dissident speech by the "most severe type of censorship: death by execution."¹⁸³ However, the author links the increase in challenges to public school materials to "quality consciousness" rather than insecurity.¹⁸⁴ Garry briefly notes that "frequently cited reasons for such censorship [are] satanism and dirty words" and that challenges to Holt's *Impressions* reading series were on the grounds that the protestors thought the series contained "too many negative stories, too many witches, and too many references to Satanism." Thus, in the author's opinion censorship attempts brought for such reasons reflected "quality-motivated censorship" as challengers "question[ed] the value of devoting educational resources to the topic of Satanism."¹⁸⁵

In addition to studies of the phenomenon of censorship generally, two types of studies attempt to track censorship incidents, i.e., challenges to books and/or materials in schools and libraries. First, researchers attempt to discover the nature and effects of such disputes by conducting surveys. Second, public interest groups, e.g., the

¹⁸² *Id.* at 121-37.

¹⁸³ *Id.* at 108.

¹⁸⁴ *Id.* at 100.

¹⁸⁵ *Id.* at 102, 103.

American Library Association and People for the American Way, issue periodic reports which describe challenges to books and materials.

b. Censorship Surveys

Burress conducted a survey in Wisconsin in 1963 and national surveys in 1966, 1973, 1977, and 1982.¹⁸⁶ The 1982 study surveyed 860 school librarians.¹⁸⁷ Thirty-four percent of responding school librarians reported a total of 502 censorship incidents. In addition to seeking information regarding the disposition of the challenge, Burress obtained data identifying the objectors (parents, librarians, administrators, clergy, students, etc.) and the grounds of the objections. Of the 502 reported challenges, 14 involved "religious ideas," 12 involved "witches [or the occult]," three involved "humanism," and two involved "evolution."¹⁸⁸ In addition to reporting on the results of his 1982 survey, Burress listed 900 titles from 17 surveys conducted between 1965 and 1985.¹⁸⁹ Included in this list is information about the source of the challenge, reasons for the objection and the disposition of the challenge.

¹⁸⁶ Lee Burress, *Battle of the Books: Literary Censorship in the Public Schools, 1950-1985* at 6, 205 (1989); Louise Adler, *Institutional Responses: Public School Curriculum and Religious Conservatives in California*, 28 *Education and Urban Society*, 331 (1996) [hereinafter Adler, *Institutional Responses*].

¹⁸⁷ *Survey Reports Rise in School Library Censorship*, Newsletter on Intellectual Freedom, (American Library Association, Chicago, Ill.), Jan. 1983, at 1.

¹⁸⁸ Burress at 42-43.

¹⁸⁹ *Id.* at 205. This list includes titles from People for the American Way's *Attacks on the Freedom to Learn, 1980-1983* (issued by the New York regional office of People for the American Way) and the (national organization's) *Attacks on the Freedom to Learn, 1983-1984* [hereinafter People for the American Way, *Attacks on the Freedom to Learn*, this designation will be used for all annual reports of the national organization].

McCarthy and Langdon conducted a survey of 292 school superintendents in Indiana in 1992 seeking information on challenges to instructional programs/materials and library holdings from 1982-1992.¹⁹⁰ Citing data from reports published by People for the American Way to the effect that such challenges had increased from 1990 to 1992, the authors sought to discover whether the organization's findings held true for Indiana. McCarthy and Langdon found that 39% of the 241 reporting superintendents had experienced challenges in their districts during the previous ten year period. The authors listed the most frequently challenged materials, programs and library holdings. The authors found that religious concerns (including allegations that the objected-to materials or programs were New Age or satanism, witchcraft, the occult and secular humanism) accounted for "over one fourth" of the 184 challenges reported.¹⁹¹ Like other researchers, the authors also sought information regarding the disposition of the challenges. Acknowledging that specific targets may vary from state to state and citing *Impressions* specifically, McCarthy and Langdon found that their data supported People for the American Way's contention that "all regions of the country are facing an increase in challenges to public school programs and materials."¹⁹² Moreover, the Indiana data was consistent with PFAW's findings regarding the specific targets of challenges. The authors also noted that the increase in Indiana challenges coincided with new, innovative statutory curriculum requirements in the state.

¹⁹⁰ Martha McCarthy & Carol Langdon, *Challenges to the Curriculum in Indiana's Public Schools* (1993).

¹⁹¹ *Id.* at 4.

¹⁹² *Id.* at 6.

Responding to studies and media reports of an increase in challenges instigated by the Christian Right, Scheuerer conducted a survey of the "chief instructional program supervisors" in each of the 67 school districts in Florida to determine the extent of fundamentalist involvement in censorship incidents in that state during 1986-1989.¹⁹³ Scheuerer's review of the literature included a discussion of Christian Right organizations, scholarly works and media reports of censorship incidents of the 1980s with special emphasis on challenges occurring in Florida. The author included overviews of *Mozert*, *Smith*, a dispute in Bay County, Florida (*Farrell v. Hall*) and an even more abbreviated discussion of *Virgil*.¹⁹⁴ Scheuerer's questionnaire was designed to answer a number of questions regarding districts' experiences with challenges to materials, including:

1. Degree of respondents' knowledge about the New Christian Right.
2. Positive and/or negative feelings held by respondents about the New Christian Right.
3. Level of frequency of complaints.
4. Source and nature of complaints.

¹⁹³ Daniel T. Scheuerer, *The New Christian Right and Instructional Materials in the Public Schools of Florida* 49 (1989) (unpublished Ed.D. dissertation, University of Florida).

¹⁹⁴ While Scheuerer elevates the Bay County, Florida incident, the dispute underlying *Farrell v. Hall*, to the status of "the second major textbook" controversy after *Mozert*, his study mentions only the filing of the suit in 1987 and does not state how the litigation was resolved. No citation for *Farrell v. Hall* is available. *Virgil v. School Bd. of Columbia County*, 862 F.2d 1517 (11th Cir. 1989). See discussion p 116.

5. Strategies of protestors.

6. District responses.

Scheuerer found that 47 of the 59 responding districts had experienced at least one instructional materials complaint. "Profanity/obsenity," "Sex Education," "Family Values" and "Secular Humanism" were the four most often cited grounds for the complaints. From 1986 to 1989, 6.7 percent of the reporting districts received challenges in which the protestors complained of "witchcraft" in the school materials. Twenty-six percent of curricular supervisors had only limited knowledge (one on a seven part Likert scale) about the New Christian Right. Scheuerer discovered that materials were more likely to be removed from the school if the New Christian Right was involved in the challenge. For all challenges materials were removed in 31.6 percent of the incidents while materials were removed in 40.9 percent of incidents where fundamentalist/religious groups were involved.

While Scheuerer's research is significant for examining topics which are not often fully explored in other surveys, e.g., the specific strategies employed by complainants, detailed accounts (more than simply whether or not the challenged material was removed) of district responses, and the respondents' knowledge of the Christian Right movement, it is not highly detailed with regard to the reasons for the challenges. Rather startling in terms of Scheuerer's focus is the absence of "religion" as one of the categories respondents could select. Rightly, the author sees the increase in Christian Right challenges in Florida as linked to the increase in such challenges

nationally, but fails to connect his findings to the national reports of censorship incidents.

A national survey of school library media specialists conducted by Hopkins during 1989-1990 found that 1,661 (35.9 percent) of the 4,736 reporting schools had experienced one or more complaints.¹⁹⁵ While Hopkins reported on data related to the presence of professional library staff; action taken in response to the complaint, i.e., retention of challenged materials; existence of a board-approved materials selection policy and amount of pressure felt by professional school library personnel, her survey did not include questions related to the grounds on which the challenge was brought or to the source of the challenges. Although Hopkins' study may shed light on the degree of underreporting by the American Library Association and People for the American Way, she does not compare her data with the noncomprehensive reports of these organizations to determine the degree to which the reports undercount challenges to materials.

In 1990, 1991, 1993, and 1995, Adler conducted surveys of the more than 1,000 California school districts as part of a longitudinal study sponsored by the Educational Congress of California.¹⁹⁶ Adler's questionnaire included items related to demographic data; the number and resolution of challenges; and the nature of challenges (by whom they were brought as well as the reason(s) for the challenge).

¹⁹⁵ Diane McAfee Hopkins, *Challenges to Materials in Secondary School Library Media Centers: Results of National Study*, *Journal of Youth Services in Libraries*, Winter 1991, at 134.

¹⁹⁶ Adler, *Institutional Responses* at 327-46; Adler, *Third Statewide Survey*.

The results of these surveys demonstrated that in California "the most frequently cited reasons for challenges [were] . . . 'religious conflict' and 'satanic/witchcraft'--common concerns of religious conservatives."¹⁹⁷ Adler found that the percentage of challenges citing "religious conflict" ranged from a low of 17 percent in 1990 to a high of 30 percent in 1993 while those brought on the grounds of Satanic/witchcraft content ranged from a low of 10 percent in 1995 to a high of 23.7 percent in 1990.¹⁹⁸ In her 1993 report, Adler acknowledges that the *Impressions* controversies probably had an effect on her 1991 data, but does not analyze how this particular group of disputes might have affected the survey results. Adler and Tellez documented 22 districts in which *Impressions* was challenged in a 1990 study devoted exclusively to California *Impressions* disputes and alluded to a California Department of Education document listing 40 districts involved in *Impressions* disputes.¹⁹⁹

c. Reports Produced by National, Public Interest Organizations

In addition to the periodic surveys conducted by academic researchers, two public interest organizations, the American Library Association (ALA) and People for the American Way (PFAW) track censorship activity. Both organizations have published annual reports of censorship incidents since 1982. Both sets of reports are selective rather than comprehensive listings of all such incidents in a given year.

¹⁹⁷ Adler, *Institutional Responses* at 333.

¹⁹⁸ *Id.* at 334. See Section IV.

¹⁹⁹ Louise Adler & Kip Tellez, *Curriculum Challenge from the Religious Right: The "Impressions" Reading Series*, Urban Education, July 1992, at 152-73.

Since the 1950s, the Office of Intellectual Freedom of the ALA has published its bimonthly *Newsletter on Intellectual Freedom*.²⁰⁰ Items included in the newsletter are drawn from newspaper accounts of challenges supplied by a commercial clipping service.²⁰¹ The newsletter accounts are summarized in the ALA annual report and tend to focus on challenges school and public library books. One notable exception to this general rule were the *Impressions* controversies. Challenged books or materials are arranged alphabetically by author. Each volume of the ALA annual report is comprehensive, i.e., listing current and previous challenges to a given work documented by the ALA. A noncomprehensive list of that particular year's incidents is included in the volume and since 1992 the list has also been published separately as a pamphlet. The ALA descriptions are shorter than those of PFAW, but refer the reader to the appropriate *Newsletter* issue for more detailed information.

PFAW also issues an annual report, *Attacks on the Freedom to Learn*. Early volumes included challenges to public library materials and incidents such as the burning of records and/or books, but later volumes have been increasingly focused on public school issues. More comprehensive than the ALA's *Banned Books*, the PFAW reports include legislative activity, textbook selection committee hearings, attempts to influence curriculum at the school district level and challenges to curricular materials and instructional activities that are not included in the ALA reports. PFAW states that

²⁰⁰ Telephone interview with Cindy Robinson, the American Library Association (Oct. 28, 1996).

²⁰¹ *Id.*

the sources of its information are "teachers, librarians, school officials, parents and students who either responded to . . . mailed questionnaires or contacted [the organization] individually."²⁰² In addition, the organization "gather[s] information from news reports and various forms of outreach to parents, activists and educational professionals."²⁰³ Over the years the descriptions of incidents in *Attacks on the Freedom to Learn* have become more detailed. The reports are organized by state and not indexed either individually with the annual report or cumulatively. At the beginning of each report, a summary of the year's censorship activity is given; this summary frequently compares the nature and frequency of challenges with the previous year's report and briefly describes recent trends. Aside from this brief commentary neither organization attempts a retroactive examination of its own reports.

2. The Christian Right and American Education

This section first considers scholarly examinations of the relationship of the Christian Right to public education which are broad in scope before turning to the specific subject of the movement's impact on challenges to materials, curricula, and instructional activities. Next, scholarly discussions of specific censorship controversies are presented. The section concludes with a discussion of articles and studies of the *Impressions* controversies themselves.

²⁰² People for the American Way, *Attacks on the Freedom to Learn* 5 (1996).

²⁰³ *Id.*

a. General Works

Provenzo's *Religious Fundamentalism and American Education* is a relatively short overview of the relationship of the Christian Right to American education.²⁰⁴ Provenzo quotes extensively from fundamentalist writers to illustrate the various topics he examines (secular humanism, censorship, evolution versus creation science, death education, values clarification, school prayer, etc.). In addition, *Religious Fundamentalism and American Education* contains brief analyses of the litigation arising from conflicts over these issues. These one to two page summaries are written in language readily accessible to lay persons.

Provenzo discusses the criticisms fundamentalists have leveled at contemporary public education, especially their allegations that the public schools promote what fundamentalists consider the religion of secular humanism. "[E]volution is essentially synonymous with humanism which deifies man [and] its real goal . . . is nothing less than Satanism, which exalts Satan as god."²⁰³

Provenzo describes a wide variety of events associated with the critical stance taken by the Christian Right toward public education, e.g., the challenges to *Man: A Course of Study*; the growth of institutions advocating creation science; state regulation of private, especially fundamentalist Christian schools; and the influence of Mel and Norma Gabler. Provenzo's chapter on evolution, "Creationism and the

²⁰⁴ Eugene F. Provenzo, Jr., *Religious Fundamentalism and American Education: The Battle for the Public Schools* (1990).

²⁰³ *Id.* at 56 (quoting Henry M. Morris, *Education for the Real World* 61 (1977)). *Education for the Real World* is published by Creation Life Publishers.

Schools," includes a discussion of a note which appeared in the *Yale Law Journal* in 1978. The author, Wendell Bird, argued "that the teaching of evolution in the public schools violated the free exercise of religion guaranteed by the Constitution by forcing the students to receive instruction that was heretical to their religious beliefs."²⁰⁴

Although Provenzo, discussing Bird's involvement with the creation science movement after his graduation from Yale, does not make the connection explicit, this was the argument used by the plaintiffs in *Mozert v. Hawkins County (Tenn.) Public Schools* when they challenged the use of Holt's *Basic Reading* series (the Holt series which immediately preceded *Impressions*).

In his concluding chapter, Provenzo gives a short description of *God's Choice* and ties Peshkin's findings and conclusions to his own analysis of the implications of fundamentalism's "war unto the death" for control of American society.²⁰⁵ Of particular interest is Provenzo's argument that the efforts of fundamentalists to regain control of the schools is an example of status politics, religious fundamentalists' desire to regain cultural recognition of their view of reality. Provenzo states that these controversies "reflect a direct attempt . . . to gain equal status . . ." for their worldview.²⁰⁶ Later Provenzo alludes to a more troubling aspect of fundamentalism's

²⁰⁴ *Id.* at 58.

²⁰⁵ *Id.* at 95 (quoting Rousas Rushdoony, "Introduction," in Alan N. Grover, *Ohio's Trojan Horse: A Warning to Christian Schools Everywhere* xiv (1977)). *Ohio's Trojan Horse* concerned Ohio's minimum standards for private school regulation. Alan Peshkin, *God's Choice: The Total World of a Fundamentalist Christian School* (1986).

²⁰⁶ *Id.* at 89.

ultimate goal: not equal status, but the domination of American society, when he states that "the battle for the public schools" is a reflection of fundamentalists efforts "to see their system of absolute truth recreated in the culture [in order] to convert [in their own best interests] those who have not yet discovered Absolute Truth."²⁰⁷

Provenzo sees tolerance and respect for diversity as absolutely impossible for fundamentalists. Fundamentalists are "inevitably in conflict with the public schools and what they represent . . . [education for] a democracy that values tolerance [and diversity]."²⁰⁸

McKenzie documents the use of the term "secular humanism" as the archenemy of Christian faith and the "chief weapon in Satan's arsenal for undermining the faith of believers" in Christian Right literature.²⁰⁹ For McKenzie, an examination of the development of fundamentalist apologetics related to "secular humanism" demonstrates how the term formed a link between identification of Communism as an enemy and New Age philosophy as the "enemy of true faith." The author identifies the first use of the phrase in a 1949 work by Corliss LaMont, *Humanism as a Philosophy*. McKenzie traces its appearance through two amicus curiae briefs for *Torcaso v. Watkins* and the Supreme Court's brief mention of the term in what McKenzie describes as "the now infamous footnote," to the philosophical exposition of Francis Schaeffer and the popularization of the term by Tim LaHaye and the Gablers.

²⁰⁷ *Id.*

²⁰⁸ *Id.* at 91-92.

²⁰⁹ David McKenzie, *Humanism as "Enemy of the True Faith,"* 21 Religion and Public Education 43 (1994).

Relevant to the replacement of "secular humanism" with New Age religion as the primary enemy of true faith is McKenzie's statement that humanism has its roots in "pagan Roman, Greek, *Indian* and *Chinese* religions."²¹⁰ To McKenzie, humanism, even secular humanism, is a philosophy which, while it may be antithetical to traditional Christianity, is not anti-religious but merely nonreligious. Despite fundamentalist efforts to cast it as a religion, secular humanism has "no creed, no great founder, no symbols and no rituals, and no scripture."²¹¹ However, the perjorative nature of the term has served a useful function in allowing fundamentalists to explain the ills of modern society and to demonize their opponents. To McKenzie, "[c]onservative Christians continually use an argument from ignorance, saying in effect that the absence of overt religious expressions and values in the classroom is tantamount to a denial of religion."²¹² However, McKenzie fails to account for the scriptural basis for such a belief, "He that is not with me is against me," or for why fundamentalist Christians are compelled by their worldview to hold such a belief.²¹³

²¹⁰ *Id.* at 46 (citing Tim LaHaye, *The Battle for the Mind* 125-140 (1980)) (emphasis added). McKenzie's comment that the origins of humanism lie in classical philosophy rather than the polytheistic religions of the classical world only captures a portion of the implications of LaHaye's assertion. To the Christian Right, seeing the world exclusively in religious terms, what is perceived as antithetical to true Christianity must be a religion and must be connected to other religions whether ancient, historical or contemporary. It is extremely easy to fall into the trap of refuting Christian Right arguments without examining the reason the arguments are framed in particular ways.

²¹¹ *Id.* at 45 (citing Leo Pfeffer, *How Religious Is Secular Humanism?* 48 Humanist 14-15 (1988)).

²¹² *Id.* at 46.

²¹³ *Matthew* 12:30; *Luke* 11:23.

Finally McKenzie appears to regard the Supreme Court's "unwittingly endorse[ment]" of secular humanism as a religion in the *Torcaso* footnote as a mistake which has allowed the term to serve "as a general category of vilification" for any and all nonreligious beliefs or activities.²¹⁴

Gaddy, Hall and Marzano do provide the link between fundamentalist theology and the nature of the criticisms of public education.²¹⁵ According to the authors, Christian fundamentalists believe the following:

1. The Bible is inerrant and must be the source of knowledge and truth. Materials that might lead students to views contrary to the Word of God should be removed. "[S]tudies of non-Western cultures might suggest the worth of Buddhist or Hindu values and beliefs."
2. All human beings are innately depraved (the doctrine of original sin) and, thus, are continually tempted by Satan to do sinful things. Materials and activities designed to enhance students' self-esteem may lead them to forget their sinful natures.
3. Because truth can only be found in "God's infallible, literal Word revealed in the Bible, *religious* tolerance toward others with different values and different world views must be rejected."

²¹⁴ *Id.* at 47.

²¹⁵ Barbara B. Gaddy, T. William Hall, & Robert J. Marzano, *School Wars: Resolving Our Conflicts Over Religion and Values* (1996).

4. In contrast to mainline Christians or religious liberals, Christian fundamentalists "hold to the reality of Satan," who is viewed as a spiritual entity active in the world.²¹⁶

Through an examination of fundamentalist literature and the use of anecdotes, the authors describe the rise of Christian Right concerns over New Age influences in public schools, a phenomenon that was not well-established when Provenzo wrote *Religious Fundamentalism and American Education*. However, while *School Wars* cites reports published by the American Library Association and People for the American Way to support the proposition that a significant number of challenges to "literature and curriculum" are generated by fundamentalist individuals and groups, it makes no attempt to analyze numerically the incidents described in the reports. Although the evidence is presented in anecdotal form, the authors have a firm grasp of the issues involved. For example, they note that Citizens for Excellence in Education is particularly concerned because multicultural education can lead children to "experience the particular practices, prayers, chants, and beliefs of religions such as Islam, Hinduism, and Native American shamanism, which can include magic and witchcraft."²¹⁷ *School Wars* also documents Christian Right opposition to the whole language philosophy and, in general terms, links that opposition to the *Impressions* controversies.

²¹⁶ *Id.* at 140, 142, 145, 147.

²¹⁷ *Id.* at 129.

Building on author Gaddy's 1992 unpublished master's thesis, "Ultra-Fundamentalists' Legal Challenges to Public School Library and Instructional Materials: An Analysis of Court Decisions," *School Wars* includes a detailed examination of litigation over school materials. Thus, it is surprising that the book, published two years after the *Brown* and *Fleischfresser* appellate court decisions and including a short section on the *Impressions* controversies themselves, does not mention *Fleischfresser* at all and disposes of *Brown* in two sentences.²¹⁸

In many respects, scholarly commentary on the New Christian Right and American public education is the story of challenges to books, curricula and instructional activities. Setting aside conflicts over school prayer and Christian prayer clubs, most fundamentalist activism has been related to criticisms of what schools teach and to a lesser, although still significant extent, how they teach it. When Christian fundamentalists challenge materials selected by administrators, teachers and librarians, the issue becomes censorship.

²¹⁸ "(I)n 1991 in Woodland, California parents sued the school district seeking removal of part of the reading series from the schools. The district court's ruling in favor of the schools was upheld on appeal." (citing *Brown v. Woodland Joint Unified Sch. Dist.*, Cal. 92-15772). Note that the authors do not give full citation for this case nor the citation for the Ninth Circuit decision in *Brown*. *Id.* at 102, 285 n.16. See pp. 140-43 for discussion of *Brown*.

b. School Censorship and the Christian Right

(1) General Works

In 1988, Pierard identified the new religious right as "one of the most significant forces promoting censorship in the 1980s."²¹⁹ Writing before the bulk of fundamentalist literature analyzing the danger of New Age religion, Pierard finds "a silver thread" running through all its "writings, speeches, and sermons" in the idea that "a sinister cabal of liberal and secular humanists is undermining the values on which American democracy rests."²²⁰ Pierard documents evidence supporting his view that the New Christian Right has been relatively unenergetic and unsuccessful in challenging materials in public libraries; the author finds that it has introduced "a new and virulent element to conflict[s]" involving public education.²²¹ Focusing on the Gablers and Phyllis Schlafly's Eagle Forum, the author describes both challenges to textbooks (Kanawha County, *Williams*; Hawkins County, *Mozert*; and Mobile County, *Smith*) and the enactment and impact of the Hatch Amendment. In connection with the passage of the Hatch Amendment, the author describes how Phyllis Schlafly incorporated a check list of objectionable activities into her 1984 *Child Abuse in the Classroom*.²²² Schlafly's national Eagle Forum distributed a model letter based on this

²¹⁹ Richard V. Pierard, *The New Religious Right and Censorship*, 58 *Contemporary Education*, 131-37 (1987).

²²⁰ *Id.* at 133.

²²¹ *Id.* at 134.

²²² 20 U.S.C. § 1232h (1974), amended by Pub. L. No. 103-227, § 1017 (1994) (West, WESTLAW through 1996). Requires parental permission before students are permitted to participate in federally funded experimental instructional programs or

checklist to 120 organizations and 70,000 individuals. By 1985, parents were using Schlafly's letter to protest various instructional activities.²²³

Writing contemporaneously with the appellate court reviews of *Mozert* and *Smith*, Pierard briefly describes the underlying disputes and gives a one sentence summary of the district court decisions. One interesting connection that the author fails to make is to the September 1984 testimony by Eagle Forum members before the Alabama State Textbook Committee regarding health and home economics textbooks. It is not clear whether these were the same textbooks at issue in *Smith*, but certainly Eagle Forum's objections mirrored those of the Smith plaintiffs. A second missed connection occurs in the author's discussion of Paul Vitz, a "neoconservative Catholic" and "obscure" psychology professor at New York University, who was awarded a government grant to study anti-religious bias in textbooks. Subsequently, Vitz, whom the author describes as "[without] any familiarity with the scholarly literature on the history of textbook writing or principles of textbook adoption," published his findings both as a government report and as a book to which "he added a final chapter where he [Vitz] viciously assaulted the public schools and suggested that both they and the publishing industry were probably beyond the hope of real reform."²²⁴ What Pierard failed to include was Vitz's role as an expert witness in both *Mozert* and *Smith* and

psychological research.

²²³ Pierard at 136 (citing Edward B. Jenkinson, *Preparing For a Winter of Challenges to Schoolbooks and Courses*, 65 Educational Horizons 48, 49 (1985)).

²²⁴ *Id.* at 137.

the subsequent use of his report and book by fundamentalist critics of public education.

In 1994, both the International Reading Association and the National Council of Teachers of English, organizations highly supportive of intellectual and academic freedom, produced edited volumes on the subject of censorship in the schools.²²⁵ Both volumes contend that teachers and school administrators need to be more aware of the rise in censorship and offer specific suggestions for dealing with challenges. Writing in the Simmons volume, Jenkinson briefly discusses disputes in Kanawha County, West Virginia (*Williams v. Board of Education of Kanawha County*); Warsaw, Indiana (*Zykan v. Warsaw Community School Corporation*) and Tell City, Indiana (allegations of secular humanism and the involvement of Mel Gabler).²²⁶ Jenkinson identifies the most common strategies used by challengers: petitions, "trial by newspaper," activities by national organizations, lawsuits, "'bills of particulars,'" and books and literature alerting parents and others to the "problems of the public schools [including textbook errors and "educational quackery"] and to [the dangers of] 'alien' religions."²²⁷

²²⁵ *Censorship: A Threat to Reading, Learning, and Thinking* (John S. Simmons, ed., 1994) (published by the International Reading Association) [hereinafter Simmons, *Censorship*]; *Preserving Intellectual Freedom in Our Schools: Fighting Censorship in Our Schools* (Jean E. Brown, ed., 1994) (published by the National Council of Teachers of English).

²²⁶ Edward B. Jenkinson, *Tactics Used to Remove Books and Courses from Schools*, in Simmons, *Censorship* at 29-36. See discussions of *Zykan* and *Williams*, pp. 112-13 and 117-20.

²²⁷ *Id.* at 33-35. Bills of particulars are written public comments regarding textbooks being considered by the state textbook adoption committee in Texas.

Marzano, a former monk and the author of the frequently challenged *Tactics for Thinking* program, focuses on a portion of one theme explored in the present study, the objections to materials on the grounds that they contain "New Age" religion.²²⁸ Although Marzano links the increase in objections on such grounds to the influence of Christian reconstructionists, he states that "[a]lthough the emergence of the New Age religion is rather recent, it has its roots in secular humanism."²²⁹ It is not clear from the context of the preceding statement whether Marzano is referring to the New Age religion itself or to fundamentalists' response to the phenomenon. The author does little to dispel this ambiguity when he warns teachers that "some of the basic concepts that underlie [the New Age movement] have infiltrated educational practice. . . coming dangerously close to promoting New Age beliefs [and] crossing the line between instructional practice and religious philosophy."²³⁰ Marzano goes on to list a compendium of institutions and activities that fundamentalists have connected to the New Age movement, from "Save the Whales" and Yale University to quantum physics and the Muppet movie, *The Dark Crystal*. Marzano's statement that "these items have no connection to religious practices" further reveals his ambiguity when confronting the disturbing evidence that noneducators are accepting the arguments of fundamentalist conspiracy theorists. What is absent from the author's discussion is any reference to Establishment Clause litigation involving similar educational issues.

²²⁸ Robert J. Marzano, *Censorship and the "New Age,"* in Simmons, *Censorship* at 37-44.

²²⁹ *Id.* at 41

²³⁰ *Id.* at 42.

Despite his earlier concerns about the promotion of New Age beliefs, ultimately Marzano closes with an obliquely worded statement implying that if unchecked "ultrafundamentalist claims" could negatively impact students' learning.

Tomlinson and Tunnell note the increase in challenges to books with supernatural themes.²³¹ The authors postulate that the increase in objections to spooky tales, such as "ghost stories, mysteries, fantasy, and stories of horror and sorcery," may be related to the increasing popularity of such literature among young readers and that "[c]ensorship of supernatural stories denies children a substantial body of literature of proven popularity" and may "impede children's self-initiated reading practice."²³² Thus, censorship of such materials may hinder children's "attainment of reading fluency."²³³ The authors also allude to a connection between attempts to suppress supernatural stories and the challenges to *Impressions*.

McCarthy documents a number of challenges to specific instructional programs in a series of articles, including the challenges to *Impressions*, the *Quest* drug prevention curriculum, and *Tactics for Thinking*, a critical thinking program.²³⁴

²³¹ Carl M. Tomlinson & Michael O. Tunnell, *Children's Supernatural Stories: Popular But Persecuted*, in Simmons, *Censorship* at 107-114.

²³² *Id.* at 107-108, 111.

²³³ *Id.* at 111.

²³⁴ Martha McCarthy, *Challenges to Public School Curriculum* Phi Delta Kappan, Sept. 1993, at 55; Martha McCarthy, *Conservative Groups' Challenges to Public School Programs*, Catalyst for Change, Fall 1995, at 5 [hereinafter McCarthy, *Conservative Groups*]; Martha McCarthy, *Public School Improvements Under Attack*, 22 Religion and Education 50 (1996); Martha McCarthy, *People of Faith as Political Activists in Public Schools*, Education and Urban Society, May 1996, at 308 [hereinafter McCarthy, *People of Faith*].

Challenges to curricular materials are part of a broader set of goals identified by the author:

1. Eliminating objectionable materials and programs from public schools,
2. Securing exemptions for their children from public school activities considered to be objectionable,
3. Returning devotional activities to public schools, and
4. Increasing opportunities for parents to select private schools that conform with their religious beliefs.

In connection with activism directed toward objectionable materials and programs, McCarthy notes not only the increase in challenges to materials and instructional activities brought by conservative religio-political individuals and groups but also the increased linkage between objections based on allegations of secular humanism and "New Age" religions.²³⁵ Including challenges to Outcome Based Education, McCarthy finds a geographic clustering of, and an increase in the success rate of, such incidents.²³⁶ Beyond general statements regarding the increase in such challenges, McCarthy does not attempt to explore the contours of explicitly religious objections to public school materials.

More tightly focused on the increase in objections citing the "New Age" movement as anti-Christian, Marzano explores the clash of worldviews that underlies

²³⁵ McCarthy, *Conservative Groups* at 5; McCarthy, *People of Faith* at 309, 312.

²³⁶ McCarthy, *People of Faith* at 312-313.

what the author terms the "great conspiracy theory."²³⁷ Marzano illustrates the difference in these paradigms, defined as a "set of important understandings (oftentimes unstated) that members of a community share in common," by describing the clash between individuals who hold the view that humanity is inherently sinful, i.e., innately depraved and consequently in need of the redemption that only God can provide, and the view held by many educators that one of the purposes of contemporary education is to enhance students' self-esteem.²³⁸ Marzano notes the shift from secular humanism to the New Age movement as a threatening anti-Christian religion and cites fundamentalist literature to list "individuals, organizations, movies and publications that various authors allege to be involved with the New Age movement," from Alcoholics Anonymous to the Campbell Soup Company and the Catholic church (including as separate entries rosaries and Catholic communion) to Yale University.²³⁹ Some of the entries on Marzano's list have direct implications for objections to school materials and activities, including Lions International, sponsors of the *Quest* program; creative visualization; ending world hunger; environmentalism; globalism; guided imagery for success; hypnosis (teachers are sometimes accused of hypnotizing their students in order to make them more amenable to New Age, anti-

²³⁷ Robert J. Marzano, *When Two Worldviews Collide: Education and Christianity*, Educational Leadership, Dec.-Jan. 1993, at *1, *7, available in DIALOG, academ-ind.

²³⁸ *Id.* at *8 (quoting V. Sathe, *Implications of Corporate Culture: A Manager's Guide to Action*, 5 *Organizational Dynamics* 74-84 (1983)). See discussion *supra* pages 8-9 regarding the disagreement between Horace Mann and Frederick Packard in the 1830s over the absence of the innate depravity doctrine in schoolbooks.

²³⁹ *Id.* at *3-*5.

Christian beliefs); pluralism; and positive thinking.²⁴⁰ Marzano briefly connects Christian Right leaders with a view of American education as under the influence of "gurus [who] come in to lecture."²⁴¹ Public schools are accused of having "seances and meditations [and promoting] occult practices [which have been] used in public schools to 'retrain' our sons and daughters and to indocrinate children into the New Age."²⁴² However, Marzano fails to document explicitly how the clash of these worldviews has been translated into challenges and litigation over public school materials, curricula and instructional activities.

(2) Specific Controversies:

Kanawha County, West Virginia and Hawkins County, Tennessee

Moffett theorizes that the Kanawha County dispute was the result of the clash between the worldviews of the rural, Appalachian areas surrounding Charleston, West Virginia and the more urban, cosmopolitan inhabitants of the capital. The Charleston schools and those of the surrounding areas had been consolidated shortly before the dispute erupted. Moffett's *Interaction* series, a kindergarten through twelfth grade

²⁴⁰ *Id.*

²⁴¹ *Id.* at *5 (quoting Pat Robertson, *The New Millennium* n.p. (1990)).

²⁴² *Id.* Robertson repeats a frequent Christian Right complaint that Biblically-based Christianity has been removed from public education, "You can't put up the Ten Commandments on the classroom wall. . . ." (a reference to *Stone v. Graham*, 449 U.S. 39, (1981) in which the Supreme Court held that a Kentucky statute requiring the classroom posting of the Ten Commandments violated the Establishment Clause because the statute had a secular purpose), in favor of anti-Christian doctrines, either secular humanism, New Age religion, Eastern religions, and/or religions rooted in occult beliefs. This displacement argument is a common theme in fundamentalist literature and among conservative Christians.

supplementary language arts adoption, was one of the challenged books. Ultimately, the protestors brought suit alleging a violation of their free exercise rights. The district court found for the school district in a three page opinion which was affirmed in an unpublished Fourth Circuit opinion.²⁴³

DelFattore mentions the Kanawha County dispute and its resultant litigation twice; however, *What Johnny Shouldn't Read: Textbook Censorship in America* is primarily concerned with the Hawkins County, Tennessee dispute. Like Moffett, DelFattore describes the events surrounding the challenges to Holt, Rinehart and Winston's *Basic Reading* series and ties the objections to the series to complaints that conservative Christian parents have repeatedly voiced regarding public school curriculum and materials. Published in 1992, *What Johnny Shouldn't Read* includes a section on the challenges to *Impressions* which ends with the filing of motions for summary judgment in *Brown v. Woodland (Cal.) Joint Unified School District*.²⁴⁴ *What Johnny Shouldn't Read* does not include any mention of the almost contemporaneous *Impressions* litigation in Illinois which, like the *Brown* case, ultimately resulted in a decision by a federal court of appeals. Both Moffett and DelFattore connect the textbook challenges which form the focus of their respective books to the larger issue of conservative Christian dissatisfaction with the public schools; however, neither ties these disputes to the resurgence of political activism by

²⁴³ *Williams v. Board of Educ. of Kanawha County (W. Va.)*, 388 F. Supp. 93, *aff'd*, 530 F.2d 972 (4th Cir. 1975).

²⁴⁴ DelFattore, *What Johnny Souldn't Real* at 174.

the Religious Right nor do these scholars analyze where the Kanawha and Hawkins County disputes fit in a historical continuum of fundamentalist criticisms of public school curriculum and materials.

(c) *The Impressions Controversies*

Although *Impressions* is the most challenged book in America with over a hundred challenges documented by the American Library Association and People for the American Way and with much material related to the challenges and litigation in the popular press, the *Impressions* disputes have received relatively little scholarly analysis.²⁴⁵ In 1990, Adler and Tellez examined 22 *Impressions* challenges in 100 California districts using the series.²⁴⁶ Adler and Tellez found that the challenges occurred in geographic clusters. In addition, they noted that reports in the mass media seemed to result in additional challenges. Adler and Tellez also analyzed the terms used by the protestors.

Post studied a school board recall election in California which resulted from the decision of the board to retain the series. To Post, the key element in the recall campaign was the state department of education's attempt "to construct new and broader concepts of the community, through multicultural texts like *Impressions* [which] conflicted with [the] ongoing imagination of traditional communities by

²⁴⁵ Foerstel at 136-138.

²⁴⁶ Adler & Tellez, *Curriculum Challenge from the Religious Right* at 152, 154, 160.

families. . . ."²⁴⁷ Based on the results of an exit poll conducted by Post, the author concluded that fundamentalist religious belief was not a determining factor in voting for recall. Post based this on a finding that only 44% of persons favoring school prayer voted to recall the pro-*Impressions* school board members (it can be argued that persons cannot be adequately identified as having fundamentalist religious convictions by their response to only one question). Less surprising was Post's finding that a majority of parents (86%) who voted for recall believed that "schools should teach children mainly the basic skills."²⁴⁸

The only full length study of the *Impressions* challenges is a 1993 qualitative case study. Like Post, Oliver focused on a single California community, Citrus Valley, which experienced an *Impressions* controversy. In keeping with qualitative research traditions, the author interviewed participants in the dispute and school district employees. She drew from these interviews and documentary sources to establish a chronology of the dispute as well as the issues involved in a textbook protest. The Citrus Valley dispute did not result in litigation.

While Oliver's case study is from one community, she also examines the broader context of the dispute by posing some of the major questions that arise over curricular control, censorship versus selection, and parents' rights versus state interest in controlling education. She appears to be persuaded by studies and commentators who

²⁴⁷ David Post, *Through Joshua Gap: Curricular Control and the Constructed Community*, 93 *Teachers College Record* 673, 676 (1992).

²⁴⁸ *Id.* at 686-87.

tend to blur the line between censorship and selection or who use the terms more broadly than they are used in the present study. Her tendency to blur these distinctions may stem from the fact that while she discusses the issue she does not define these terms. While Oliver's section devoted to the history of textbook challenges includes an extremely brief description of *Williams* (Kanawha County, West Virginia), it fails to mention *Mozert* or *Smith* and their underlying disputes. What little discussion there is of court decisions related to censorship, education, and/or textbook controversies is drawn exclusively from secondary sources.

Oliver identifies herself as a former teacher who taught in a Seventh Day Adventist school for eight years and she appears to be ambivalent about the religious dimension to the controversy. She describes Robert Simonds as a "proponent of Christians' controlling schools" and the Gablers as "two of the most successful people in effecting change in school textbook[s]."²⁴⁹ She gives relatively more coverage to the Gablers despite the fact that they appear to have been significantly less involved in the *Impressions* disputes than Simonds. James Dobson of Focus on the Family is mentioned briefly and Joanna Michaelsen is mentioned only by name without any discussion of how her ideology and/or writings might have influenced the protestors. There is no discussion of Christian Right literature related to the danger to both society and children by the occult. Like other scholars, Oliver acknowledges the difficulties in making "clear distinctions of New Right groups and their discrete

²⁴⁹ Oliver at 43.

ideologies" and deemphasizes the religious aspect of the Citrus Valley dispute.²⁵⁰

Oliver is more comfortable with the distinction between the "Old Right" and the "New Right" than with attempting to label some members of the "New Right" as the "Christian Right."

Despite Oliver's attempts to place the Citrus Valley dispute in the broader context of textbook challenges and the ideological differences that contribute to such disputes, the most glaring weakness of Oliver's study is her failure to place the Citrus Valley dispute in the context of other *Impressions* challenges. In several instances Oliver acknowledges that there were a number of other challenges to the series not only in California but also in other states. Moreover, her statement that "[b]y the end of 1990 . . . roughly eighty ['of the approximately 1000 districts in California'] were using *Impressions* [and only] a few of these eighty districts had textbook challenges over *Impressions* . . ." is misleading.²⁵¹ Assuming that Oliver's figure that eighty districts were using *Impressions* by 1990 is correct, the 1990 ALA and PFAW reports document challenges in 20 California districts. Oliver cites Alder and Tellez' 1992 *Impressions* article, but does not mention the state department of education report documenting challenges in approximately 40 districts. Thus, the reader of Oliver's study might draw the conclusion that the dispute in Citrus Valley was a relatively

²⁵⁰ *Id.* at 53. An interesting observation Oliver makes is that a number of homes in the community displayed signs containing Bible verses in their front yards. According to Oliver, the signs were changed periodically by the individual who supplied them to the residents.

²⁵¹ *Id.* at 106.

isolated incident in spite of the several references to other *Impressions* disputes both within the state and in other states. A second and related weakness of the study is the author's failure to discuss the *Impressions* litigation. Oliver's dissertation was published in 1993. The Woodland, California and the Wheaton, Illinois parents filed suit in 1991 and the district courts reached their decisions in 1992.

As an ethnographic study, Oliver's work concentrates on the dynamics of the local controversy and seeks to answer the question of why this dispute arose in this community. She devotes as much space to the facts surrounding the publishers sending the wrong books, i.e., different books from those that had been used in the pilot study, as she does to objections to the books on the grounds that they promoted the occult.²⁵² Typical ethnographic studies rely heavily on interviews. *The Politics of Textbook Controversy* contains a great deal of rich data generated by the author's interviews with Citrus Valley parents, community members, and school district personnel. Absent, however, is documentary material related to the dispute in the community, especially the written complaints submitted by the protestors and newspaper accounts of the events. The present study seeks to complement Oliver's work by emphasizing both the national scope and religious character of the challenges to *Impressions*, including legal analysis of litigation related to the issues raised in the *Impressions* controversies, and the use of documentary sources. Taken together, *The*

²⁵² The district had failed to use international standard book numbers on its purchase orders.

Politics of Textbook Controversy and the present study give a more complete picture of the challenges to the series.

Focusing on the Willard, Ohio challenge to *Impressions*, McClain's shorter study takes a more critical stand toward individuals and groups protesting the use of *Impressions* which, in McClain's opinion, "engag[ed] students' minds with quality literature rather than 'dumbing down' the texts."²⁵³ Here, McClain unwittingly captures one of the ironies of the *Impressions* controversies. In an effort to mitigate the erosion of educational standards by encouraging elementary students to read "quality literature," *Impressions* provoked an "ideological and political crusade [to eliminate the series]" and teachers were viewed as engaged in "a diabolical plot to undermine the morality of today's students."²⁵⁴ Unlike Oliver, McClain clearly demonstrates her support for the series which, in her view, was "based on sound research and classroom experience." Her attitude toward the series itself may have colored her attitude toward the protestors. McClain's discussion of the *Impressions* challenges includes only occasional references to the national scope of the controversy. Although her study is subtitled "Courtroom Threats to Schools," she discusses at length a dropped lawsuit (Willard, Ohio), but fails to mention the Wheaton-Warrenville, Illinois dispute (*Fleishfresser*) or the litigation in Woodland, California (*Brown*), both of which had

²⁵³ Ruth A. McClain, *The Impressions Series: Courtroom Threats to Schools*, in Simmons, *Censorship* at 93.

²⁵⁴ *Id.* at 93.

resulted in federal district court decisions two years prior to the publication of her essay.

Writing in 1991 after the filing of the *Brown* complaint, Crockenberg sees parallels between *Mozert* which he correctly identifies as a Free Exercise case, and *Brown* as an Establishment Clause challenge.²⁵⁵ Having made the connection between the two cases, the author fails to link the *Mozert* court's finding that the students were not required "to act in any way--for example by role playing or reciting magic chants or even by reading aloud," with the *Brown* complaint that "*Impressions*. . . includ[ed] practices, exercises, *role-playing*, lessons, and material which endorse the religion of Wicca."²⁵⁶ Although correctly predicting that the *Brown* plaintiffs would not prevail, Crockenberg incorrectly asserts that to show a violation of the excessive entanglement prong of the *Lemon* test (not identified as such), the plaintiffs would have to establish that the "district [had] administratively entangled itself with *Wicca church officials* in making the decision to adopt the textbooks."²⁵⁷ Focusing on the *Mozert* decision and the legal arguments of the *Brown* plaintiffs, the author makes no attempt to link either case to the broader spectrum of fundamentalist challenges to public school materials or textbooks, and even here he is beguiled into a superficial comparison of the two cases

²⁵⁵ Vincent Crockenberg, *In the Courts: Intolerance and the Impressions Reading Series*, *Teacher Education Quarterly*, Spring 1991, at 93-96. The *Brown* complaint was filed on April 22, 1991. The *Fleishfresser* complaint was not filed until November 5, 1991 well after the publication of this article.

²⁵⁶ *Id.* at 94-95 (emphasis added). Crockenberg does not give the source of this quotation.

²⁵⁷ *Id.* at 95-96 (emphasis added).

by failing to see how the *Mozert* decision led directly to the heart of the *Brown* complaint.

Although Moffett and DeFattore include primary source materials, particularly the opinions of the protestors both written and oral, the present study includes a greater analysis of fundamentalist writings on public education with particular emphasis on how religious conservatives view reading instruction. In addition, the study links the *Impressions* controversies to a broader continuum of constitutional litigation brought on explicitly religious grounds.

3. Summary

The studies of censorship tend to exclude a detailed legal analysis. While the focus of each may differ, there is little attempt to connect nonlegal challenges with litigation other than that which resulted from the specific challenge considered. In addition, even when the authors of the surveys discuss the litigation that flowed from a specific controversy they do not substantively connect that litigation with the body of case law resulting from challenges which were pursued in the courts.

The earlier work on textbook censorship litigation failed to analyze the cases from a legal standpoint. This failure may have been due to the fact that the authors were scholars in fields other than law. In addition, without the decisions in the *Impressions* cases, there was not a sufficient number of cases to produce a meaningful commentary. Moreover, each scholar tended to focus on one particular controversy. For example, Moffett, focused on Kanawha County, does not mention the Hawkins

County situation or its resultant litigation in *Mozert* and his work predates the *Impressions* controversies. DeFattore, concentrating on the Hawkins County dispute and *Mozert*, included only a cursory analysis of the Kanawha County dispute and *Williams*, and the *Impressions* challenges.

Although the Kanawha and Hawkins county disputes have been the subject of full-length studies, the *Impressions* controversies have not been the subject of any investigation, longer or more substantial than Oliver's case study. Like the Moffatt and DeFattore studies, Oliver's research was focused on one community; however, the *Impressions* challenges were national in scope. This study updates both Moffett's and DeFattore's work and, in so doing, connects what Edward Jenkinson describes as the "schoolbook protest movement" to the political activism and educational criticisms of the Christian Right in the 1980s and early 1990s.

Although much has been written about the political activism of the Christian Right, the studies of the attitudes of religious conservatives to public education are scattered. Except for Provenzo's *Religious Fundamentalism and American Education*, which includes one chapter on censorship and one on textbooks and curriculum, there has been little attempt to bring together both scholarly commentaries and primary source material from the Christian Right, especially in the area of reading instruction. In addition, there have been only minor attempts to link the *Impressions* controversies to the contours of Christian Right challenges to public school materials in general.

C. Review of Related Litigation

This section analyzes litigation resulting from disagreements over academic freedom in precollegiate education and local control over elementary and secondary education. After a brief discussion of Supreme Court findings regarding academic freedom itself, the review considers in chronological fashion a variety of cases involving challenges to the authority of state and local authorities to restrict students' access to information. Viewed globally, these cases reflect the contemporaneous concerns of the larger society. For example, in the 1920s the states of Nebraska and Iowa responded to the anti-German sentiment engendered by the First World War by seeking to restrict the teaching of the German language in schools. In the 1970s and early 1980s school districts, reflecting the concerns of some parents, sought to eliminate materials that were considered too socially or politically liberal. The religion clauses of the First Amendment were invoked in several challenges to public school instructional activities. Looking solely at litigation over materials, particularly curricular materials, the section divides such litigation into Free Exercise Clause and Establishment Clause challenges. This distinction, with a small amount of overlap, follows a chronological pattern, culminating in the litigation brought over the *Impressions* series. Speaking generally, the section parallels the previous section as litigation brought by Christian Right activists appears to track issues of concern raised by elites, and as scholars respond by analyzing both nonlegal disputes and litigation. Table 2 summarizes the principal cases related to materials, curricula, and instructional activities in public schools.

Table 2. Principal Litigation Related to Public School Materials, Curricula, and Instructional Activities

Case name	Date	Court	Challenge to	Holding
<i>Meyer</i> ^a	1923	S.Ct. ^b	Curriculum ban	Statute prohibiting teaching of German was unconstitutional
<i>Minarcini</i>	1976	6th Cir. ^c	Novels to be used as textbooks	Refusal of board to approve recommended books was constitutional
<i>Cary</i>	1979	10th Cir.	Removal of books on reading list	Removal of books from reading list did not violate First Amendment
<i>Zykan</i>	1980	7th Cir.	Elimination of course, ban on classroom use of certain books, removal of library books	Elimination of course, ban on classroom use of certain books, and removal of library books was not unconstitutional
<i>Pruitt</i>	1982	8th Cir.	Removal of films used in curriculum	Removal of films was unconstitutional
<i>Bd. of Educ., Island Trees Union Free Sch. Dist</i>	1982	S.Ct.	Removal of library books	Removal of library books violated First Amendment
<i>Virgil</i>	1989	11th Cir.	Removal of play and poem used in curriculum	Removal of play and poem did not violate constitution

Cases are listed in the order they are discussed in the text. ^a Plaintiffs' or appellants' names have been used to designate cases. ^b "S.Ct." has been used to designate cases decided by the Supreme Court of the United States. ^c "Cir." has been used as an abbreviation for United States Circuit Court of Appeals. Thus, "6th Cir." refers to the United States Court of Appeals for the Sixth Circuit.

Table 2-Continued

<i>Williams</i>	1975	Federal Dist. Ct.- W. Va	Adoption of language arts and reading textbooks	Adoption of language arts and reading textbooks did not violate Free Exercise Clause
<i>Mozert</i>	1987	6th Cir.	Use of reading textbooks	Use of reading textbooks did not violate Free Exercise Clause
<i>McCollum</i>	1947	S.Ct.	In-school religious instruction	Board's authorization of in-school religious instruction violated the Establishment Clause
<i>Malnak</i>	1979	3d Cir.	Required, off-campus ceremonies part of transcendental meditation course	Although the course was elective, chants performed in off-campus ceremonies violated the Establishment Clause
<i>Grove</i>	1985	9th Cir.	Novel as supplementary reading	Use of novel did not establish religion of secular humanism
<i>Smith</i>	1987	11th Cir.	U.S. history and home economics textbooks	Use of textbooks did not establish religion of secular humanism
<i>Brown</i>	1994	9th Cir.	Use of <i>Impressions</i> reading textbooks	Textbooks did not establish the religion of witchcraft
<i>Fleischfresser</i>	1994	7th Cir.	Use of <i>Impressions</i> reading textbooks as supplementary materials	Textbooks did not establish the religion of witchcraft, paganism or Satanism

1. Introduction

Concurring in the foundation case on academic freedom, Justice Frankfurter quoted from "The Open Universities in South Africa," a statement of a conference of senior scholars from the University of Cape Town and the University of the Witwatersrand, "[K]nowledge is its own end, not merely a means to an end. A university ceases to be true to its own nature if it becomes the tool of the church or state Freedom to reason and freedom for disputation . . . are the necessary conditions for the advancement of . . . knowledge."²⁵⁸ Frankfurter set out the four freedoms essential to a university's educational mission: "to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study."²⁵⁹

In the context of protected speech in public schools, Justice Douglas cited the "serious prospect of the precise sort of chilling effect which has long been a central concern in our First Amendment decisions" in finding that school rules prohibiting the distribution of an unofficial student newspaper abridged the free speech rights of the student distributors.²⁶⁰ Holding that the wearing of black armbands by students to protest the Vietnam War was protected speech, the Court found that political speech by students is protected by the First Amendment if the speech does not interfere with

²⁵⁸ *Sweezy v. New Hampshire*, 354 U.S. 234, 262, 263 (1957).

²⁵⁹ *Id.* at 262, 263 (quoting *The Open Universities in South Africa*, 10-12).

²⁶⁰ *Board of Sch. Comm'rs of Indianapolis v. Jacobs*, 490 F.2d 601 (7th Cir. 1974) (plaintiff students had failed to comply with the Federal Rules of Procedure in their class action suit seeking a declaratory judgment that the board's policies with respect to student publications were unconstitutional prior restraints on protected speech).

the educative function of the school.²⁶¹ The Court found that exercising their rights of free speech "prepares students for active and effective participation in [our] pluralistic, [and] often contentious society."²⁶² The *Tinker* Court rejected the view that "a State might so conduct its schools as to foster a homogenous people."²⁶³

This section divides legal challenges to public school material, curricula and activities into two groups: those in which the plaintiffs argue that school districts acted improperly to restrict information and those in which plaintiffs are seeking to compel school districts to eliminate or restrict access to allegedly objectionable materials. These categories are not entirely exclusive. Plaintiffs arguing that districts improperly restricted materials sometimes contend that such restrictions flowed from political pressure and that district actions impede students' rights to learn and teachers' academic freedom. Those seeking to compel districts to eliminate or restrict access to materials argue that the challenged materials exclude viewpoints they deem worthy of inclusion in school libraries and curricular materials.

²⁶¹ *Tinker v. Des Moines Sch. Dist.*, 393 U.S. 503 (1969).

²⁶² *Id.* at 506.

²⁶³ *Id.* at 511.

2. Restricting Access to Materials and Information

a. *Meyer v. Nebraska* and the Process of Incorporation²⁶⁴

During the process of incorporation the Supreme Court addressed the issue of whether states and, by extension, local authorities had unfettered power to determine public school curriculum. *Meyer* and its companion case mark the beginning of judicial involvement with issues of public school materials, curricula, and instructional activities. In *Meyer v. Nebraska* and *Bartels v. Iowa* the Court struck down as unconstitutional state statutes prohibiting, inter alia, the teaching of modern foreign languages to elementary school students.²⁶⁵ The statutes were enacted as part of a wave of anti-German sentiment that swept the country during and after the First World War. The *Meyer* Court declared that under the Fourteenth Amendment individuals possess a liberty interest in "acquir[ing] useful knowledge."²⁶⁶ The Court found that

²⁶⁴ "Incorporation" is the term used to describe the line of cases in which the Supreme Court, using the Fourteenth Amendment, held that the guarantees of the Bill of Rights applied to state and local governments. Prior to incorporation, the Bill of Rights applied only to the federal government.

²⁶⁵ *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Bartels v. Iowa*, 262 U.S. 404 (1923). The statutes in question prohibited the teaching of modern foreign languages to students below the eighth grade and prohibited the use of foreign languages for teaching secular courses. The Iowa statute declared English as the official language of the state.

²⁶⁶ *Meyer* at 390. The liberty interest in "acquir[ing] useful knowledge" so clearly set out in *Meyer* has only been cited 16 times in subsequent decisions. Only two of those cases were related to precollegiate education. See *Roe v. Pennsylvania*, 638 F. Supp. 929 (E.D. Penn., 1986) (student did not have a property interest in being placed in a program for gifted students because the state had provided her with a basic education); *St. Louis Developmental Disabilities Treatment Ctr. Parents Ass'n v. Mallory*, 591 F. Supp. 1416 (W.D. Mo. 1984) (severely handicapped children placed in a separate facility did not have a property interest in being educated with nonhandicapped peers). Where the liberty interest set out in *Meyer* has been cited in

both statutes were not reasonably related to protecting the health of children because they "limit[ed] their mental activity [while] leav[ing] complete freedom as to matters other than modern languages."²⁶⁷

b. Contradictory Legal Decisions Regarding

Students' Right of Access to Public School Materials

Anticipating the Supreme Court's distinction between school library and curricular materials in *Board of Education, Island Trees Union Free Sch. Dist. v. Pico*, the United States Court of Appeals for the Sixth Circuit upheld the right of an Ohio school board to refuse to select textbooks recommended by high school faculty members, but found that the removal of Kurt Vonnegut's *Cat's Cradle* and Joseph Heller's *Catch 22* violated the First Amendment.²⁶⁸ The *Minarcini* court found that intervention by the courts in day-to-day school operations was inappropriate unless "basic constitutional values" are "directly and sharply implicate[d]."²⁶⁹ Thus, the refusal of the Board to approve the recommended texts was constitutionally permissible. The court, however, drew a sharp distinction between both curricular control and the selection of library books, and the removal of library books containing

higher education cases, the decisions have focused on students' liberty interest in pursuing a particular occupation, e.g., veterinary medicine.

²⁶⁷ *Id.*

²⁶⁸ *Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577 (6th Cir. 1976).

²⁶⁹ *Id.* at 580.

subject matter the Board found to be distasteful.²⁷⁰ Because "[a] library is a mighty resource in the free marketplace of ideas," the actions of the Board were "a more serious burden" on the students' free speech rights than the free speech prohibition at issue in *Tinker*.²⁷¹

In *Cary v. Board of Education of Adams-Arapahoe District 28-J*, the United States Court of Appeals for the Tenth Circuit held that the school board's elimination of ten books did not violate the First Amendment.²⁷² Although the Board violated its own policy of requiring a written report when recommended books were rejected, the *Cary* court found the plaintiff-teachers had not shown that the books were rejected "to promote a particular viewpoint or to exclude any particular type of thinking or book."²⁷³ The court found that local districts have broad power to determine curriculum and that the principle of local control permitted the Board members and school administrators the discretion to prescribe an orthodox approach. If the Board had the power to eliminate courses entirely, then it also had the power to determine

²⁷⁰ While the court used the term "winnowing" to describe the removal of books from a library collection, librarians use the term "weeding" to describe the removal of books.

²⁷¹ *Id.* at 582.

²⁷² *Cary v. Board of Education of Adams-Arapahoe Sch. Dist. 28-J*, 598 F.2d 535 (10th Cir. 1979). The ten books were eliminated from a reading list of 1,275 works (which had previously been used in a high school English course and which, like the books in *Minarcini*, had been recommended by a faculty committee). *Accord Presidents Council, Dist. 25 v. Community Sch. Bd. No. 25*, 457 F.2d 289 (2d Cir. 1972); *but see Right to Read Comm. of Chelsea v. School Comm. of City of Chelsea*, 454 F. Supp. 703 (D. Mass. 1978).

²⁷³ *Id.* at 535.

the materials used in courses it approved, especially where there was no exclusion of an entire system of respected human thought.²⁷⁴

Zykan v. Warsaw Community School Corporation presented the United States Court of Appeals for the Seventh Circuit with a mixture of censorship issues.²⁷⁵ In 1978 the school district replaced its mini-course curriculum with a standard set of courses; instructed English teachers to discontinue the use of certain books; removed a book, *Go Ask Alice*, from the school library; required a teacher to excise portions of a long-used text; and failed to rehire two teachers, one of whom had taught a discontinued "Women in Literature" course. The Seventh Circuit held that the actions of the Board did not violate the First Amendment rights of the student plaintiffs. The *Zykan* court noted the plaintiffs' amended complaint had failed to allege that the Board acted from a "desire to impose some religious or scientific orthodoxy or a desire to eliminate a particular kind of inquiry generally."²⁷⁶ While the contours of academic freedom in secondary schools were not clearly defined, local authorities had great latitude in determining a suitable curriculum that will "transmit the basic values of the community" to its students.²⁷⁷ To the Seventh Circuit, local boards would not impermissibly burden students' rights to receive information, "a right of uncertain constitutional genealogy," unless they began to "substitute rigid and exclusive

²⁷⁴ *Id.* at 541 (citing *Epperson v. Arkansas*, 393 U.S. 97, 115, 116 (Stewart, J. concurring)).

²⁷⁵ *Zykan v. Warsaw Community Sch. Corp.*, 831 F.2d 1300 (7th Cir. 1980).

²⁷⁶ *Id.* at 1306.

²⁷⁷ *Id.* at 1305.

indoctrination for the mere exercise of their prerogative to make pedagogic choices regarding matters of legitimate dispute."²⁷⁸ Despite allegations that the Board bypassed its own policy in making its decisions, the *Zykan* court declined to examine the underlying community controversy.²⁷⁹ While noting the split in the circuits regarding the removal of books from school libraries, the Seventh Circuit extensively cited the district court opinion (which was to be overturned by both the Second Circuit and the Supreme Court) in *Pico*. For the *Zykan* court, the critical issues were whether the book was absolutely unavailable to students, whether students were prohibited from discussing the book in class and whether the Board's actions were part of a process of "cleans[ing] the library of materials conflicting with [its] orthodoxy."²⁸⁰ School administrators would be remiss in their duties if they failed to monitor library collections closely and to remove materials if they took up "valuable shelf space."²⁸¹

Shortly before the *Pico* decision, judicial activism in the area of curricular decisions reached its high water mark. In January 1982, the Eighth Circuit determined that the Board's removal of two films from the curriculum of a Minnesota school

²⁷⁸ *Id.* at 1305, 1306.

²⁷⁹ Among the events surrounding the removal of the books was an incident in which the Board conveyed books to a local group for public burning. While the court characterized this as "a contemptible ceremony," it was not moved to inquire further. *Id.* at 1302 n.2. *But see Pratt v. Indep. Sch. Dist. No. 831*, 670 F.2d 771 (8th Cir. 1982) *infra* pp. 113-15.

²⁸⁰ *Id.* at 1308.

²⁸¹ *Id.* It is not entirely clear how the removal of one specific book would affect "valuable shelf space." Nor was this a case where the administration instructed a librarian to weed a collection because of overcrowded shelves.

district violated the student-plaintiffs' First Amendment rights.²⁸² The *Pratt* court agreed with the district's court's finding that the films had been removed because their ideological and religious themes were offensive to the Board. At the meeting during which the Board voted to remove the films, the Board had given no reason for its decision. At trial the Board cited both the violent content of the films and their distortion of Shirley Jackson's short story, "The Lottery." Both the district and appellate courts found the Board's reasons to be inadequate and, unlike the *Zykan* court, examined the controversy surrounding the films. The *Pratt* court quoted from the Citizen's Request (for reconsideration) and comments made at the two meetings called to discuss the issue.²⁸³ Relying heavily on the appellate decision in *Pico*, the court found that while local school boards are "principal policymakers" for their districts, they do not have "an absolute right to remove materials from the curriculum."²⁸⁴ In reaching its decision, the *Pratt* court relied most heavily on evidence related to the community controversy surrounding the films and the sequence of events leading up to their removal. Its decision went much farther than *Pico* in stating that the students' "right to receive information and to be exposed to

²⁸² *Pratt v. Independent Sch. Dist. No. 831*, 670 F.2d 771 (8th Cir. 1982). *But cf. Adams v. Campbell County Sch. Dist.*, 511 F.2d 1242 (10th Cir. 1975) (dismissed nontenured teachers did not have broad discretion as to the structure and content of their courses).

²⁸³ The film "'would cause [the students] to again question their. . . religious beliefs [and] portrays a vengeful God rather than a loving God.'" "'Why is it being used in school, questioning the child's faith in God?'" "'[T]his slanted view of a God that is bloodthirsty is out and out blasphemy.'" *Id.* at 774, 777

²⁸⁴ *Id.* at 775, 776.

controversial ideas [is] a fundamental First Amendment right" which should be protected even when the local educational authority itself acts to restrict curricular content.²⁸⁵

c. *Pico* and Its Progeny

Board of Education, Island Trees Union Free Sch. Dist. v. Pico (1982) was decided thirteen years after *Tinker*, and it is the only Supreme Court decision involving the censorship of school library books.²⁸⁶ The Court balanced the tension between the inculcative function of K-12 education (as opposed to a college's or university's mission to provide a liberal education) and the constitutional rights of students to receive ideas. The Court found that despite "the special characteristics of the school environment" school officials could not "contract the spectrum of available knowledge" by "prescrib[ing] what is orthodox in politics, nationalism, religion, or other matters of opinion"²⁸⁷ In removing certain books from the school library on the basis of their distaste for their content, the school officials failed to "employ [the] sensitive tools" necessary to "achieve a precision of regulation that avoids the chilling of protected activities."²⁸⁸ Because the Court decided *Pico* by a plurality rather than a majority, the case failed to provide a strong consensus opinion regarding the limitations on school officials' power to remove materials from school libraries.

²⁸⁵ *Id.* at 779.

²⁸⁶ *Board of Educ., Island Trees Union Free Sch. Dist. v. Pico*, 457 U.S. 853 (1982).

²⁸⁷ *Id.* at 868, 867, 869

²⁸⁸ *Id.* at 875.

In upholding the decision of a Florida school board to remove the Greek play "Lysistrata" and "The Miller's Tale" by Chaucer from the curriculum, the Eleventh Circuit distinguished between the school library materials at issue in *Pico* and curricular materials.²⁸⁹ While stating its disapproval of the Board's removal of "these widely acclaimed masterpieces of Western literature," the *Virgil* court held that the Board's action did not violate the constitution because local school officials have broad powers to regulate expression if such regulation is "reasonably related to legitimate pedagogical concerns."²⁹⁰ While the stated objections to the materials were that they were vulgar and sexually explicit, the *Virgil* court appears to have sought religious grounds to disallow the Board's actions, but noted only "[one] oblique reference to 'fundamentalist religious doctrine' as a motivation for the removal."²⁹¹ In addition, the court noted that the Board did not act to ban the works from the school generally.

3. The Religion Clauses and Public School Censorship

Although the litigation involving the religion clauses of the First Amendment can be divided into Free Exercise and Establishment Clause cases, the distinction is not a particularly neat one. Often, plaintiffs allege violations of both clauses; however, it is possible to categorize such cases according to which clause appears to

²⁸⁹ *Virgil v. School Bd. of Columbia County*, 862 F.2d 1517 (11th Cir. 1989).

²⁹⁰ *Id.* at 1523, 1521 (quoting *Hazelwood v. Kuhlmaier*, 108 S.Ct. 562, 570, 571 (1988) (excision of student written articles in school newspaper did not impermissibly burden students' First Amendment rights)).

²⁹¹ *Id.* at 1521.

predominate in the court's opinion. It is not unreasonable to suppose that even where the primary *legal* grounds are an Establishment Clause violation the plaintiff's underlying motivation is that he/she finds the objected-to materials, curricula, or instructional activities offensive to his/her religious beliefs.

Separating Free Exercise from Establishment Clause analysis is further complicated by the interface between the two clauses. The Free Exercise Clause of the First Amendment states that Congress, and through the process of incorporation state and local governments, "shall make no law" prohibiting the free exercise of religion.²⁹² What is required for a valid Free Exercise challenge is a religiously offended plaintiff. Generally, courts look to see if the plaintiff's sincerely held religious beliefs are offended and then determine if the government has a compelling reason for burdening the plaintiff's free exercise of his/her religion that might outweigh his/her right to free exercise. One compelling state interest that could outweigh the plaintiff's free exercise right is the need of the governmental entity to avoid an Establishment Clause violation. Under some circumstances, granting preferential treatment to a religiously offended individual might constitute "an establishment of religion."

a. Free Exercise Challenges

In the context of public school activities, free exercise claims have been made over issues such as requiring students to pledge allegiance to the flag. *Williams v.*

²⁹² Recall that incorporation was the process by which the constitutional protections of the Bill of Rights were made applicable to the states.

Board of Education of Kanawha County marks the beginning of a series of cases that invoked the Free Exercise Clause in attempts to challenge the use of materials in public schools.²⁹³ The Kanawha county controversy began in the spring of 1974. Protesting parents objected to the district's adoption of 325 books, including Heath's elementary reading series *Communicating*; Houghton Mifflin's high school *Interaction* series; and a number of supplementary books, including Plato's *Republic*, Melville's *Moby Dick* and Pearl Buck's *The Good Earth*.²⁹⁴ Although the adoption had taken place without incident, a conservative Christian school board member objected to the books within a month of their adoption. During the summer of 1974, the dispute continued and the level of acrimony increased. When school opened in the fall, the protestors staged rallies, placed newspaper advertisements opposing the books, and picketed and boycotted the schools. Over three thousand coal miners went out on strike and city bus drivers staged a sympathy strike. The protests were marked by gunfire and other types of violence; two elementary schools were fire-bombed and one was dynamited. Protestors prayed that God would kill school board members who supported adoption of the textbooks.²⁹⁵

In *Williams*, parents sought to enjoin the school district from using *Communicating*, *Interactions*, and the objected-to supplementary reading materials.²⁹⁶

²⁹³ *Williams v. Board of Educ. of Kanawha County*, 388 F. Supp. 93, 94 (S.D.W. Va. 1975).

²⁹⁴ Foerstel at 4, 5. Pearl Buck was a native of West Virginia.

²⁹⁵ Moffett at 17-25.

²⁹⁶ *Williams* at 94.

The district court granted the defendant school district's motion for summary judgment and refused to issue the injunction.²⁹⁷ The court held that the school district's use of textbooks and supplementary books did not violate the Free Exercise Clause of the First Amendment.²⁹⁸

The parents objected to books on the grounds that they contained both religious and anti-religious materials which offended "Christian morals," "defamed the nation," attacked civic virtue, and "suggested and encouraged the use of bad english [sic] and mediocrity of mind."²⁹⁹ In addition, the parents complained that the use of the materials "encouraged disbelief in a Supreme Being;" the use of profanity; and violation of the Ten Commandments, Christian beliefs and civil law. Despite stating in their complaint that the texts contained religious materials, the parents based their objections on the district's alleged violation of their free exercise rights and their right to privacy.³⁰⁰

²⁹⁷ *Id.* at 97.

²⁹⁸ *Id.* at 96.

²⁹⁹ *Id.* at 94.

³⁰⁰ *Id.* The complaint echoes the allegations made by community groups opposed to the texts. The PTA stated that the books were "literally full of anti-americanism, anti-religion, and discrimination," were "woefully lacking in morally uplifting ideas," and contained statements which "flout[ed] law and order and respect for authority." (Moffett at 15, quoting Kanawha County PTA Board Opposes Certain Texts, *Charleston Daily Mail*, June 19, 1974). A community group gathered six thousand signatures on a petition to "ban from schools materials that 'demean, encourage skepticism or foster disbelief in the institutions of the United States of America and in Western civilization'" such as "[t]he family unit based on marriage of man and woman" and "[b]elief in a supernatural being, a power beyond human means or human comprehension." (*Id.*, quoting Catherine Candor-Chandler, *A History of the Kanawha County Textbook Controversy, April 1974-April 1975* 163 (1982))

The *Williams* court found that "the [First] Amendment does not guarantee that nothing offensive to any religion [would] be taught in the schools."³⁰¹ The court also found that the district had followed the First Amendment's mandate to be neutral between various religions and between religion and nonreligion.³⁰²

For all its nonlegal pyrotechnics, the Kanawha County dispute ended not with a bang but with a whimper--a four page district court opinion. The Fourth Circuit affirmed the lower court's decision in an unpublished opinion.³⁰³ The school district reinstated the texts, but teachers and administrators avoided using them.³⁰⁴ However, the dispute in Kanawha county was to spawn similar controversies across the south and ultimately the national challenge to Holt, Rinehart and Winston's *Impressions* reading series in the late 1980s and early 1990s.³⁰⁵

(unpublished Ed.D dissertation, University of Michigan (Ann Arbor)).

³⁰¹ *Id.* at 96. *Cf. Palmer v. Board of Educ. of Chicago*, 603 F.2d 1271, (7th Cir. 1979) (rights of pupils to receive instruction in patriotic matters as prescribed by district's curriculum outweighed discharged probationary teacher's Free Exercise rights). *But see Moody v. Cronin*, 484 F. Supp. 270 (C.D. Ill. 1979) (Pentacostal students were to be excused from coeducational physical education classes because requiring their participation burdened their Free Exercise rights).

³⁰² *Id.* at 97.

³⁰³ *Williams v. Board of Educ. of the County of Kanawha*, 530 F.2d 972 (4th Cir. 1975).

³⁰⁴ Foerstel at 5.

³⁰⁵ A similar protest in Washington County, Virginia, lacking the violence that accompanied the Kanawha dispute took place in 1974. The textbooks at issue were Ginn and Company's high school English *Responding* series. Parents alleged that the texts were "unpatriotic and irreligious, Communist inspired and unAmerican, undermining love of country and parental authority." One protestor described the series "as a symptom of, and a contributing factor in, a collapse of morality and

The next major controversy involving the use of reading textbooks began in August 1983 in Hawkins County, Tennessee. The catalyst for this dispute was a sixth grade student's asking her mother, Vickie Frost, for help with her homework, a set of questions designed to reinforce comprehension of a story about a Martian who comes to earth. Reading the story to help her child answer the assigned questions, the mother discovered that the plot included the notion of thought transference between the Martian protagonist and the people he encounters during his sojourn on Earth. To the mother, the idea of thought transference was an anathema because the ability to read thoughts is a power reserved to God alone. The basal readers used by the Hawkins County schools were Holt, Rinehart and Winston's *Basic Reading* series.³⁰⁶ Unlike Holt's subsequent series *Impressions*, *The Basic Reading* series included both phonics and whole language elements.³⁰⁷

The dispute in Hawkins County, unlike the earlier Kanawha County controversy, never erupted into violence. However, like many textbook disputes, the controversy was bitter and polarized the community. After reading more selections in her children's reading books, Ms. Frost contacted other fundamentalist parents. These parents met to organize a protest whose aim was to persuade the school board to remove the books from classrooms. The protestors spoke at the next school board

traditional values that endangered America's survival." Foerstel at 7-8. The Washington county dispute did not lead to litigation. *Id.*

³⁰⁶ *Mozert v. Hawkins County Pub. Sch.*, 579 F. Supp. 1051, 1052 (E.D. Tenn. 1984).

³⁰⁷ Telephone interview with Dennis Trahan, Oklahoma Sales Representative for Harcourt, Brace and Jovanovich, February 13, 1995.

meeting. They were shocked to discover that the school board was unwilling to withdraw the books. Several principals did permit the protesting parents' children to leave their classrooms for alternate reading instruction, but this practice was disallowed by the Board when it was discovered that the children's absence from their regular classroom for such an extended period violated Tennessee's compulsory school attendance statute. With the retraction of the Board's tacit approval of allowing the children of protesting parents to receive alternate reading instruction, most of the protesting parents withdrew their children from the public schools and soon filed suit against the district.

As in the *Williams* case, the plaintiff families claimed the school district's use of the Holt basal readers violated the Free Exercise clause of the First Amendment. Unlike the *Williams* plaintiffs, the *Mozert* plaintiffs sought to compel the district to allow their children to opt-out of the regular reading instruction of their respective schools, rather than stating a general right to be free of instruction that offended their religious beliefs.³⁰⁸

In light of the subsequent *Impressions* controversies discussed infra, the allegations contained in the plaintiffs' complaint are particularly instructive. The plaintiffs alleged that the readers taught ". . . witchcraft and other forms of magic and occult activities [plaintiffs' first allegation], that some values are relative and vary from situation to situation [what at the time was termed 'values clarification'], . . . attitudes, values, and concepts of disrespect and disobedience to parents . . . that one does not

³⁰⁸ *Williams* at 94.

need to believe in God in a specific way but that any type of faith in the supernatural is an acceptable method of salvation, [and] that man and apes evolved from a common ancestor."³⁰⁹ In addition, the plaintiffs alleged that the texts depicted "prayer to an idol," taught "various humanistic values" and portrayed "a child who was disrespectful of his mother's Bible study." The plaintiffs' final allegation was that the series taught "various humanistic values."³¹⁰ The *Mozert* plaintiffs made four hundred objections to Holt's *Basic Reading* series.³¹¹ These objections were considerably more sweeping than the formal objections of the subsequent *Impressions* plaintiffs. In pretrial depositions parents objected to selections such as those that

1. encouraged the process of imagination because it would distract people from God's word.
2. included any fairy or folk tales because the substitution of imaginary thinking for knowledge of God's will is sinful.
3. undercut the belief that all human affairs are a result of God's will as opposed to human action or efforts.
4. included issues related to conservation or pollution because God will

³⁰⁹ *Mozert* at 1052. Conservative Christian parents and legislatures were attempting to include the teaching of creation science in public schools at approximately the same time. See *Edwards v. Aquillard*, 482 U.S. 578 (1987) (striking down a Louisiana statute which prohibited the teaching of evolution unless the teacher also included instruction in creation science). The antipathy to evolution and legal challenges to its teaching stretch back to the "Scopes Monkey Trial" of the 1920s. See discussion *supra* pages 9-12.

³¹⁰ *Id.* at 1052. See discussion of secular humanism in the Section IV.

³¹¹ DelFattore at 36.

preserve what He wants to preserve and human efforts to save endangered species would be an attempt to thwart his plan for the natural world.

5. illustrated human problem solving rather than reliance on God's intervention in human affairs.
6. portrayed death as anything other a facing of God's judgment.
7. depicted children who are naughty but who are not punished.
8. described childrens' negative feelings regarding parental authority or questioning of their parents' authority.
9. described racial or social injustice because those who do not prosper in America fail to do so from their own laziness or other personal weakness rather than from any shortcomings of America's economic, social or political system.
10. included descriptions of inner city minority families, especially single parent families, because only traditional, two-parent families conformed with God's will.
11. portrayed girls as self-defining or independent because such qualities would interfere with their development into obedient wives.
12. depicted girls participating or enjoying traditionally male activities because this would encourage them to work outside the home as adults.
13. showed boys as interested in art or music because that might interfere with their assumption of their role as a strong husband and father.³¹²

³¹² *Id.* at 36-56.

Vickie Frost testified at the trial that the readers offended her religious beliefs by referring to feminism, role reversal, evolution, pacifism, one-world government, rebellion against parents, and magic. If the textbooks presented materials on other religions or "world views which deeply undermined her religious views then her children 'would' have to be instructed [as] to [the] error [of the other philosophy]."³¹³ Frost's deposition was 1,117 pages long.³¹⁴ The district court dismissed all of the plaintiffs' allegations except one. The court held that if plaintiffs could show that the Holt readers were ". . . teaching that a particular religious faith [were] true [as opposed to a cultural phenomenon]" or that religious salvation was necessary or unnecessary, then the district would be in violation of the Free Exercise clause.³¹⁵

The United States Court of Appeals for the Sixth Circuit reversed and remanded.³¹⁶ The court found that the protesting parents' contention that their children not be exposed to beliefs that opposed or contradicted their sincere religious beliefs created a material issue of fact. The Sixth Circuit set out the standard the district court was to follow. The school district could permissibly burden the protesting

³¹³ *Mozert v. Hawkins County Bd. of Educ.*, 827 F.2d 1058, 1064 (6th Cir. 1987).

³¹⁴ DelFattore at 36. One deposition in *Brown v. Woodland Joint Unified Sch. Dist.* fills half of a file cabinet drawer. Telephone interview with Joan DelFattore, Feb. 4, 1995.

³¹⁵ *Mozert* at 1052.

³¹⁶ *Mozert v. Hawkins County Pub. Sch.*, 765 F.2d 75, 79 (6th Cir. 1985).

parents' and students' free exercise rights if it had a compelling justification for doing so.³¹⁷

On remand, the district court held that the district's use of the Holt basal readers violated the plaintiffs' free exercise rights and that the district did not show a sufficiently compelling interest in requiring the students to receive reading instruction in their regular classes.³¹⁸ The court found that the plaintiffs were forced to choose between exposure to ideas (feminism, humanism, vegetarianism, pacifism and advocacy of "one-world government") and the benefit of public school education for their children. In reaching this determination, the district court cited, inter alia, *Yoder*, *Thomas*, *Sherbert* and *Moody v. Cronin*.³¹⁹

The court also found that although the school district's interests in teaching children to read and promoting good citizenship would be more easily achieved in the

³¹⁷ *Id.* at 75. When state action burdens an individual's Equal Protection or First Amendment rights, the government must show a "compelling state interest" for its actions. For example, the internment of Japanese-Americans during the Second World War was justified on the grounds that national security was at risk. The "compelling state interest" is a high standard.

³¹⁸ *Mozert v. Hawkins County Pub. Sch.*, 647 F. Supp. 1194, 1200, 1202, 1203 (E.D. Tenn. 1986).

³¹⁹ *Thomas v. Review Board*, 450 U.S. 707 (1981) (denial of unemployment compensation to a Jehovah's Witness who resigned from his job after being transferred to a position where he was required to make armaments impermissibly burden the plaintiff's free exercise rights); *Sherbert v. Verner* 374 U.S. 398 (1963) (denial of unemployment benefits to a Seventh-Day Adventist who refused to accept Saturday employment violated the plaintiff's free exercise rights); *Moody v. Cronin*, 484 F.Supp. 270 (N.D. Ill. 1979) (requiring children to participate in co-educational physical education classes where such participation offended their religious beliefs regarding exposure to members of the opposite sex in "immodest attire" violated the children's free exercise rights).

absence of an alternative reading program, the uniform use of the Holt readers was not the least restrictive means by which the state could achieve its interests.³²⁰ The court rejected the pretrial testimony of Tennessee's Commissioner of Education that the availability of an opt-out arrangement would create chaos in the public schools because significant numbers of parents would request alternative materials.³²¹ Recognizing that all of the texts on the state's approved list would offend the plaintiffs, the court formulated a compromise arrangement based on Tennessee's statute that permitted complete home schooling. The parents would be allowed to teach their children reading at home using materials in accordance with the provisions of the home schooling statute. Students would be permitted to go to the library or a study hall during the regular classroom reading instruction.

On appeal, the Sixth Circuit reversed holding that the use of Holt's basal readers did not impermissibly burden the plaintiffs' free exercise of religion.³²² The Sixth Circuit distinguished between mere exposure to material that a person finds religiously objectionable and inculcation. The court also distinguished between exposure and being required to participate in religiously objectionable activities (a belief-conduct dichotomy). The court noted that if everything objectionable to various religious sects

³²⁰ *Mozert v. Hawkins County Pub. Sch.*, 647 F. Supp. 1194, 1202 (E.D. Tenn. 1986).

³²¹ *Id.* at 1202.

³²² *Mozert v. Hawkins County Bd. of Educ.*, 827 F.2d 1058, 1070 (6th Cir. 1987).

or inconsistent with their doctrines was removed from public school, public education would be left in shreds.³²³

b. The Establishment Clause As a Means of Censorship

In 1947 the Supreme Court, continuing the "process of incorporation," held that reimbursement of transportation expenses for both public and private schools did not offend the Establishment Clause.³²⁴ In the following year, the Court applied the legal principles set out in *Everson* to curricular practices by holding that the use of school facilities for in-school religious instruction violated the Establishment Clause of the First Amendment.³²⁵ In *McCullum*, fourth through ninth grade students were excused during the school day to participate in classes given by teachers supplied by a local council for religious education. Parental consent was required and provision had been made for separate classes for Protestant, Catholic and Jewish children. The *McCullum* Court found that "the use of tax-supported property" and the close cooperation between the district and the council aided the dissemination of religious doctrine and fell "squarely under the ban of the First Amendment."³²⁶ The First Amendment was intended to erect a high and impregnable wall of separation between church and state

³²³ *Id.* at 1069 (citing *McCullum v. Board of Educ. of Sch. Dist. 71, Champaign County Ill.*, 333 U.S. 203, 235 (1948) (prohibiting religious education in public schools)).

³²⁴ *Everson v. Board of Educ.*, 330 U.S. 1 (1947). The *Everson* court stated, "Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another" (emphasis added). *Id.* at 15.

³²⁵ *McCullum v. Board of Educ. of Sch. Dist. No. 71*, 333 U.S. 203 (1948).

³²⁶ *Id.* at 211.

and to forbid the promotion of religion generally. To the Court this degree of separation did not express governmental hostility toward religion but rather rested on the premise that both would be better served by working within their "respective spheres."³²⁷ "[T]he commingling of sectarian and secular [education]" was in direct opposition to the historical consensus that secular education best served the needs of a religiously diverse democratic nation.³²⁸ Justice Jackson, concurring, warned of the dangers facing the judiciary from "discontented and possibly belligerent minorities" and called on the courts to "isolate and cast out of secular education all that some people may reasonably regard as religious instruction."³²⁹ In delivering his opinion, Justice Jackson predicted that the accommodation of "warring sects" and the elimination of everything objectionable to adherents of various sectarian groups would "leave public education in shreds."³³⁰ To Jackson, "[n]othing but educational confusion and a discrediting of the public school system can result from subjecting it to constant law suits."³³¹ It can be argued that educational confusion and discrediting

³²⁷ *Id.* at 211, 212

³²⁸ *Id.* at 212 (Rutledge, J., concurring). Justice Rutledge cited, *inter alia*, books by Culver and Cubberly (see discussion *supra* notes 15, 16, 19, 20). An interesting side note is Justice Rutledge's description of Horace Mann as "a devout Christian," an opinion that is far from the view of many contemporary fundamentalist critics of public education. See generally, Samuel Blumenfeld, *Is Public Education Necessary?* (1985).

³²⁹ *Id.* at 235, 237.

³³⁰ *Id.* at 235. This phrase has been frequently quoted in subsequent court decisions involving religion and public school curriculum.

³³¹ *Id.* at 235.

of the public schools is an intended result for contemporary fundamentalist challengers of public school curriculum.

In *Malnak v. Yogi*, the Third Circuit held that an elective course, the "Science of Creative Intelligence Transcendental Meditation (SCI/TM)," offered to high school students in a New Jersey school district also violated the Establishment Clause.³³²

Decided before *Lemon*, the *Malnak* Court applied what it termed the *Nyquist* standard to find that activities associated with SCI/TM, while a "form of religion unknown in prior decisional law," had a primary effect which advanced religion.³³³ In particular, the court found that chants performed at the required, off-campus ceremonies were religious activities. Concurring in the result, Judge Adams argued for a unitary definition and set out a three part definition of religion. He argued for its uniform application in both Free Exercise and Establishment Clause cases.³³⁴ To Judge Adams, to be considered a religion the beliefs and practices in question must satisfy three indicia. First, the belief system must concern "the deeper and more imponderable questions [such as] the meaning of life and death, man's role in the

³³² *Malnak v. Yogi*, 592 F.2d 197 (3d Cir. 1979).

³³³ *Id.* at 199. (citing *Committee for Public Educ. v. Nyquist*, 413 U.S. 756 (1973)) (New York state grants for private school maintenance and repair, and tuition reimbursement and income tax benefits for private school expenses had the primary effect of advancing religion in violation of the Establishment Clause). The *Nyquist* test, like the *Lemon* test, had three prongs (1) secular purpose (2) primary effect and (3) excessive entanglement. *Nyquist* at 773.

³³⁴ *Malnak* at 200-215 (Adams, J., concurring).

universe, [and] the proper moral code of right and wrong."³³⁵ Second, such belief must "lay claim to an ultimate and comprehensive 'truth.'"³³⁶ Third, "a set of ideas [must have some form of] formal, external, or surface sign that may be analogized to accepted religions [such as] formal services, ceremonial functions, the existence of clergy, structure and organization, efforts at propagation, [and the] observation of holidays. . . ."³³⁷ Thus, for Judge Adams SCI/TM was a religion while secular humanism was not because the latter more closely resembled "an undefined belief in humanitarianism, or good intentions [which lacked] a comprehensive belief system laying a claim to ultimate truth and supported by a formal group with religious trappings."³³⁸

(1) Major Cases Alleging the Establishment of Secular Humanism
as a Religion in the Public Schools

An accurate understanding of the *Impressions* cases requires a brief discussion of *Grove v. Mead School District No. 354*, a challenge to a novel used as a supplementary reading book, and *Smith v. Board of School Commissioners of Mobile (Ala.) County*, a challenge to home economics and American history textbooks.³³⁹ The allegations of the plaintiffs in both *Grove* and *Smith* reflected the predominant issue of

³³⁵ *Id.* at 208.

³³⁶ *Id.* at 209.

³³⁷ *Id.*

³³⁸ *Id.* at 212. Individual groups of humanists might be considered religious bodies.

³³⁹ *Grove v. Mead Sch. Dist. No. 354*, 753 F.2d 1528 (9th Cir. 1985); *Smith v. Board of Sch. Comm'rs of Mobile County*, 827 F.2d 684 (11th Cir. 1987).

fundamentalist writings in the early 1980s, that secular humanism was an anti-Christian religion.³⁴⁰

In *Grove*, the parents of a tenth grade student objected to the assignment of *The Learning Tree* by Gordon Parks as supplementary reading in their daughter's English class. After Cassie Grove and her parents objected to her reading the novel, Cassie was assigned another book and excused from classroom discussions of *The Learning Tree*. Subsequently, the Groves, supported by Beverly LaHaye's Concerned Women for America, filed suit alleging that the use of the book as supplementary reading material violated their right to free exercise of religion and established the religion of secular humanism in the public schools.³⁴¹ The district court granted summary judgment for the school district and the Groves appealed.

The United States Circuit Court of Appeals for the Ninth Circuit affirmed the lower court's decision, holding that the board's refusal to prohibit the use of the novel did not violate the plaintiffs' free exercise rights because the burden on the plaintiffs' free exercise rights was minimal since Cassie had been given an alternate assignment.³⁴² Furthermore, the state's interest in providing a well-rounded education for its students was high and would be impeded by acceding to the wishes of the plaintiffs.

³⁴⁰ See definition of secular humanism on p. 35, discussion of Christian Right literature related to secular humanism on pp. 44-53, and challenges to public school materials, curricula, and instructional activities in Section IV.

³⁴¹ DelFattore at 25.

³⁴² *Grove* at 1534.

On the Establishment Clause claim, the *Grove* court found unpersuasive the plaintiffs' argument that use of the novel had the "primary effect of inhibiting their religion, fundamentalist Christianity" or "advancing the religion of secular humanism." Observing that reading a book is not a religious ritual, the court found that the use of *The Learning Tree* had a secular purpose and that its primary effect was also secular. Although the court found that secular humanism might be a religion, the novel "was included in a group of religiously neutral books" and its inclusion was to expose students to the "expectations and orientations of Black Americans."³⁴³

Writing in concurrence, Judge Canby found "substantial analytical difficulties" with the plaintiffs' argument that secular humanism was a religion. Equating nonreligious or secular with anti-religious as the plaintiffs urged would erect "an insurmountable barrier to meaningful application" of Establishment Clause jurisprudence.³⁴⁴ If the Establishment Clause is violated because the primary effect of the state's actions is secular, then "all 'humane' programs of government would be deemed constitutionally suspect."³⁴⁵ In the context of public school instruction or materials selection, the mere absence of religion, i.e., materials or activities that were exclusively secular, would be grounds for a constitutional challenge. Turning to the plaintiffs' free exercise claim, Canby anticipated the findings of the *Mozert*, *Brown* and *Fleischfresser* courts by citing the danger that public education would be left in shreds

³⁴³ *Id.*

³⁴⁴ *Id.* at 1536.

³⁴⁵ *Id.* at 1537 (quoting Lawrence Tribe, *American Constitutional Law* 827-28 (1978)).

if mere "exposure to attitudes and outlooks at odds with perspectives prompted by religion" were permitted to result in finding that the state had impermissibly burdened the free exercise of religion.³⁴⁶

Although the United States Court of Appeals for the Eleventh Circuit reached a similar decision, *Smith* followed a far different course because the trial court judge found for the plaintiffs. Initially, the *Smith* case began its five year life span as *Wallace v. Jaffree*, an establishment clause challenge to an Alabama statute allowing a moment of silence or voluntary prayer.³⁴⁷ The district court, in apparent defiance of the doctrine of incorporation and the Supreme Court's establishment clause jurisprudence, held that the Establishment Clause of the First Amendment did not apply to the states. Following the Eleventh Circuit's and Supreme Court's rulings which overturned his decision and explicitly holding that the First Amendment was applicable to the states, the trial court judge reopened the case.³⁴⁸ The original plaintiff was replaced by plaintiffs who alleged that the use of thirty-nine social studies and history textbooks and six home economics books established the religion of

³⁴⁶ *Id.* at 1543 (citing *McCullum v. Board of Educ.*, 333 U.S. 203 (1948)).

³⁴⁷ *Jaffree v. Board of Sch. Com'rs of Mobile County*, 554 F. Supp. 1104 (S.D. Ala. 1983), *aff'd in part, rev'd in part*, *Jaffree v. Wallace*, 705 F.2d 1526 (11th Cir. 1983), *aff'd* 472 U.S. 38 (1985).

³⁴⁸ *Jaffree v. Board of School Comm'rs*, 554 F. Supp. 1104 (S.D. Ala. 1983), *aff'd in part, rev'd in part sub nom. Jaffree v. Wallace*, 705 F.2d 1526 (11th Cir. 1983), *cert. denied sub nom. Board of School Comm'rs v. Jaffree*, 466 U.S. 926, 104 S.Ct. 1707, 80 L.Ed.2d 181 (1984); *Jaffree v. James*, 554 F. Supp. 1130 (S.D. Ala. 1983), *aff'd in part, rev'd in part sub nom. Jaffree v. Wallace*, 705 F.2d 1526 (11th Cir. 1983), *aff'd*, 472 U.S. 38, 105 S.Ct. 2479, 86 L.Ed.2d 29 (1985), 466 U.S. 924, 104 S.Ct. 1704, 80 L.Ed.2d 178 (1984).

secular humanism. The National Legal Foundation, a conservative Christian group connected to Pat Robertson's Christian Broadcasting Network supported the plaintiffs. The American Civil Liberties Union provided financial support for the defendants.³⁴⁹

Smith is instructive because the plaintiffs raised many of the same objections as the *Williams* and the *Mozert* plaintiffs and the parents who objected to Holt's *Impressions* series. *Smith* is an anomaly among cases challenging public school textbooks on religious grounds because the district court held for the plaintiffs.³⁵⁰ With the possible exception of Judge Hull's finding that a Free Exercise Clause violation might exist if the *Mozert* plaintiffs could show that the reading books were teaching that a particular religion were true, that students must be saved or that salvation was unnecessary, no other court found for the plaintiffs in any of these cases.³⁵¹ But at the same time, *Smith* is pivotal because it marked Christian Right plaintiffs' switch from free exercise to establishment grounds but retained the same objections to textbook and curriculum content that marked prior and subsequent challenges. Again, *Smith* can be distinguished from other cases because of district court results. The case marks a significant change in strategy used by fundamentalist plaintiffs. However, the strategy change of *Smith* did not become apparent until the

³⁴⁹ DelFattore at 77-78.

³⁵⁰ Throughout his opinion the trial judge, Judge Brevard Hand, appeared to be highly sympathetic to the plaintiffs. It is possible to speculate that the entire *Smith* case was designed by Judge Hand to spite the Eleventh Circuit and the Supreme Court.

³⁵¹ *Mozert v. Hawkins County Public Sch.*, 579 F. Supp. 1051, 1053 (E.D. Tenn. 1984).

filing of complaints in the constitutional challenges to the *Impressions* series. It is not possible to determine whether this change in tactics resulted from a conscious decision by the attorneys representing the *Impressions* plaintiffs, perhaps because of the lack of success they encountered in persuading courts that secular humanism was a religion, or whether both the plaintiffs and attorneys were responding to arguments made in Christian Right literature regarding the displacement of orthodox religion with pagan, occult and New Age religions.

The *Smith* trial began on October 6, 1986. The plaintiffs sought to show the court that secular humanism was a religion and that the use of the objected-to textbooks promoted that religion. In their view secular humanism was whatever was not Biblical absolutism and should be eliminated from public school textbooks.³⁵² Both sides provided extensive testimony by academic witnesses on, at times, arcane scholarly matters.³⁵³ The named plaintiff Doug Smith, a biology teacher, testified that he was not permitted to teach that there were opposing views on "subjects such as evolution and on pagan origins for some of the practices we indulge in today, such as *Halloween*, etc."³⁵⁴ Echoing major tenets of fundamentalist thinking on the history of American education, one of the plaintiffs' expert witnesses stated that the American philosopher-educator John Dewey was the originator of moral

³⁵² DelFattore at 83.

³⁵³ *Id.* at 82.

³⁵⁴ *Smith v. Board of Sch. Comm'rs of Mobile County*, 655 F. Supp. 939, 946 (S.D. Ala. 1987) (emphasis added).

relativism and values clarification and that the colleges of education and the publishing industry were the sources of Deweyism today.³⁵⁵

The court opinion included material from interviews with parents (the Websters) conducted by the plaintiffs' expert witnesses. These parents expressed concern that the schools were seeking to "drive a wedge between the generations." The trial court judge found that the parents were in anguish and "the publishing houses have come through" with curricular materials to undercut parental authority.³⁵⁶ The Websters were very worried about the schools' attempts to "subvert" their authority and "[felt] so powerless" in dealing with the "blind faith" in "a rival dogmatic faith" and "fringe positions" of the educational establishment and school officials.³⁵⁷ The Websters stated that this rival dogmatic faith placed their children and their "children's children" in "mortal jeopardy."³⁵⁸ The judge opined, "There's just too much of it coming at them."³⁵⁹

Not surprisingly given the genesis of the *Smith* case, Judge Hand held that "[s]ecular humanism is a religion for First Amendment purposes"³⁶⁰ The court further held that the objected-to textbooks promoted a "fundamental faith claim

³⁵⁵ *Id.* at 958.

³⁵⁶ *Id.* at 993.

³⁵⁷ *Id.* at 991-94.

³⁵⁸ *Id.* at 991, 992.

³⁵⁹ *Id.* at 993.

³⁶⁰ *Id.* at 982.

opposed to other religious faiths" and enjoined the use of all but one of the books as primary textbooks.³⁶¹

The Eleventh Circuit reversed holding that the use of the objected-to texts did not violate the Establishment Clause of the First Amendment.³⁶² The court applied the *Lemon* test finding that the textbooks had the primary effect of conveying academic, religiously neutral material and did not "convey a message of governmental approval of secular humanism or governmental disapproval of theism."³⁶³

At the same time that the *Mozert* and *Smith* plaintiffs were bringing suit, Holt was beginning publication in Canada of a new basal reading series *Impressions*. This whole language, literature-based series was developed by Professor Edwin Booth of the University of Toronto.³⁶⁴ Like public and school library collections of children's literature, *Impressions* included folk and fairy tales to capture the students' interest and

³⁶¹ *Id.* at 986, 988, 989.

³⁶² *Smith V. Board of Sch. Comm'rs of Mobile County*, 827 F.2d 684, 695 (11th Cir. 1987).

³⁶³ *Id.* at 690. The parties agreed that the texts did not have a religious purpose and that there was no excessive entanglement.

³⁶⁴ Holt released an American edition in 1986 (telephone interview with Janet Spalding, Vice-President of Marketing, Harcourt Brace and Jovanovich, March 21, 1995). It is unlikely that Holt brought out *Impressions* to replace its *Basic Reading* reading series because of the *Mozert* controversy. First, the timing does not indicate the controversy in Tennessee resulted in Holt's replacing the earlier series. Second, if Holt were seeking to avoid controversy, it would not have brought out a series that one Holt sales representative described as "cutting edge." (telephone interview with Judy Weaver, Oklahoma Sales Representative for Holt, Rinehart and Winston, February 9, 1995).

increase their motivation to read.³⁶⁵ The *Mozert* plaintiffs believed that all folk and fairy tales promoted witchcraft, and they objected to stories containing "magic castles, enchanted forests, dragons, spells, unicorns, wizards, trolls and the like."³⁶⁶ For example, the *Mozert* plaintiffs objected to *Cinderella* because the presence of the fairy godmother encouraged devil worship.³⁶⁷

(2) The *Impressions* Litigation:

Major Cases Alleging the Establishment of Satanism and Witchcraft

As Religions in the Public Schools

The *Impressions* series was the subject of five legal challenges: two challenges, one in Washoe County, Nevada and one in Dixon, California, were on procedural grounds; and three, in Willard, Ohio; Woodland, California; and Wheaton, Illinois, alleged violations of the Establishment Clause of the First Amendment.³⁶⁸ The Willard complaint was withdrawn; the Woodland (*Brown*) and Wheaton (*Fleischfresser*) cases are discussed below.

³⁶⁵ Telephone interview with Professor David Booth, University of Toronto, Editor of *Impressions*, March 17, 1995.

³⁶⁶ DeFattore at 48.

³⁶⁷ *Id.*

³⁶⁸ See *Frazer v. Dixon Unified Sch. Dist.*, 18 Cal. App. 4th 781, 22 Cal. Rptr. 2d (1993). The *Frazer* court held that the district did not violate the state open meetings act by refusing to allow parents to place an item relating to the *Impressions* challenges on the agenda or to address a special Board meeting.

(a) *Brown v. Woodland Joint Unified School District*

In January 1991, Doug Brown, president of Excellence in Education, and his wife Katherine, filed suit against the district, alleging that the use of *Impressions* violated both the federal Establishment Clause of the United States Constitution and the California constitution's establishment, preference and non-sectarian clauses. Specifically, the plaintiffs alleged that the roleplaying of witches, chanting and inventing spells violated the separation of church and state by establishing the religion of witchcraft and Neo-paganism. The plaintiffs enumerated 58 selections and activities (contained in 38 exhibits) to which they objected. Many of the selections and activities included in the complaint were materials in the teacher resource books and anthologies which were not distributed to students. Teachers had the discretion to use or not use them as they saw fit. Like the *Mozert* and *Williams* plaintiffs, the Browns alleged that the learning activities denigrated Christianity and were repugnant to their religious beliefs. The district court granted summary judgment for the district holding that *Impressions* did not violate either the federal or state constitutions.³⁶⁹ Applying the *Lemon* test, the court found the school district adopted *Impressions* for the secular purposes of "teaching children to pronounce words, build[ing] the confidence of slower readers, interest[ing] children in language and literature, and facilitat[ing] classroom communication."³⁷⁰ The court declined to adopt plaintiffs' view that the

³⁶⁹ *Brown v. Woodland Joint Unified Sch. Dist.*, Civ. No. s-91 0032WBS/PAN, 1992 WL 361696 (E.D. Cal. Apr. 2, 1992) at *16.

³⁷⁰ *Id.* at *6.

impressionable child standard should determine whether a practice has the primary effect of conveying governmental endorsement or disapproval of religion.³⁷¹ In rejecting the plaintiffs' argument that the participatory exercises were analogous to constitutionally prohibited group prayer in public schools the *Brown* court found that the learning activities were not inherently religious. Rather these activities were derived from folklore to foster interaction with other students, encourage learning and reinforce the stories presented in the students' texts.³⁷²

The plaintiffs also argued that the appointment of a review committee by the district in response to the Browns' objections excessively entangled the district in a religious dispute. The court dismissed this Catch-22 contention by stating, "Plaintiffs, having initiated the administrative review, cannot now be heard to complain that the school district, by responding to their complaint, violated the Establishment Clause."³⁷³

Turning to the alleged violations of the California constitution, the *Brown* court found that the district did not prefer any particular religion or religion in general because of the inclusion of multiple viewpoints and cultural traditions.³⁷⁴ Indeed, the

³⁷¹ *Id.* at *6, *7.

³⁷² *Id.* at *10.

³⁷³ *Id.* at *12.

³⁷⁴ *Id.* at *14.

court noted that plaintiffs had failed to present any evidence that the objected to activities had ever been used in the Woodland schools.³⁷⁵

On appeal, the Ninth Circuit upheld the district court by holding that the learning activities did not violate the Establishment clause of the federal constitution or any relevant clauses of the state constitution.³⁷⁶ Like the court below, the Ninth Circuit applied the *Lemon* test and found that the use of the challenged activities did not violate any of the test's three prongs. The plaintiffs had conceded that the district selected the series for a secular purpose. The appellate court supported the district court's rejection of the subjective impressionable child standard, i.e. the effect on a particular public school student, and chose instead to analyze whether a reasonable observer in the position of an elementary school student would perceive a message of governmental endorsement of religion. The court found that such a student would not perceive such a message for two reasons. First, although the court recognized that participation in religious rituals in a public school setting could have the primary effect of advancing religion, the challenged activities were not religious rituals but had purely secular purposes and merely bore a coincidental resemblance to a religious

³⁷⁵ *Id.* at *15. Without evidence that teacher manual materials, which would never be seen by students, were actually used in the classroom, it is difficult to conceive of how students' constitutional rights could be violated. A teacher manual could contain a prayer, but, like an unconstitutional law, there is no constitutional violation until the law is enforced. Particularly troubling is the notion that challenges to teachers' manuals come close to attempts to censor teachers' professional reading.

³⁷⁶ *Brown v. Woodland Joint Unified Sch. Dist.*, 27 F.3d 1373, 1383, 1385, 1386. (9th Cir. 1994).

practice.³⁷⁷ The court illustrated this finding by pointing out that laws making murder, polygamy and adultery illegal do not violate the establishment clause merely because they coincide with Judeo-Christian proscriptions. Second, because the objected-to activities were only a minute part of an otherwise clearly secular program (32 of nearly 10,000 suggested activities or literary selections) the chance that children would perceive them as religious rituals was speculative. The Ninth Circuit went on to reject proffered expert testimony that the challenged selections would lead to "a long term propensity for involvement in the occult through neuro-linguistic programming." In addition the court found that the use of *Impressions* did not evince government hostility to or denigration of the plaintiffs' religion.³⁷⁸ Like the lower court, the Ninth Circuit found no political divisiveness because no sectarian funds were used to purchase *Impressions* and no administrative entanglement resulting from a one-time review of curricular materials.³⁷⁹

(b) *Fleishfresser v. Directors of School District 200*

In November 1991, the parents in the Wheaton-Warrenville (Illinois) School District filed a complaint in state court seeking to enjoin the district "[f]rom using. . . *Impressions*. . . to educate any children of the 'District'" and/or from presenting any portions of *Impressions* which a parent had designated as inappropriate for his/her

³⁷⁷ *Id.* at 1380.

³⁷⁸ *Id.* at 1382, 1383.

³⁷⁹ *Id.* at 1383, 1384 (citing *Fleischfresser v. Directors of Sch. Dist. 200*, 15 F.3d at 689 (1994)).

child. In addition, plaintiffs sought to compel the District to institute "a reasonable plan for parental opt-out."³⁸⁰

In March 1992, an amended complaint alleged first that *Impressions* fostered "a particular religious belief in the existence of superior beings exercising power over human beings by imposing rules of conduct, with the promise and threat of future rewards and punishments"; second, that the series had as "a central theme, a focus on supernatural or superior beings, including but not limited to, wizards, sorcerers, giants and unspecified creatures with supernatural powers who exercise control over human beings. . . ."; third, that the series "indoctrinate[d] children in values directly opposed to their parents Christian beliefs by teaching tricks, despair, deceit, parental disrespect, and by denigrating Christian symbols and holidays"; and fourth, that the students of the district were in imminent danger of irreparable harm [the legal requirement for granting of an injunction] because the series "promote[d] terror, insecurity, instability, and parental disobedience, negative values and abnormal conduct contrary to religious beliefs. . . [and] instructed [students] in matters of the occult and witchcraft."³⁸¹

In addition, the amended complaint included an exhibit of specific quotations from various titles in the series.³⁸² The most heavily objected-to student book was one of the fourth grade readers, *Cross the Golden River*. The plaintiffs objected to

³⁸⁰ Plaintiffs' complaint at 7.

³⁸¹ Plaintiffs' amended complaint at 3, 4, 5. See *supra* pp. 121-28 for *Mozert* plaintiffs' allegations regarding the inculcation of beliefs which contradicted the children's home teaching.

³⁸² Plaintiffs' amended complaint, exhibit 1 (no page number).

materials in thirteen of the sixty-seven selections in the *Cross the Golden River* student reader. Although the selections included in the amended complaint consisted of phrases and sentences from the objected-to selections, a poem of Jack Prelutsky, "The Sorceress," is quoted in its entirety. Other selections included a sentence ("I bet this room is stiff with enchantments.") from C. S. Lewis's *The Magician's Nephew* (part of "The Lion, the Witch and the Wardrobe" series), a phrase from *The Wizard of Oz* ("... while you bear upon your forehead the mark of the Good Witch's kiss and that will protect you from harm"), and two sentences from the Newbery award winning *The Garden of Abdul Gasazi* ("I detest dogs!...I TURN THEM INTO DUCKS!" bellowed Gasazi."). But the majority of the plaintiffs' objections were to materials in the teachers' resource books and the teachers' anthology.³⁸³ The plaintiffs also alleged that the use of the series violated their right to free exercise of religion.³⁸⁴

The district court "reject[ed] out of hand" the plaintiffs' contention that "the exposure of young children in a classroom setting to ideas and values opposed to those held by plaintiffs [was]... so coercive as to offend the free exercise clause."³⁸⁵ The court found that the issue of whether the contents of the series promoted a religion could not be decided on the basis of the selections contained in plaintiffs' amended

³⁸³ Plaintiffs' amended complaint, exhibit 1. Of the 80 excerpts in the plaintiffs' exhibit 1, 17 were from teachers' resource books and nine were from teachers' anthologies.

³⁸⁴ Plaintiffs' amended complaint at 4. The original complaint only referred to the Establishment Clause.

³⁸⁵ *Fleischfresser v. Directors of Sch. Dist. 200*, No. 91 C 77801992, WL 220959 at *2 (N.D. Ill. Sept. 2 1992).

complaint and directed the parties to submit a copy of the entire *Impressions* series to the court.³⁸⁶

A month later the district court cited *Brown* in holding that the series did not foster a particular religious belief. The court found that the series did "contain a few 'scary' stories, with spooks of one sort or another--the kind of stories often told around an after-dark fire at camp" which was "a far cry from fostering some pagan cult."³⁸⁷

In its review of the district court's record, the United States Circuit Court of Appeals for the Seventh Circuit held that the use of *Impressions* did not violate any of the *Lemon* test's three prongs.³⁸⁸ In so holding the court recognized the need to balance a heightened concern regarding the possibility that subtle coercive pressure might influence children of tender years against a district's discretion to select its curriculum.³⁸⁹ The court found that while the parents might be sincerely offended by some selections in *Impressions*, their contention that "the presentation of religious concepts found in paganism and branches of witchcraft and satanism. . . hardly sounds like the establishment of a coherent religion."³⁹⁰ In particular, the court noted that the parents even tried to include in these 'religions' a tenet of what the parents called "parental disrespect." In a mildly scornful footnote the court disposed of this perennial

³⁸⁶ *Id.* at *1.

³⁸⁷ *Fleischfresser v. Directors of Sch. Dist. 200*, 805 F. Supp. 584, 585 (1992).

³⁸⁸ *Fleischfresser v. Directors of Sch. Dist. 200*, 15 F.3d 680, 688, 689 (7th Cir. 1994).

³⁸⁹ *Id.* at 688.

³⁹⁰ *Id.* at 687.

complaint of conservative Christian parents by stating that even giving a "wide latitude" to the plaintiffs, it could not "abide" the parents' "assertion that the inclusion of 'humorous stories' in which a 'child outwits a parent' serves to establish these religions."³⁹¹

To the Seventh Circuit, *Impressions* in general and the objected-to selections and activities "seem[ed] for all the world like a collection of exercises in 'make-believe' designed to develop or encourage the use of imagination and reading skills in children that are the staple of traditional public elementary education."³⁹² Echoing the Sixth Circuit in *Mozert*, the court asked, "what would become of elementary education, public or private, without works such as these and scores and scores of others that serve to expand the minds of young children and develop their sense of creativity?"³⁹³

The court found that the series had a secular purpose, repeating its observation that public schools "traditionally rely on fantasy and 'make-believe' to hold a student's attention and to develop reading skills, . . . creativity and imagination."³⁹⁴ In particular, the selections involving witches were "sequenced to emphasize a Halloween theme."³⁹⁵

³⁹¹ *Id.* at 697 n.4.

³⁹² *Id.* at 688.

³⁹³ *Id.*

³⁹⁴ *Id.*

³⁹⁵ *Id.* at 688 n.8. Halloween decorations and activities have long been considered a fairly innocuous part of elementary school curricula; however, parents in Florida sought to enjoin a school district from celebrating this traditional holiday. *Guyer v. School Bd. of Alchua County*, 634 So.2d 806 (Fla. Ct. App. 1994) (presence of Halloween decorations and teachers dressed as witches did not have primary effect of advancing Wicca, satanism, witchcraft or any other type of religion). It is interesting

The court found that "[a]ny religious references [were] secondary, if not trivial."³⁹⁶ Mere coinciding or harmonizing with the tenets of some or all religions does not violate the Establishment Clause.³⁹⁷ Finally, the court found that the mere exercise of the Board's discretion to review the series prior to purchase did not constitute excessive entanglement with religion. Turning to the parents' claim that the use of *Impressions* burdened their free exercise rights, the court found that no coercion existed. It is interesting to note that the court also found one of the values the public schools seeks to instill in its students is "tolerance of divergent political and religious views."³⁹⁸

to note that when schools more closely reflected traditional Christian values, these minor and innocent forays into the occult passed muster with parents.

³⁹⁶ *Fleischfresser* at 689.

³⁹⁷ *Id.* at 689 (citing *Harris v. McCrae*, 448 U.S. 297, 319, 100 S.Ct. 2671, 2689 (1980) (federal funding restrictions of Medicaid abortions did not violate the Establishment Clause of the First Amendment)).

³⁹⁸ *Id.* at 689, 690. (quoting *Bethel Sch. Dist. v. Fraser*, 106 S.Ct. 3159, 3163 (1986)). Tolerance of divergent religious views was not a value to plaintiffs in any of these cases. To the *Mozert* plaintiffs the idea of tolerance for diversity was particularly threatening because such thinking might lead to the idea that "all religions are equally meritorious." DelFattore at 14, 15. Discussing the nature of tolerance in a pluralistic society, the *Mozert* court included the same quote from *Bethel* and concluded that tolerance does not require accepting other religious views as equal to one's own. (*Mozert v. Hawkins County Bd. of Educ.*, 827 F.2d 1058, 1069 (6th Cir. 1987)). Carter speaks to respect for other religious views as a necessary part of religious tolerance even by those who espouse Christian exclusivity. Stephen Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* 92, 93 (1993).

4. Conclusions

Although an examination of the challenges to the *Impressions* reading series would be incomplete without a thorough analysis of *Brown* and *Fleischfresser*, the saga of Holt's ill-fated, whole language reading series transcends the Establishment Clause litigation pursued by objectors to the series. Scholars have focused on the California challenges and have failed to include legal analyses of related litigation. No other study has examined information supplied by school districts outside California that experienced challenges to the series or has attempted to place the *Impressions* challenges within the context of Christian Right objections to public school materials, curricula and instructional activities. When Adler uses the term "echo effect," she refers to the geographic and temporal clustering of attacks on the series in California. The present study uses the same term in seeking to discover if a disproportionate increase in similar challenges to materials nationwide occurred contemporaneously to the *Impressions* challenges. At the same time, the present study seeks to analyze the broad contours of religious challenges to school curricula, materials and instructional activities for the period before, during and after the *Impressions* controversies.

5. Summary

Prior to the process of incorporation which made the constitutional guarantees of the Bill of Rights applicable to state and local governments, the judicial system did not concern itself with issues related to precollegiate education, especially First Amendment challenges. In the 1920s, the Supreme Court in *Meyer* established the

principle that local and state educational authorities did not have unfettered discretion to determine what would be taught in public schools. Between the 1940s and mid 1970s, incorporation resulted in legal challenges to the pan-Protestantism which had operated virtually unquestioned in the public schools since the late nineteenth century. The Court struck down such practices as school prayer and sectarian religious instruction, including statutes prohibiting the teaching of evolution, as violations of the Establishment Clause.

Like litigation generally and civil rights litigation specifically, the litigation over public school materials, curricula, and instructional activities reflects wider societal concerns. Thus, in the late 1970s, a number of cases arose over the liberalization of public school curricula and the inclusion of materials that more conservative members of society found offensive. The contradictory judicial decisions of this period reflect the difficulty the courts encountered in establishing the contours of school district authority to determine public school curricula and to select or eliminate materials. The rise of the Christian Right brought a new set of offended plaintiffs. It is not surprising that the early cases of this period, *Williams* and *Mozert*, relied on Free Exercise grounds to frame their legal challenges to curricula and materials. The liberalization and secularization of society reflected in school curricula was offensive to their most deeply held religious beliefs. The Establishment Clause cases of the mid-1980s, *Grove* and *Smith*, expressed the views of fundamentalist writers of the period, that the danger was secular humanism. Unsuccessful in persuading the courts to define secular humanism as a religion that would fall under the prohibitions of the Establishment

Clause, the *Impressions* plaintiffs, perhaps also influenced by fundamentalist elite writings, found a "religion" that they believed the courts would find sufficiently "religious" to successfully invoke the Establishment Clause and lead to the elimination of offensive material. It is not unreasonable to argue that it was more than a mere coincidence that secular humanism was the predominant legal grounds for bringing challenges while fundamentalist writers were making it a predominant motif in their writing and that the use of legal challenges involving occult and pagan religions occurred after these subjects became issues of concern in Christian Right literature.

D. Views of Nonactivist Conservative Christians Regarding Public School Curricula

In order to support the documentary research described above and to discover whether the issues of concern identified by the present examination of the writings of Christian Right leaders are also issues of concern to nonactivist fundamentalists, seven Christian school parents were interviewed.³⁹⁹ These interviews were taped and subsequently transcribed. In addition, one telephone call seeking the names of potential interviewees developed into a quasi-interview as the parent began to give her views regarding public education. As this conversation developed into an interview, detailed notes were made.

To locate prospective participants, the author began by calling Adele Stephens, the principal of Mt. Olivet, a conservative Christian academy. Mrs. Stephens

³⁹⁹ Michael Langenbach, Courtney Vaughn & Lola Aagaard, *An Introduction to Educational Research* 89 (1994).

contacted three parents to ask if they would consent to be interviewed.⁴⁰⁰ Two parents agreed to be interviewed (the third had an illness in the family and was interviewed late in the data gathering process). The two parents initially interviewed suggested additional potential informants. All the informants were white, middle-class women.⁴⁰¹ A significant number had had direct ties to public education, e.g., informants had taught in public school (one had been a school nurse), one informant is currently an employee of the local public school district, and another was married to a university professor who had been a public school teacher.

The interviews were semi-structured. In contacting the parents by telephone to set up the interviews, the focus of the study was described as learning why Christian school parents chose Christian education for their children. Framed in this way, the question was "What is good about Christian education?" The unspoken "negative" side of this question is "What is bad about public schools?" As expected, informants

⁴⁰⁰ Gaining access to an evangelical or fundamentalist school can be difficult. See Alan Peshkin, *God's Choice: The Total World of a Fundamentalist Christian School* (1986). Like Peshkin's experience in conducting an ethnographic study of a fundamentalist school, gaining access for the present study was a slow process, requiring telephone calls to Mrs. Stephens over a period of several weeks.

⁴⁰¹ Mr. Singleton was present when Alice Singleton was interviewed at her home. He did not participate; however, after the interview was over Mrs. Singleton introduced me to her husband (we walked into his study). It was obvious that Mr. Singleton opinions about public schools were significantly stronger than his wife's which in turn raises the question of why he did not chose to participate. The fact that only mothers volunteered to be interviewed may reflect the traditional view of different spheres of influence for men and women espoused by Christian conservatives. See Susan D. Rose, *Keeping Them Out of the Hands of Satan: Evangelical Schooling in America* 163 (1988). "Christian schools tend to select from a relatively homogeneous population." *Id.* at 204.

cited such issues as lack of discipline in public schools, absence of prayer, negative peer influence on their children, etc. But during the course of the interviews each informant also gave her perspective on the underlying question, i.e., "What is it that public schools teach that they should not teach?" Both descriptive and structural questions were used to focus the informants on issues of concern regarding public school curriculum.⁴⁰²

Part of the need to conduct semi-structured interviews stems from the nature of the informants' religious beliefs. The possibility existed that some informants might witness to their faith during the course of the interview because witnessing for one's faith is a significant part of fundamentalist Christianity. Second, the conversion experience (being born again in Christ) is a highly significant life event for evangelical/fundamentalist Christians. Third, an integral part of evangelical Christianity is the mandate to convert the nonbeliever (to bring the unsaved to Christ). Thus, based on Peshkin's experiences in conducting research for *God's Choice* and a review of both secondary and primary sources, some degree of proselytizing by the informants was expected. Three informants did use the interviews to engage in proselytizing inquiries and statements. In some interviews the subject did not arise at all; in others it was difficult to keep the informant focused on the purpose of the

⁴⁰² James P. Spradley, *The Ethnographic Interview* 60 (1979).

interview. The interviews were taped and transcribed and analyzed by coding.⁴⁰³

Participants' names were altered to avoid breaching confidentiality.

Informant responses were initially sorted into three overarching categories: those that pertained to public school problems generally, i.e., noncurricular issues, including laudatory statements about Mt. Olivet; those that pertained to public school curriculum; and those that did not pertain to public schools at all. This group included statements of personal religious convictions, questions relating to the researcher's religious beliefs ("Are you saved?"), and comments related to modern society, such as statements about popular entertainment and noneducational issues, e.g., welfare. However, a certain blurring of categories occurred. Responses indicating a perception of lack of discipline in the public schools were sometimes connected with responses critical of public education for failing to teach absolute values which in turn connected to the teaching of values clarification (sometimes termed situational ethics or moral relativism). Overall, the informants had nothing positive to say about public school education although several expressed the opinion that the public schools had more difficult tasks than Christian schools.

E. Summary of the Review of the Literature

Scholarly commentary and legal action by religiously offended plaintiffs follow the appearance of issues of concern in Christian Right literature. The literature moves

⁴⁰³ Norman K. Denzin & Yvonne D. Lincoln, *Handbook of Qualitative Research* 446 (1994).

from secular humanism to the danger of New Age, pagan and occult religions, pulling after it the responses of educational scholars, advocacy organizations, legal complaints and judicial decisions. The translation of the anxiety regarding the danger posed to children and to the nation by the content of public education into action, such as challenges to curricula and materials, has been noted by scholars in a number of fields, particularly those in education and library science. While secular humanism has by no means disappeared as an issue of concern for fundamentalist parents and Christian Right elites, the 1990s have seen a sharp increase in both the amount and the degree of focus in fundamentalist concerns regarding the danger of New Age, pagan and occult religions in public education. It would appear that such concerns climaxed in the challenges and litigation over the *Impressions* reading series.

III. Methodology

A. Research Questions

The present study is guided by two questions. First, how do challenges to public school materials, curricula and instructional activities reflect the predominant issues of concern discussed in Christian Right literature? Second, were the *Impressions* challenges an anomaly or part of a larger pattern of fundamentalist responses to public school materials, curricula and instructional activities?

In order to "fit" the *Impressions* challenges into the continuum of fundamentalist criticisms of America's public schools, the study examines how the *Impressions* challenges represent a departure from and/or a continuation of legal as well as nonlegal challenges to public school materials and instructional activities. Preliminary data and comments by other scholars indicate a significant increase in challenges brought on the basis of occult content. This study concludes with a discussion of why concerns regarding the presence of Satanic, pagan and occult religions in the public schools became a focal point for fundamentalist objections to materials, curricula and instructional activities.

B. Analysis

1. Conceptual Framework

The data are presented in sections corresponding to the previously identified religious issues of concern regarding materials, curricula and instructional activities:

(1) explicitly religious issues (secular humanism, denigration of religion (with a

specific subcategory of objections that explicitly allege the material is offensive to Christians and in some cases to traditional Christians), and creation science versus evolution) and (2) occult content (Eastern, "New Age," and neo-pagan religious content or practices). The latter section includes the challenges to *Impressions*. Each of these broad categories is examined to determine the answers to the research questions stated in the previous section by analyzing Christian Right literature related to the topic, comments of nonactivist fundamentalists, and data from advocacy organizations and censorship surveys.

Just as it is necessary to analyze similar litigation in order to place the *Impressions* lawsuits in their legal context, it is also necessary to examine information describing similar nonlitigated disputes to place the *Impressions* controversies within a continuum of challenges. Reports issued by the American Library Association (ALA) and People for the American Way (PFAW) since 1982 demonstrate that the *Impressions* disputes had an impact on the number of these challenges and on their nature. This examination required several steps: (1) counting the total number of incidents for each year from 1982 to 1996, (2) calculating the percentage of incidents for each year that reflect fundamentalist issues thematically, (3) identifying those brought on the grounds of occultic content, and (4) examining the patterns of challenges from 1982-1996 to determine if the *Impressions* controversies had an effect on the occurrence of such incidents. At the beginning of each section related to the existence of a pattern in the grounds upon which challenges were brought, data from

the 1551 challenges described by Burress are presented.⁴⁰² The analysis of the Burress data provides a starting point for an examination of subsequent challenges on the same grounds and for verification of the accuracy of the data from the ALA and PFAW reports.

It is expected that during the years the *Impressions* challenges were occurring the percentage of such incidents, i.e., complaints that materials had occult content, would be greater than in prior or subsequent years. However, it remains to be discovered whether the percentage of such challenges which did not involve *Impressions* also increased not only for the years during which the *Impressions* challenges were occurring but also during subsequent years. Such a close examination of the approximately 3,000 challenges from 1982 to 1996 answers, at least in part, the question of whether the *Impressions* challenges were an anomaly or part of a larger pattern and also reveals other patterns in the grounds on which challenges have been brought.

2. Explicitly Religious Objections Other Than Those Related to the Occult:

Secular Humanism, Denigration of Religion, and Evolution/Creation Science

a. Fit with Christian Right Issues of Concern

The previous examination of Christian Right literature addressed the opinions of movement elites regarding such explicitly religious issues as secular humanism,

⁴⁰² Burress at 208-352. Drawing from 17 censorship surveys conducted from 1965 to 1985, Burress lists the 1551 individual challenges in tabular form by title.

denigration of religion or marginalization of traditional Protestantism, and evolution versus creation science. This section weaves together the statements of those authors with ephemeral materials and comments of nonactivist Christian conservatives. The ephemeral materials were gathered from Christian Right organizations, such as Paradigm Press (for Samuel Blumenfelds' newsletters and books), Citizens for Excellence in Education, Focus on the Family, Eagle Forum and Education Research Analysts (for Mel and Norma Gabler's materials). The comments of nonactivists have been drawn from the previously described study of the attitudes of Christian school parents toward public school curricula. The information drawn from these sources forms an introduction to the following section which examines the grounds upon which challenges were brought from 1982 to 1996.

b. The Existence of a Pattern

To determine if a pattern exists, the reports from the American Library Association and People for the American Way were analyzed to determine the percentage of explicitly religious challenges brought each year from 1982 to 1996. In keeping with the deductive (general to specific) approach, these data are presented in the aggregate for the fourteen year period. Then, the percentages for the sub-categories of secular humanism, denigration of religion, and evolution/creation science are given. These data are presented in both tabular and graphic format.

Where possible, comparisons of the percentages have been made with the findings presented by McCarthy and Langdon, Schuerer, and Adler.⁴⁰⁴ Not all

⁴⁰⁴ See discussion *supra* pp. 71-76.

categories generated by the ALA and PFAW data match those used in the survey studies. The analysis of data notes where no comparison can be made or where the comparison is inexact. It is possible to compare the percentages generated by coding the ALA and PFAW data with that obtained from surveys of challenges to public school curricula and materials. Adler's four surveys of school censorship incidents in California are especially useful in this respect. The study compares national percentages for the relevant years (1990-1995) obtained from the ALA and PFAW with Adler's California respondents. In addition, the 1990-1995 data for California from PFAW is compared with Adler's findings. Less useful, but also relevant, are similar comparisons with Burress' data encompassing nineteen surveys prior to 1983 and Scheuerer's data for the 1986-1987 Florida challenges. Like the comparison of ALA and PFAW with Adler's data, the Florida data has been analyzed on both a national and state basis. These comparisons are shown using both tabular and graphic presentations.

3. Objections Based on Content Relating to Occult, New Age, and Eastern Religions

Objections based on the occult and on New Age and Eastern religions precede a consideration of the subtopic of the *Impressions* challenges themselves. As with the explicitly religious objections, the discussion is introduced by an examination of the fit with Christian Right concerns.

a. Fit with Christian Right Issues of Concern

This section revisits the Christian Right literature discussed in the review of the literature, but focuses on the expressions of concern regarding the occult, Satanism, witchcraft, etc. At the same time this section also links the fears expressed in Christian Right books to ephemeral materials, such as flyers, pamphlets and newsletter articles, comments reproduced in the ALA and PFAW reports and the opinions of nonactivist conservative Christian parents.

b. The Existence of a Pattern

Percentages of challenges based on occultic content drawn from People for the American Way and the American Library Association are presented. Where possible, comparisons of the percentages are made with the findings presented by McCarthy and Langdon, Schuerer, and Adler. Finally, data related to these types of challenges is compared with the category of explicitly religious challenges (secular humanism, denigration of religion and evolution/creation science) drawn from the ALA and PFAW reports. The comparisons are shown in both tabular and graphic formats.

4. The *Impressions* Challenges

a. Fit with Christian Right Issues of Concern

Ephemeral material specifically related to *Impressions* has been analyzed. From the People from the American Way and the American Library Association reports and Adler's study, a list of districts that experienced a challenge to *Impressions* was compiled. The addresses of these districts were obtained from the departments of

education in their respective states. Each of the districts that experienced an *Impressions* challenge was contacted and asked to provide documents, especially citizen's requests for reconsideration of materials, related to the controversy in their community. These documents were analyzed to determine the extent to which they reflect the influence of fundamentalist concerns related to occult content generally and to the series specifically. Where school personnel involved with *Impressions* disputes made relevant comments these have been included. If no response was received from a district, the study uses accounts from PFAW, ALA and media accounts to present a coherent picture of the controversies over the series. The collateral issue of objections to *Impressions* on the grounds that the series failed to teach reading using phonics is also presented.

This section uses PFAW data to compare the involvement of national fundamentalist organizations in all challenges to materials, to the involvement of such organizations in the challenges to *Impressions* for the relevant years. Finally, this section examines data related to Christian Right dominance of state Republican parties in 1994 to determine if there was a relationship between such dominance and the likelihood that *Impressions* disputes took place in that state.

b. The Existence of a Pattern

This section compares the percentage of PFAW and ALA challenges brought because of objections to occultic content generally (including the *Impressions* challenges) with the percentage of challenges brought against the series itself. This information is presented in both tabular and graphic form. Working with data from

1982 to 1984, it was possible to calculate the mean annual percent of increase in challenges on the grounds of occultic content generally. A projected line of increases in such challenges was superimposed for 1986 to 1991, when the *Impressions* challenges were occurring, to determine what effect the *Impressions* challenges had on challenges brought on these grounds. A close examination of the PFAW and ALA reports reveals whether an "echo effect" occurred, i.e., whether, apart from the *Impressions* challenges themselves, school districts were more likely to experience challenges brought on the basis of occult content during and after the period of the *Impressions* challenges. Changes in the language of such challenges lends itself to qualitative analysis to further describe a possible echo effect. Data from the post-*Impressions* years, 1992-1996, is also included.

C. Related Research and Analytical Problems

1. Literature of the Christian Right

Material produced by Christian Right leaders constitutes a large and growing genre of persuasive literature. It includes books, radio and television broadcasts, articles, newsletters, flyers, audiotapes and videotapes. Such materials are not indexed and are virtually unavailable in public or academic libraries. Bibliographic information was obtained from primary (other Christian Right literature) and

secondary sources, from references in fundamentalist books themselves, and from discussions with other scholars.⁴⁰³

Several of the seminal works related to educational issues are out of print and cannot be purchased. Thus, interlibrary loan services must be utilized to obtain copies of books. Some books are indexed, but a number are not, making it difficult to find relevant information quickly and easily. Newsletter articles and other materials, such as audio and video tapes, are generally unavailable through interlibrary loan and were purchased from the producing organization, e.g., Paradigm Press (for Samuel Blumenfelds' newsletters and books), Citizens for Excellence in Education, Focus on the Family, Eagle Forum and Education Research Analysts (for Mel and Norma Gabler's materials).

Because of the amount of material of this nature and its lack of availability, the present study does not purport to include a comprehensive discussion of Christian Right literature. However, materials in sufficient quantity and depth provide an appreciation of the attitudes of fundamentalist authors on issues related to American education generally and allegations of anti-Christian bias in materials and instructional practices specifically has been included. Fundamentalists themselves do not speak with one voice and it is possible to construct a rough continuum to reflect the differences in the tone and content of the materials they produce. Placing the positions of fundamentalist elites on this continuum is a somewhat arbitrary process

⁴⁰³ Ephemeral materials, such as newsletter articles, produced by the Christian Right typically do not contain significant numbers of citations to other sources.

involving subjective evaluations of several factors: the substance of their statements; the tone of their writings, particularly highly sentimental or alarmist rhetoric; the prevalence of various persuasive techniques, e.g., how extensively anecdotes are used and whether statements of fact are supported by citations to specific studies; and their intended audience, i.e., whether they appear to be communicating with the public as a whole or directing their work primarily to other fundamentalists.

Viewed on a continuum, the most moderate position is occupied by mainstream Christian conservatives, e.g., Jerry Falwell, Ralph Reed, and Pat Robertson. They often write for the popular press. Their criticisms of public schools tend to contain a substantial number of secular arguments and citations to studies produced during the Reagan and Bush presidencies. Slightly to the "right" are such commentators as Phyllis Schlafly of the Eagle Forum, James Dobson of Focus on the Family, and Gary Bauer. The writings of this group of elites are slightly more polemic and alarmist. To the "right" of this group are Mel and Norma Gabler of Educational Research Analysts, Robert Simonds of Citizens for Excellence in Education, and Samuel Blumenfeld. Themes of persecution and conspiracy are more overt, and the rhetoric employed is stronger in the writings of the Gablers, Simonds and Blumenfeld. The next position on the continuum is occupied by such authors as Texe Marrs and Joanna Michaelson. These commentators tend to focus on public schools as instruments that are being used by Satan to destroy Christianity. Marrs is particularly critical of other Christian Right elites, such as James Dobson of Focus on the Family or individuals, such as Senator Jesse Helms, who are generally sympathetic to the religio-political goals of the

Christian Right. Finally, the "far right" position is held by dominion theologians and Christian reconstructionists who argue that American government should be a Christian theocracy.⁴⁰⁴ Writers such as Francis Schaeffer and Robert Thoburn overtly espouse the view that public education was flawed from its inception and should be dismantled.⁴⁰⁵ Although fundamentalists who cannot be classified as Christian reconstructionists advocate the use of vouchers or tuition tax credits for religious schools, which might result in the de facto dismantling of public education, the dominant theme of their materials is reformist in nature. The present study includes comments exemplifying the entire spectrum of relevant fundamentalist literature. However, because the present study is focused on the challenges to *Impressions*, it gives a somewhat distorted picture of fundamentalist theology and ideology by overemphasizing the extreme right positions or nonrational arguments.⁴⁰⁶

⁴⁰⁴ Diamond distinguishes Reconstructionism, the establishment of an Old Testament style theocracy, complete with capital punishment for offenses including adultery, homosexuality and blasphemy" from Dominion Theology, the belief that "Christians Biblically alone are mandated to occupy all secular institutions until Christ returns." Sara Diamond, *Facing the Wrath: Confronting the Right in Dangerous Times* 48 (1996).

⁴⁰⁵ See Robert Thoburn, *The Children Trap* (1987). The view that public education was essentially flawed from its inception is also shared by Samuel Blumenfeld. See generally Samuel L. Blumenfeld, *Is Public Education Necessary?* (1985).

⁴⁰⁶ The term "nonrational" is used to describe belief systems and arguments based on supernatural realities. The use of the term does not connote "irrational," merely a reliance on beliefs the truth or falsity of which cannot be demonstrated by scientific means.

2. Analytical Problems

a. The Use of Materials from Advocacy Organizations

The first analytical difficulty that was confronted was that both the American Library Association and the People for the American Way are advocacy organizations, specifically they are anti-censorship groups. Setting aside frequent, fundamentalist allegations that People for the American Way is a liberal organization and recent charges that the American Library Association is also ideologically and politically tainted, as a practical matter the present study could not be conducted without using information from these organizations. It is not possible for a single scholar to duplicate the resources these organizations have brought to bear for 14 years on the subject of challenges to public school materials and activities. What is certain is that People for the American Way and the American Library Association do report incidents from both ends of the political spectrum. For example, both organizations include numerous challenges to *Huckleberry Finn* on the grounds that the book is racist and/or contains the word "nigger." People for the American Way reports challenges made by the ACLU and in one instance a challenge to materials on the grounds that they were biased in favor of the timber industry. An objective analysis of whether these organizations accurately report such incidents and/or whether the inclusion of incidents has been affected by any organizational political bias would be an entirely different study. Even allowing for such bias, the focus of the present study is to ascertain the changes in the percentages of relevant challenges compared to the total number reported. Thus, the overinclusion of challenges from the right would not

affect the changes in such incidents over time unless the organization was inconsistent in its "bias."

b. Overlap in ALA and PFAW Data

A second analytical problem is the fact that the two groups report both the same and different challenges, i.e., there is some degree of overlap. The most immediate difficulty in combining the two sets of reports is that People for the American Way lists censorship events by state while the American Library Association lists such incidents by title of the challenged material. Again, it is beyond the scope of the present study to combine the lists produced by each organization and produce nonduplicative lists for each of the 14 years in question, 1982-1996. Thus, the percentages of challenges brought on the different grounds was calculated separately. The purpose is not to compare the percentages brought on the previously identified grounds between the organizations but rather to examine the changes in these percentages longitudinally. Only in identifying the challenges to *Impressions* itself did the author draw from both sets of reports to produce a master list. This list was used to contact the individual school districts which experienced *Impressions* challenges.

c. Incidents Which Are Included as Challenges

(1) Only Objections Raised After the Selection of Materials and Curricula Are Considered Challenges

A third problem was related to which incidents should be counted. This study confines itself to challenges to public school materials in place in the schools, already selected for use, or to instructional activities in which the school(s) is already engaged.

Thus, where People for the American Way counts attempts to influence the selection of materials as incidents, the study excludes such activities unless the challenger called for removal of materials being used for a pilot study. People for the American Way includes legislative attempts to institute the teaching of creation science; this study does not.⁴⁰⁷ Various incidents related to student-initiated activities, e.g., passing out religious flyers or student dress codes, are included in PFAW totals but are not part of the totals for the present study. A good illustration of the necessity of not accepting the totals generated by PFAW is the practice of allowing after-school religious clubs. Although PFAW includes challenges to such practices, the inclusion of such incidents would lead the study away from challenges, materials and instructional activities toward a consideration of separate legal issues. However, challenges to school districts having prayer during the school day or Bible classes on campus were counted by both the author and PFAW. Attempts by school administrators to suppress student-written articles in school newspapers; student art work, except in instances where the project clearly had the approval of teachers; science fair projects; and student-initiated displays of posters are included in PFAW totals but not in the totals given in the study. Ultimately, the question was whether the school authorities and/or classroom teachers or librarians had selected the challenged materials or agreed to such school-sponsored activities as drama productions or programs with invited outside speakers or

⁴⁰⁷ However both the author and PFAW count incidents where challengers object to materials or curricula in use at the time of the challenge on the grounds that it presents "evolution as fact" or fails to include creation science. *Attacks on the Freedom to Learn* 43 (1993).

whether they had attempted to influence seemingly spontaneous student activities, for example, newspaper articles, art work, science fair projects, etc.

The participation of parents and/or local or national groups in the selection of curricula or materials, whatever their motivation or religio-political orientation, is entirely consistent with the democratic process and local control of public schools. Thus, the only challenges included in the author's totals are those involving material in use in schools or activities that school staff or administrators had previously sanctioned. The most obvious instances were those where the reports stated that the materials were "in use." Determinations of whether materials had been selected, but were not yet in use in the schools, required a case by case analysis, sometimes involving an online search of the DIALOG database to clarify the incident report given in the reports. In other cases, the objections were to materials "under consideration." Where the objectors requested that the pilot study be discontinued, the incident was counted as part of the total number of objections in the present study. For the reasons given, the totals for censorship incidents in the present study differ from those of the reports.

(2) Coding Problems: The Issue of Under or Overinclusiveness

The reports are treated as both primary and secondary source material. In the final analysis, they must be considered as secondary source material because they are themselves the product of their respective organization's analysis. However, the reports can be coded like interview transcripts or field notes. This process is necessary to analyze the nature of the challenges and to identify patterns. Initially, the

major themes of fundamentalist concerns were identified from court opinions and secondary sources. Subsequent examination of primary sources, i.e. fundamentalist literature itself, confirmed the preliminary categories. After the major themes, what Glesne and Peshkin term "major code clumps," were identified, they were arranged into a logical order.⁴⁰⁸ The issue of creation science and evolution is the oldest discrete fundamentalist curricular concern. Allegations that the material or instructional practice promotes "secular humanism" were relatively common during the 1980s, perhaps as a result of the publicity surrounding the *Smith* and *Mozert* cases. Complaints that schools denigrate religion form a third category of explicitly religious challenges, excluding those brought on the grounds of occult content. Challenges brought on the basis of occult content form the second major category and lead directly into the *Impressions* challenges themselves because most of the *Impressions* challenges involved statements that the reading textbooks promoted Satanism, witchcraft and/or the religion of Wicca. Indeed, the *Impressions* plaintiffs alleged that the use of the series violated the First Amendment by "establishing" these religions in the public schools. Three strands emerged from the analyses of challenges brought on the grounds of occult content, complaints related to New Age religion, Halloween, and Eastern or pagan religions, especially Hinduism or Buddhism. As with much qualitative research, the identification of these categories reflects some degree of subjective judgment. One particular difficulty lay in determining how to balance

⁴⁰⁸ Corrine Glesne & Alan Peshkin, *Becoming Qualitative Researchers: An Introduction* 135 (1992).

overinclusion and underinclusion. Reading too much into a given incident description might result in inclusion of incidents which did not reflect preselected category criteria; however, ignoring a context which would place an incident into a given category might result in omission of incidents that should properly be counted. For the present study a relatively conservative approach was adopted. Thus, descriptions such as "profanity" was not read expansively to include "blasphemy." In the few instances where the reporting organizations failed to adequately describe the protestors' objections, the author searched for newspaper accounts using an online DIALOG database to clarify the nature of the complaints.

In addition to revealing data which allow the presentation of the *Impressions* challenges within the context of fundamentalist objections to public school curricula and materials, the descriptions of the incidents give additional sources of information regarding the *Impressions* controversies themselves, such as the names of school districts, the formation of local organizations and/or the involvement of national fundamentalist organizations, and any litigation resulting from the challenge. Such information was invaluable for gathering additional data and for comparing the *Impressions* challenges with other incidents. All districts which experienced *Impressions* challenges were contacted by letter. Information regarding the nature, chronology and source of the controversies was sought. School districts were asked for copies of relevant documents, including citizens' complaints and copies of newspaper accounts of the incidents. Many *Impressions* controversies occurred in small communities, and newspapers from these communities are not available online.

No other study of the *Impressions* incidents includes detailed information from a significant number of widely dispersed communities.

D. Format of the Study

Each of the previously identified themes: evolution, secular humanism, denigration of religion, and the occult, are introduced by an examination of fundamentalist literature and by data from the interviews and observations. The percentages of challenges from PFAW and ALA related to the particular issue of concern are displayed in a table which accompanies a discussion of the challenges. These data are also displayed in graphic figures located in Appendix A. The discussion also includes tables comparing the PFAW and ALA data with data from the Burress; McCarthy and Langdon, Adler, and Scheuerer surveys. Finally, each section discusses how these religiously-based, legal challenges relate to state Republican Party platforms.

The *Impressions* controversies are a subset of challenges brought on the grounds of occultic content, and information related to these incidents is discussed following the category of objections based on Satanism/witchcraft/occultic content generally. In considering the *Impressions* challenges specifically, information from responding school districts is used to compare the nature and sources of the challenges. The comparison considers whether the nature of the controversies changed

from 1986 to 1991.⁴⁰⁹ In addition, this examination shows whether there were significant differences in the challenges brought in various regions of the country. Turning to the source of the challenges, a comparison is made between the number of *Impressions* challenges in which national Christian Right organizations were involved and number of all challenges and non*Impressions* challenges in which these groups were involved as reported by PFAW for the relevant years. This section includes an analysis of the number of *Impressions* challenges in a given state with the degree of Christian Right domination of that state's Republican Party.

E. Summary

The present study uses both documentary and nondocumentary data to generate verbal descriptions and numerical information related to specifically religious fundamentalist issues of concern related to public school curricula, materials and instructional activities. By weaving together material and information from a wide variety of sources--ephemeral Christian Right materials, censorship reports from advocacy organizations and scholars, documents from school districts that experienced *Impressions* challenges, newspaper accounts of *Impressions* controversies, and interviews with individuals associated with *Impressions*, especially school system personnel, and nonactivist fundamentalists--the present study examines what happened to *Impressions* more broadly than any previous study. In addition, the study sets the

⁴⁰⁹ Although litigation continued after 1992, actual challenges at the district level did not occur after that date.

Impressions challenges firmly within the context of fundamentalist issues of concern regarding public education. Finally, the study examines the campaign against *Impressions* as a sociological and theological phenomenon which cannot be viewed as solely a product of the New Christian Right movement.

IV. PRESENTATION AND ANALYSIS OF DATA

A. Introduction

While the focus of the present study is the nature and incidence of specific types of religious objections to public school materials, curricula, and instructional activities, a brief examination of the aggregate data showing the incidence of explicitly religious challenges is helpful. These figures combine all challenges brought on the grounds of evolution, secular humanism, denigration of religion, and occult content. Table 3 shows the occurrence of such challenges as reported by the ALA and PFAW. These data are displayed graphically in Figure A.1. For this and all subsequent discussions of ALA and PFAW it is important to recall that the data presented does not include all incidents reported by the organizations' annual reports. The reports describe incidents excluded from the present study, including but not limited to, challenges to public library materials, preselection challenges, and objections to student-written school newspaper articles. Thus, the raw data presented in Table 3 and all subsequent tables comparing the grounds upon which ALA and PFAW reported challenges were brought are the ratios of challenges on the specific grounds being examined and the total number of challenges which meet the criteria for this study in a given year. For example, in 1983 the ALA report shows that 11 explicitly religious challenges were brought out a total of 79 reported challenges. The raw data are included for the reader's convenience; the focus of this study is on the changes in percent of challenges through the period 1983-1996.

The percent of explicitly religious challenges reported by the ALA ranges from a low of 8.2 percent in 1996 to a high of 52.7 percent in 1987. The figure of 52.7 percent in 1987 represents an extremely sharp increase over the previous year due to the number of separate

discussions of the titles challenged in *Mozert*. The ALA percentages decline in 1988 and 1989 and peak again in 1990 (48.8%) and 1991 (45.2%), which corresponds to the peak years for the *Impressions* challenges. After 1991, the ALA percentages decline steadily, ending in 1994-1996 at a lower level than in 1983. PFAW percentages show a peak in 1987 (45.0%) although the increase is less precipitous than for the ALA data. A slight decline in 1988, 1989, and 1990 is followed by a peak in 1991 (57.2%) and then, like the ALA data, by a steady decline thereafter. Unlike the ALA data, the 1996 figures from PFAW do not decline below the organization's figures for its initial report in 1983.

Table 3. Reported Challenges Based on Explicitly Religious Objections to Public School Materials, Curricula, and Instructional Activities, Given in Ratio (raw data) and Percentage of Total Reported Challenges, by Year.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	11:79 13.9%	12:84 14.3%	17:111 15.3%	12:74 16.2%	58:110 52.7%	29:124 23.4%	17:63 27.0%	42:86 48.8%	42:93 45.2%	18:91 19.8%	42:152 27.5%	12:132 9.1%	15:177 8.5%	11:134 8.2%
PFAW	6:47 12.8%	14:60 23.3%	26:67 38.8%	24:98 24.5%	63:140 45.0%	40:96 41.7%	49:130 37.7%	82:209 39.2%	139:243 57.2%	156:353 44.2%	138:337 40.9%	97:395 24.6%	83:354 23.4%	71:340 20.9%

The advocacy organizations do not claim that their reports are surveys, rather they describe the lists as selective and noncomprehensive. The organizations estimate that the actual number of challenges is four to five times higher than their reports. McCarthy and Langdon's respondents reported 184 challenges in Indiana between 1982 and 1992. PFAW reported 39 challenges in Indiana during the same period. Thus, PFAW was reporting 21.2%, or just over one fifth, of actual Indiana challenges. Because of the way that Scheurer's survey questions were worded, his figures for Florida from 1986 to 1989 are more difficult to compare with PFAW data. Scheurer's respondents indicated that Florida districts had received 109 challenges or complaints regarding materials during 1986-1989. PFAW reported 19 challenges in Florida during the same time period. Thus, PFAW reported 17.4 percent, or just under one fifth, of actual Florida challenges during 1986-1989. During 1993-1995 Adler's 356 California respondents reported 278 incidents. PFAW reported 76 incidents in the state during 1993-1995. Thus, PFAW reported no more than 27.3 percent or just over one fourth of actual California incidents.⁴¹⁰ While these comparisons are not exact, they do tend to support the proposition that the advocacy organizations' lists substantially underreport the actual number of challenges. It is not possible, however, to extrapolate from these comparisons that the organizations are underreporting specific kinds of challenges. For example, it is not valid to assert that because PFAW reported five challenges related to evolution in 1996 there were approximately 20 or 25 actual challenges on these grounds.

⁴¹⁰ Telephone interview with Louise Adler (Mar. 28, 1997).

Considering explicitly religious challenges to public school materials, curricula, and instructional activities which do not include objections to occult content first, the following section divides such challenges into three subcategories: evolution, secular humanism, and denigration of religion. These groups are discussed individually before being combined to provide an examination of the total number of challenges brought on these grounds. Second, challenges to occult content in school materials, curricula, and instructional activities are discussed. The examination encompasses data related to the proportion of reported challenges, Christian Right literature related to such objections, the nature of the challenges themselves, and the incidence of political documents including statements related to the occult as an issue of concern in public education. The section concludes with an examination of challenges to Harcourt's *Impressions* series.

B. Explicitly Religious Challenges,

Excluding Those Brought on the Basis of Occult Content

1. Evolution

Evolution is arguably the oldest and most theologically pure educational issue of concern for conservative Protestants. The evolution versus creation science debate continues to enjoy emphatic although somewhat scattered and sporadic coverage in Christian Right literature related to education. This section includes an examination of Christian Right literature on the subject, anti-evolution positions expressed by challengers and nonactivists, and data from reports and surveys. This section concludes with a brief discussion of evolution/creation science activism in other

contexts, e.g., pressure to select creation science materials for use in schools, legislation on the issue, and the presence of anti-evolution or pro-creation science statements in state Republican Party platforms.

a. Christian Right Literature

During the 1980s and early 1990s, the Pro-Family Forum of Fort Worth, Texas distributed a pamphlet titled "Can America Survive the Fruits of Atheistic Evolution?"⁴¹¹ Thompson ascribes four results to the acceptance of evolution:

1. Evolution and its corollary social Darwinism "make men nothing more than fighting animals," which leads to totalitarian political systems, such as Nazism and Communism.
2. Because evolution views humanity as "nothing more than animal[s]," morals and values are meaningless and their absence has led to acceptance of abortion, an epidemic of venereal disease and a divorce rate of 50 percent in some states.
3. Evolution promotes racism including that espoused by Nazi Germany.
4. Belief in evolution leads to the denial of supernatural theology and adherence to "scientism."⁴¹²

Mel and Norma Gabler devote a chapter of their book, *What Are They Teaching Our Children* to "Evolution vs. Creation Science: Where the Battle Lines

⁴¹¹ Bert Thompson, *Can America Survive the Fruits of Atheistic Evolution?* (Pro-Family Forum, Ft. Worth, Tex.), 1981.

⁴¹² *Id.*, n.p.

Are Drawn."⁴¹³ The Gablers' consider failure to include scientific creationism or, as it has recently been termed, "intelligent design" as unfair and unscientific. Exclusion of creation is unfair because "[t]eaching only evolution favors evolutionist religions" and unscientific because "includ[ing] evidence both for and against [a given scientific theory] is practice[d] in all areas of science--except evolution [which] suggests that either evolution is not scientific or that evolutionists who selectively choose the evidence have something to hide."⁴¹⁴ "Evolutionists are so unsure of their position that they believe government force is necessary to shield students from scientific truth."⁴¹⁵ The May 1995 issue of the Gablers' semiannual newsletter asserted that 36 percent of "science teachers would teach creation [if] they were not held back by their principals, school boards, etc. who are afraid of a law suit from ACLU type lawyers."⁴¹⁶ In the December 1995 issue, the evolution--creation science controversy was the subject of a front page article. Like much Christian Right literature, the account was anecdotal, describing a student's refusal to use her science textbook because it "pretended evolution was a proven fact."⁴¹⁷ Later in the same issue, readers were exhorted to "[p]raise the Lord" that the Texas Board of Education reinstated a requirement that

⁴¹³ Mel Gabler & Norma Gabler, *What Are They Teaching Our Children?* (1985).

⁴¹⁴ *Id.* at 144-145.

⁴¹⁵ *Id.* at 145.

⁴¹⁶ *Origins*, The Mel Gablers' Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), May 1995, n.p.

⁴¹⁷ *Spunky Sarah*, The Mel Gablers' Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), December 1995, n.p. (neither the student nor the location of the incident is identified).

science texts discuss "the strengths and WEAKNESSES of scientific theories," which it had deleted in the Texas Proclamation (for the Biology I textbook adoption) of 1995.⁴¹⁸

Education Newslite, published by Citizens for Excellence in Education, also gives brief and sporadic coverage to evolution/creation science issues. For example, the newsletter accused the National Center for Science Education of "[p]lotting to [s]uppress [c]reationism" and noted that "Alabama Won't Favor Evolution" in its "Decisions, Decisions" column.⁴¹⁹ Typical of Christian Right positions on the issue, the editors of the newsletter described "parents, teachers and politicians [as] frustrated with the teaching of evolution as fact--and the complete dismissal of any creation or abrupt-appearance theory."⁴²⁰ Robert Simonds writing in *CEE's President's Report* declared, "Scientific evidence, providing an alternative to a totally faith-destroying atheistic evolutionary philosophy, has been denied to our students. The humanist religion (atheism-non-theism) is openly taught in many classes, with impunity."⁴²¹

⁴¹⁸ *Weaknesses of Evolution*, The Mel Gablers' Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), December 1995, n.p. (the action of the board was described as a "bid to sneak out the . . . requirements").

⁴¹⁹ *Plotting to Suppress Creationism*, *Education Newslite*, Spring 1995 at 5; *Decisions, Decisions*, *Education Newslite*, Summer 1995 at 3.

⁴²⁰ *Evolution: The Battle Continues to Evolve*, *Education Newslite*, Fall 1996, at 2.

⁴²¹ Robert Simonds, *President's Report* (National Association of Christian Educators/CEE, Costa Mesa, Cal.), Oct. 1996, at 3.

Of the 105 issues of *The Blumenfeld Education Letter* published between September 1986 and May 1995, only one issue (July 1989) featured evolution and creation science as a front page article. The Eagle Forum's *Education Reporter* noted in a two sentence paragraph the defeat of a Tennessee bill that would have allowed school districts to dismiss teachers who taught "evolutionary theory as fact."⁴²²

b. Evolution/Creation Science as an Issue of Concern
to Challengers and Nonactivists

The depiction of evolution as atheistic in the pamphlet "Can America Survive the Fruits of Atheistic Evolution?" was echoed in a Georgia protestor's description of "evolution as 'the religion of atheists.'"⁴²³ Combining the evolution as theory argument with a classic challenge to school library materials, a Washington state parent requested the removal of all books containing dinosaurs from an elementary school library because the depiction of dinosaurs contradicted the theory of creation.⁴²⁴ A Maine challenger to the *Impressions* reading series found that the inclusion of Native American myths contradicted the Genesis account of creation.⁴²⁵ Exemplifying challenges that combine a number of objections, was the statement by a challenger in

⁴²² *Education Briefs*, *Education Reporter*, June 1996 at 2.

⁴²³ People for the American Way, *Attacks on the Freedom to Learn* 82 (1994) (the initial objection was to the showing of a video to a kindergarten class which stated that dinosaurs lived millions of years ago. The protestor argued that "dinosaurs coexisted with [humans] within the past 6,000 years" and that their extinction was due to their failure to board the ark).

⁴²⁴ People for the American Way, *Attacks on the Freedom to Learn* 175 (1992).

⁴²⁵ People for the American Way, *Attacks on the Freedom to Learn* 59 (1991).

Canby, Oregon that Norma Howe's *God, the Universe and Hot Fudge Sundaes* "pushed several items of the humanist agenda: death education, anti-God, pro-evolution, anti-Bible, anti-Christian, and logic over faith," and that A. M. Lightner's *Gods or Demons* "promote[d] a secular-humanistic belief in evolution and portray[ed] the Bible as myth."⁴²⁶

Nonactivist conservative Protestants were less ambivalent on this issue than on any other. Each informant espoused "the equal time" position which has been one thrust of contemporary creation science/evolution controversies and legislation. Yvonne Nicholson stated, "I have a problem with just presenting evolution." For Alice Castleberry the issue is that "[public school students] haven't been taught that there is any fallacy in evolution." She went on to praise the A Beka curriculum used at Mt. Olivet as "tell[ing] them some things that are wrong with it [evolution]." Speaking of her husband who is a creation scientist and who taught science in public school, Libby Sullivan said, "[H]e taught both sides. . . because he believed students had "a need to know how to come to a good decision." Nancy Stewart gives her "personal preference [as] teaching creation," but realistically she concedes that "they need to teach both." She concluded by saying, "I think that both should be taught, I guess."

c. Data from Reports and Surveys

Of the 1551 challenges listed by Burrell, which precede and overlap the initial time period covered by the ALA and PFAW reports, only 0.3 percent were brought on

⁴²⁶ Doyle, *Banned Books* 46, 47 (1990).

the grounds of evolution/creation science. Challenges reported by the ALA and PFAW are shown in Table 4 and Figure A.2.

The raw data presented in Table 4 are the ratios of challenges on the grounds of evolution/creation science and the total number of challenges which meet the criteria for this study in a given year. For example, in 1983 the ALA report shows that two challenges on the grounds of evolution/creation science were brought out of a total of 79 reported challenges. Table 4 shows that for both organizations challenges brought on these grounds were relatively low in proportion to the total number of challenges. In nine of the 14 years, the ALA reported no challenges brought on these grounds, and during the five years when such challenges were brought the percentages ranged from 0.1 percent (1984) to 2.5 percent (1985). PFAW reported more challenges on the grounds of evolution/creation science and higher percentages, ranging from a low of 1.0 percent in 1986 to a high of 7.3 percent in 1988.

Table 4. Reported Challenges to Public School Materials and Instructional Activities on the Grounds That They Contain Content Related to Evolution or Fail to Include Creation Science, Given by Ratio (raw data) and Percentage of Total Reported Challenges, by Year

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	2:79 2.5%	1:84 0.1%	0:111 0.0%	0:74 0.0%	1:110 0.9%	0:124 0.0%	1:63 1.6%	2:86 2.3%	0:93 0.0%	0:91 0.0%	0:152 0.0%	0:132 0.0%	0:177 0.0%	0:134 0.0%
PFAW	0:47 0.0%	0:60 0.0%	1:67 1.5%	1:98 1.0%	2:140 1.4%	7:96 7.3%	7:130 5.4%	4:209 1.9%	2:243 0.8%	1:353 0.3%	0:337 0.0%	3:395 0.8%	5:354 1.4%	5:340 1.5%

Although none of the survey questionnaires used by Scheuerer, McCarthy and Langdon or Adler provided their respondents with a separate category for evolution/creation science challenges, Adler's discussion of a long-standing controversy in the Vista Unified School District echoes the views expressed in Christian Right literature and by the challengers in the ALA and PFAW reports. A teacher in the district argued that requiring him to teach evolution "as fact. . . discriminated against [him] because of his religion"⁴²⁷

d. Evolution/Creation Science Controversies in Other Contexts:

State Republican Party Platforms and Recent Legislative Initiatives

While the percentage of challenges to materials, curricula, and instructional activities on the grounds that they promote evolution or fail to include creation science is relatively small and shows no consistent pattern, antipathy to the teaching of evolution finds expression in other contexts. In many instances which are not included in the present study, creation science supporters have petitioned school boards to include creation science in public school curricula despite clear Supreme Court decisions holding that the teaching of creation science is unconstitutional in public schools. Often, school boards are asked to purchase creationist materials such as the

⁴²⁷ Adler, *Third Statewide Survey* at 10 (quoting K. McDonald, *Creationists Fight for Textbooks*, San Francisco Examiner, Aug. 14, 1989, at A1, A8). Note that the teacher's arguments are similar to those advanced by the plaintiff in *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1993) (requiring a high school biology teacher to teach evolution did not violate the Establishment Clause; district's prohibition against teacher's discussing his religious beliefs justified to avoid Establishment Clause violation).

book, *Of Pandas and People*. In Alabama, science textbooks are required to be labeled with a disclaimer stating that evolution is a only theory.

During the 1990s a number of state Republican party platforms have included planks related to the teaching of creation science. In 1996 seven state platforms (Alaska, Iowa, Kansas, Oklahoma, Oregon, Missouri, and Texas) contained such planks. Eighteen state Republican platforms did not contain creation science planks. Four of the seven (Alaska, Kansas and Missouri and Texas) platforms argued for a balanced or equal time approach. The Oklahoma and Oregon platforms stated that the party "supports the teaching of creationism in the schools" and that "science shall include creationism," respectively.⁴²⁸ Oklahoma's platform finds that "[because] many of Oklahoma's public schools and colleges errantly promote the theory of evolution as fact, we encourage state and local school boards to require that textbooks which represent the theory of evolution, prominently display the following qualifier: *No human being was present to witness the origin of the universe, the origin of life, or the origin of man. Therefore, the theory of evolution must not be presented as fact.*"⁴²⁹ Iowa's creationism plank echoes the Gablers' arguments by stating that "evolution taught in schools [is] a state funded religion."⁴³⁰ The Iowa platform goes on to "support the stocking of CREATIONIST produced resources in ALL TAX funded

⁴²⁸ *Oklahoma Republican State Convention*, (Oklahoma Republican Party, Oklahoma City, Okla.), April 13, 1996, at 16; *Oregon Republican Party Platform*, (Oregon Republican Party, Beaverton, Or.), July 1996, at 16.

⁴²⁹ *Id.* at 17.

⁴³⁰ *The Republican Party of Iowa State Platform*, (April 15, 1996) <<http://www.iowagop.org/platform.html>>.

public and school libraries [and to] OPPOSE the current censorship of CREATIONIST resources."⁴³¹ The Christian Right is dominant in five of these seven (71.4%) state Republican parties as opposed to its being dominant in only four of the 18 states (22.2%) whose platforms do not include a creation science plank, or in 36 percent of all state Republican parties.⁴³²

In Tennessee, a bill to permit the termination of teachers who taught evolution as fact was introduced into the state legislature in 1996. By March 1997 at least five 1997 bills related to evolution had been introduced into four state legislatures.⁴³³ One Mississippi bill and the West Virginia bill explicitly provide for equal time for evolution and creation science in direct contradiction of United States Supreme Court decisions. The West Virginia bill specifies that "balanced treatment [of 'evolution and creation science'] shall be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, in library materials taken as a whole for the humanities, and in other educational programs in the public schools"⁴³⁴ In preliminary remarks North Carolina House Bill 511 states, inter alia, "[T]here is no satisfactory scientific explanation for the origin of life from

⁴³¹ *Id.* at §3.38. Note the equating of nonselection with censorship.

⁴³² John F. Persinos, *Has the Christian Right Taken Over the Republican Party?* Campaigns & Elections, September 1994, at 21-24 (the Christian Right exerts minor influence in 19 state Republican parties, substantial influence in 13 states, and dominates (defined as a working majority) in 18 states).

⁴³³ Mississippi (two bills), New Mexico (one bills and one memorial), North Carolina, and West Virginia.

⁴³⁴ H.B. 2083, 73d Leg., 1st Sess., 1997 W. Va. (not enacted).

nonlife. . . the theory of evolution is a belief and not true science . . . [and] the teaching of evolution as fact . . . requires students to accept the teaching by faith."⁴³⁵ The sponsors of the bill state that "the technology used to define evolution theory is vague and misleading, and some public school teachers and all presently approved biology textbooks present evolution as fact with many unproved misconceptions and untruths."⁴³⁶ While it is not likely any of these bills will be enacted and some, even if enacted, would certainly be struck down by the courts, the fact of their introduction demonstrates that while evolution may be a relatively minor contributor to public school challenges the issue is not moribund in the political arena.

2. Secular Humanism

This section begins by examining Christian Right literature that speaks to the danger of secular humanism and secular humanism as an establishment of religion. Views of nonactivist and challengers and statements in state Republican party platforms are described. Finally, the data from reports and surveys are examined and compared.

⁴³⁵ H.B. 511, 142d Leg., 1st Sess., 1997 N.C. (not enacted). The bill specifies that North Carolina "students shall be taught true science and not belief (and) (t)he State Board of Education and local boards of education shall ensure that students in North Carolina public schools are not taught evolution as proven fact." *Id.*

⁴³⁶ *Id.*

a. Christian Right Literature

Much Christian Right literature has described the dangers of secular humanism. In addition, the mid 1980s saw considerable coverage of litigation where this issue was raised in both the mainstream press and ephemeral materials produced by Christian Right organizations. In *Smith*, the allegation that the Mobile County, Alabama schools had established the religion of secular humanism was central to the case.⁴³⁷

Discussing the trial court decision in *Smith*, a front page article in *The Blumenfeld Education Letter* announced that the "[*Smith*] court rule[d] secular humanism is a religion."⁴³⁸ In the article Judge Hand's "lucid [and] logical" decision is described as "the most important court victory for Christians to date in the ongoing struggle between the two opposing world views."⁴³⁹ Much of the article consists of quotations from Judge Hand's opinion, but the article states its support of the decision by stating that "[p]revious to this, humanists have played dumb, claiming that trying to define humanism is like trying to nail jello to a wall. Well, the 'jello' has been nailed, and it turns out not to have been jello at all, but just another piece of humanist deception and intellectual dishonesty."⁴⁴⁰ Later that same year, the newsletter printed a second front page article titled "Humanists Launch Attack on Christian Fundamentalist

⁴³⁷ See discussion *supra* pp. 134-39.

⁴³⁸ *Court Rules Secular Humanism Is a Religion*, *The Blumenfeld Education Letter*, (Paradigm Press, Boise, Idaho), April 1987, at 1-4.

⁴³⁹ *Id.* at 1.

⁴⁴⁰ *Id.* at 3, 4.

Schools."⁴⁴¹ Of the 105 issues of *The Blumenfeld Education Letter* published between September 1986 and May 1995, only these two issues include the term "humanist" or "secular humanist" in article titles. As can be seen in Table 5 and Figure A.4 reported challenges to public school materials, curricula, and instructional activities began (with one exception) to decline after 1987.

Although humanism and "secular humanism" become less prominent as subjects in the *Education Letter*, Blumenfeld continued to write about this issue. For example, in 1989 he wrote, "the public schools of America are establishments of secular humanism" and the "premise [of secular humanist textbooks] is that God does not exist."⁴⁴² In 1991, Blumenfeld contrasts "the Biblical moral code," as producing courtship and marriage leading to "social stability, economic productivity, and children raised in an atmosphere of emotional security and loving relationships," and the alternative humanist moral code leading to premarital pregnancy, abortion, and the AIDS epidemic.⁴⁴³ Combining John Dewey's educational philosophy and the humanistic psychology of Carl Rodgers and Abraham Maslow, "a profoundly atheistic intellectual elite" has attempted to "prepare America for its transformation into Sodom and Gomorrah."⁴⁴⁴

⁴⁴¹ *Humanists Launch Attack on Christian Fundamentalist Schools*, The Blumenfeld Education Letter, (Paradigm Press, Boise, Idaho), Oct. 1987.

⁴⁴² *Judge Upholds Removal of Religious Books from Schools*, The Blumenfeld Education Letter, (Paradigm Press, Boise, Idaho.), Feb. 1989, at 5.

⁴⁴³ *Values and Public Education: The Cultural Civil War*, The Blumenfeld Education Letter, (Paradigm Press, Boise, Idaho.), Mar. 1991, at 1, 2, 3.

⁴⁴⁴ *Id.* at 4, 5.

Like Blumenfeld, the Gablers gave more coverage to humanism/secular humanism in the 1980s than in the 1990s. In their discussion of the trial court decision in *Mozert*, the Gablers stated that "[t]he Holt readers in effect established the religion of secular humanism in violation of the constitution, by repeatedly presenting such themes as: religious skepticism, man as god, individual autonomy [and] situation ethics."⁴⁴⁵ After reprinting the entire opinion, the article gives an "Editorial Comment: The Meaning of *Mozert*." According to the Gablers, the *Mozert* decision stands for the following propositions:

1. School districts are not "'compel[led]' to drop humanistic textbooks."
2. "The state has no compelling interest in humanistic education [which is] expendable and superfluous."
3. "Home schools, already constitutional on the basis of parental rights, are now also constitutional on First Amendment grounds."⁴⁴⁶

In June 1988, the newsletter asserted that under "the excuse of cultural pluralism," humanists had caused "the Bible and Judeo-Christian values and beliefs to be forbidden in the schools of the United States and most other western nations."⁴⁴⁷ Echoing Judge Hand's decision in *Smith*, the authors state that "[c]onstitutionally ["to

⁴⁴⁵ *Parents' Civil Rights Upheld: Parents Win Constitutional Victory*, The Mel Gablers Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), Dec. 1986, at 1.

⁴⁴⁶ *Id.* at 8. The editorial goes on to state, "Enemies of Christian schools cannot destroy Christian schools without first destroying home schools."

⁴⁴⁷ *Humanism Moral Relativism in Textbooks*, The Mel Gablers' Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), June 1988, n.p.

present the one viewpoint of humanism/moral relativism ('and simultaneously often attack Biblical or Christian beliefs')] is just as illegal as it would be for schools to teach Evangelical Christianity."⁴⁴⁸ Reviewing their own book, *What Are They Teaching Our Children?*, the authors declare values education and the *Man: A Course of Study* curriculum to be "humanistic child abuse."⁴⁴⁹

Humanism is often linked to moral education and/or "values clarification" programs described by the Gablers as "non-performance based learning substitutes (which are) 'humanistic education.'"⁴⁵⁰ Regarding their influence on American textbooks, the Gablers proclaimed, "After several years of smashing back-to-back triumphs each unprecedented in the history of conservative Christian influence on U.S. public education, we now stand at the verge of finally actually cracking humanism's evolutionist, socialistic grip on textbook content and curriculum standards."⁴⁵¹

While the Gablers deal primarily with textbook issues, Citizens for Excellence in Education (CEE) and the Eagle Forum deal with a broader spectrum of matters related to education. Like Blumenfeld and the Gablers, CEE links the absence of

⁴⁴⁸ *Id.*

⁴⁴⁹ *The Most Influential Book of the Year?*, The Mel Gablers Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), n.d., n.p. See generally Phyllis Schlafly, *Child Abuse in the Classroom* (3d ed. 1993). See discussion of academic child abuse in the context of an *Impressions* challenge p. 279.

⁴⁵⁰ *Poor Readers and Crippled Learning*, The Mel Gablers, (Educational Research Analysts, Longview, Tex.), 1989 at 7 ("the 'eclectic' method of reading substitutes 'humanistic education' for mastery of academic subject matter").

⁴⁵¹ *Our Successes*, The Mel Gablers Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), Dec. 1994, n.p.

religion and the decline in American morality to secular humanism. In 1996, *Education Newsline* reprinted an article which had been originally published in September 1996 issue of *The American School Boards Journal*. The author wrote, '[S]ecular humanism' holds that life and knowledge can be understood without reference to God and His laws. By allowing this viewpoint to shape the way school subjects are taught--without supplying other religious points of view--educators are breaching the intent of the founding fathers and moving toward indoctrination. [In] the days of the Founding Fathers . . . public education was based on religion, morality, and knowledge, and these aspects of life were paramount to education."⁴⁵² Despite these references to humanism/secular humanism, the subject is noticeably absent from recent issues of *Newsline*.

CEE also distributes a series of 26 special reports averaging two pages in length. Secular humanism is not the subject of any of these reports. It is, however, a minor issue in a report on the *Developing Understanding of Self and Others* (DUSO) curriculum ("DUSO is most clearly founded on humanistic precepts").⁴⁵³ Another report defines "secular humanism" as "a socialism of atheism; relativism, denying any

⁴⁵² Michael H. Romanowski, *A Crisis of Moral Illiteracy: Why We Must Teach Students Right From Wrong*, *Education Newsline*, (National Association of Christian Educators/CEE, Costa Mesa, Cal.), Fall 1996, at 6, 7. The author is identified as an assistant professor of education at Ohio Northern University.

⁴⁵³ *Playing Mind Games*, (National Association of Christian Educators/CEE, Costa Mesa, Cal.), n.d., n.p. (the report goes on to note that "God, naturally, is non-existent in DUSO's underwater world" and that the program. . . attempts to undo the teaching of the home and reprogram children to possess no real convictions about right and wrong and be unable to think for themselves").

ultimate truth; promoting moral chaos through sex education, abortion, homosexuality, sexual permissiveness, euthanasia-killing the old, and suicide education."⁴⁵⁴ The goal of secular humanists is "far left socialism for America." "[A]s is now taught in our classrooms and schools, [secular humanism] is anti-free enterprise, anti-American, anti-God, anti-corporation, anti-democracy and anti-individualism."⁴⁵⁵ Moving to the core of the *Smith* case, Simonds writes, "The secular humanists in education are teaching children the pure religion of atheism and how now established *secular humanism as America's new state religion*."⁴⁵⁶

b. Secular Humanism as an Issue of Concern for Nonactivists and Challengers

Perhaps reflecting the more recent lack of attention to the subject of humanism/secular humanism, only one informant mentioned humanism and that, like much of the Christian Right literature discussed previously, was within the context of values education. Libby Sullivan described the philosophy of moral relativism as "teaching a child when they got in a problem area or a crisis was to reason out what they thought was best. Come up with their own answers. . . with their own solutions . . . that is humanistic because that basically sets that person up to be God."

As previously discussed, secular humanism as an issue of concern is often linked to affective types of school programs, such as nonreligious values education and/or self-esteem and drug abuse prevention programs. Challenges to materials and

⁴⁵⁴ *Free Enterprise: Floundering in the Educational Wasteland*, (National Association of Christian Educators/CEE, Costa Mesa, Cal.), 1990 at 1.

⁴⁵⁵ *Id.* at 3.

⁴⁵⁶ *Id.* at 4.

curricula also show a linkage between materials and activities of this nature and secular humanism. In 1990, PFAW reported six (of a total of 209) challenges on the grounds of secular humanism. Of these six challenges, three were to the Quest "Skills for Adolescence" program (two in Indiana, one in Wyoming), two were to DUSO (Arkansas and Texas), and one was to a sex education curriculum in Pennsylvania. Sometimes the allegation has been made against critical thinking programs. In 1988, materials from CEE were used by a parent challenging "Tactics for Thinking," a teacher training program for effective instructional techniques.⁴⁵⁷ In California a Teen Assessment Project survey developed by the University of Wisconsin and the American Association of University Women was described by a protestor as "deftly hid[ing] secular and humanistic elements."⁴⁵⁸

Challenges alleging secular humanistic content often contain objections related to other issues of concern. While this characteristic is not unique to such challenges, it is especially noticeable in secular humanism challenges. Instances in which secular humanism or humanism was/is the sole grounds for the objection are relatively rare. For example, a challenge to the Newbery Award winning novel *Dragonwings* was brought on the grounds that it "advanced the beliefs of Taoism, reincarnation and secular humanism and was inconsistent with Christian beliefs."⁴⁵⁹ In particular, the

⁴⁵⁷ People for the American Way, *Attacks on the Freedom to Learn* 25 (1988).

⁴⁵⁸ People for the American Way, *Attacks on the Freedom to Learn* 41 (1993).

⁴⁵⁹ *Judge Refuses to Ban Book*, Harrisburg Patriot and Evening News, Sept. 17, 1992, at A6. The linkage of Taoism, an Eastern religion, with secular humanism reflects connections made in Christian Right literature.

parent found the novel overused the word "demon" (used by Chinese characters to refer to Americans) and made an excessive number of references to dragons.⁴⁶⁰ This challenge resulted in unreported litigation on Establishment Clause grounds.

c. Secular Humanism in State Republican Party Platforms

As in Christian Right literature and the comments of nonactivist conservative Christian parents, secular humanism is conspicuous by its absence from the majority of state Republican platforms. Only three 1996 platforms (Iowa, Oklahoma, and Texas) contain a reference to secular humanism. The Iowa platform states, "We oppose the promotion of secular humanism. . . ."⁴⁶¹ The Oklahoma platform is more detailed. "Secular Humanism has been recognized by the Supreme Court as a religion (*Torcasco vs. Watkins*, 367 US 488-1061). We urge that the teaching of . . . Secular Humanism should not be included in school textbooks, classrooms or teacher reference material."⁴⁶² Expressing its negative opinion of the National Education Association, the platform states that the organization promotes "a humanistic curriculum."⁴⁶³ Likewise, the Texas Republican Party platform included a reference to the *Torcasco* decision. "Since Secular Humanism is recognized by the U.S. Supreme Court as a

⁴⁶⁰ *Pupil's Mom Wants 'Dragonwings' Off Bookshelf*, Harrisburg Patriot & Evening News, Apr. 3, 1992, at B3; People for the American Way, *Attacks on the Freedom to Learn* 146 (1993).

⁴⁶¹ *State Platform* (as Adopted [sic] on June 15, 1996), The Republican Party of Iowa, (received from People for the American Way, Aug. 1996), <<http://www.fyiowa.com/gazette/elect96/ele96005.htm>> at 5.

⁴⁶² *1996 Oklahoma Republican State Convention*, Oklahoma Republican Party (Oklahoma City, Okla.), 1996, at 16.

⁴⁶³ *Id.* at 20.

religion, and our government funded schools are prohibited from teaching any religion, the Party believes that Secular Humanism in any form should be subjected to the same state and federal law as any other recognized religion."⁴⁶⁴

d. Data from Reports and Surveys

In contrast to challenges related to evolution/creation science, challenges related to humanism or secular humanism show a discernable pattern. Table 5 and Figure A.4 present reported challenges on the grounds that the material or instructional activity contained or promoted humanism/secular humanism. The raw data presented in Table 4 are the ratios of challenges on the grounds of secular humanism and humanism to the total number of challenges which meet the criteria for this study in a given year. For example, in 1983 the ALA report shows that one challenge on the grounds of evolution/creation science was brought out of a total of 79 reported challenges. Considering first the ALA figures, challenges brought on such grounds occurred from 1983 to 1990 and ranged from no challenges reported in 1986 to highs of 16.4 percent and 14.5 percent in 1987 and 1988 respectively. PFAW figures show peaks in 1985 (19.4%) and a fairly sustained proportion of approximately 13 percent for the years 1986 to 1989. Thereafter, the proportion of PFAW reported challenges on these grounds declined and has continued to decline. PFAW reported no challenges on such grounds in 1995 and only one challenge out of 340 total challenges in 1996. Burress' data covering the years preceding and slightly overlapping the early years of the

⁴⁶⁴ *Republican Party of Texas Platform*, Republican Party of Texas (Austin, Tex.), 1994, at 27. This language appeared in both the 1990 and 1992 platforms. In 1996, the term "New Age" was added.

organizations' reports allow comparison with the figures given in the ALA and PFAW's initial reports. Of the 1551 challenges listed by Burrell, six (0.3%) were brought on the grounds of humanism/secular humanism

Table 5. Reported Challenges Alleging that Public School Materials Promoted Humanism or Secular Humanism, Given as a percentage of the Total Number of Challenges, Given in Ratio (raw data) and Percentage of Total Reported Challenges, by Year.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	1:79 1.3%	2:84 ^a 2.4%	4:111 ^b 3.6%	0:74 0.0%	18:110 ^c 16.4%	18:124 ^d 14.5%	2:63 3.2%	3:86 3.5%	0:93 0.0%	0:91 0.0%	0:152 0.0%	0:132 0.0%	0:177 0.0%	0:134 0.0%
PFAW	2:47 4.3%	5:60 8.3%	13:67 19.4%	13:98 13.3%	19:140 13.8%	6:96 13.6%	5:130 13.8%	4:209 2.9%	10:243 4.1%	9:353 3.1%	10:337 2.7%	4:395 1.0%	0:354 0.0%	1:340 0.3%

^a The two challenges reported by the ALA in 1984 concerned titles challenged as part of *Mozert*. ^b Two of four reported challenges concerned *Mozert* titles. ^c Eighteen titles were reported as challenged for humanism/secular humanism. Of these 18, 14 were *Smith* titles and one was a *Mozert* title. ^d Of these 18 challenges 17 were *Smith* titles and one was a *Mozert* title.

Adler's four California surveys did not include a separate subcategory for secular humanism. McCarthy and Langdon reported a total of 184 challenges in Indiana from 1982-1992, ten (5.4%) of which were brought on the grounds of secular humanism. This compares with ALA and PFAW means of 1.6% and 7.2% respectively for the same time period. Looking solely at PFAW data from Indiana for 1982-1992, the mean is 7.7%. In Florida from 1986 to 1989, Scheuerer's 59 respondents chose from nine topics to indicate whether their districts had experienced a challenge(s) based on particular grounds. One hundred and nine positive responses were given. Secular humanism accounted for 14 (12.8%) of the 109 positive responses giving a mean of 4.3 percent for each of the three years. The ALA and national PFAW means for the same years are 1.6% and 7.2% respectively; however, because many of the ALA incidents related to *Mozert* and *Smith* and the timeframe is short (as compared with McCarthy and Langdon's survey of ten years) only the PFAW data makes a useful comparison with Scheuerer's figures. PFAW reported 19 Florida challenges from 1986-1989. Of these, only one (5.3%) was brought on the grounds that the material in question promoted secular humanism. Thus, PFAW tended to overreport challenges of this nature in Florida. Moreover, it would appear that PFAW tended to overreport challenges brought on these grounds when its reports are compared with data generated by McCarthy and Langdon's and Scheuerer's surveys.

3. Denigration of Religion

This category includes expressions of concern regarding material, curricula, and instructional activities that offend religious faith. In effect, such objections are similar to Free Exercise challenges in the legal system which require a religiously offended individual. The following section examines this theme in Christian Right literature, in statements by nonactivist parents, Republican Party platforms, and as a basis for reported challenges to materials and activities. Finally, the section compares the number of such challenges in the ALA and PFAW reports with those reported by the censorship surveys in Indiana and California.

a. Christian Right Literature

In some respects, this category of challenges, while readily apparent in the statements of challengers, is more difficult to isolate in the writings of Christian Right elites. However, this issue forms an underlying theme for much Christian Right literature even when explicit expressions are absent. For example, many comments regarding evolution and secular humanism also imply a denigration of "our religion." A related argument made by the authors and elites is that schools have displaced Christianity and traditional values with "something else."

The early example of this broad linking of a number of related issues was expressed by the Gablers in a 1982 issue of their newsletter. "Leaving God and the Bible out of classrooms is indoctrinating students with a non-theistic religion, be it

called secularism, atheism, or humanism."⁴⁶⁵ The Gablers are critical of what they term "'realistic' textbooks [that] censor out majority Judeo-Christian values and normalize depravity instead."⁴⁶⁶ "The Bible stresses that [the] acts of ['murder, mayhem, and immorality'] are wrong--unlike Playboy magazine and modern textbooks."⁴⁶⁷

Writing in 1986, the Gablers stated that "a tiny percentage of educators. . . monopolize the philosophy of. . . textbooks" and that "[t]extbooks have been censored of ['Judeo-Christian'] values."⁴⁶⁸ More explicitly, they found that "[t]he Bible has been replaced with profanity [and that] [a]lmost without exception, any mention of the Bible or the Judeo-Christian ethic [is] degrading and hostile."⁴⁶⁹ On the Goals 2000 history standards, the authors found that "[o]ur heritage of Western Civilization (our Christian roots) is all but censored . . . in favor of multiculturalism and "political correctness."⁴⁷⁰

⁴⁶⁵ *The First (1st) Amendment*, The Mel Gablers Educational Research Analysts Newsletter, (Educational Research Analysts, Longview Tex.), Nov. 1982, n.p.

⁴⁶⁶ *Educational "Change Agents" and "Gutter Realism,"* The Mel Gablers' Newsletter, (Educational Research Analysts, Longview, Tex.), May 1984, n.p. Note the use of the term "change agents" similar to its use in Barbara Morris, *Change Agents in the Schools*. See discussion *supra* pp. 44-46.

⁴⁶⁷ *Id.*

⁴⁶⁸ *Improved Textbooks*, The Mel Gablers Educational Research Analysts, (Educational Research Analysts, Longview, Tex.), May 1986, n.p.; *Traditional Values*, The Mel Gablers Educational Research Analysts, (Educational Research Analysts, Longview, Tex.), May 1986, n.p.

⁴⁶⁹ *Victims of Censorship* (Educational Research Analysts, Longview, Tex.), n.d., at 4.

⁴⁷⁰ *Goals 2000*, The Mel Gablers Educational Research Analysts, (Educational Research Analysts, Longview, Tex.), May 1995, n.p.

Robert Simonds of Citizens for Excellence in Education expresses opinions related to this issue most explicitly and most consistently. He asks, "Shall we allow the unsaved, whether they are atheists or occultists, or the American Civil Liberties Union (ACLU), National Educational Association (NEA) or whomever, to decide on curriculum, what our children will be taught?"⁴⁷¹ Later in the same issue, Simonds states, "The American Civil Liberties Union (ACLU), People for the American Way (PAW), AUSCS, and the National Education Association (NEA) are financed by *dedicated atheists* who want every Christian child to have their *faith in God destroyed*, and every vestige of religion and moral principles eliminated from American life!"⁴⁷² On the subject of censorship, Simonds declares, "Many liberal non-thinkers, while 'screaming for higher order thinking skills,' have taken out the most powerful tool of challenging our students to the 'higher order thinking skills'--the BIBLE. The Bible, the most censored book on earth--the most powerful one, has been '*CENSORED*' out of our classrooms and our nation's children's minds."⁴⁷³

⁴⁷¹ Robert Simonds, *President's Report* (National Association of Christian Educators/CEE, Costa Mesa, CA), Oct. 1996, at 3.

⁴⁷² *Id.* at 4. AUSCS is not identified. Possibly it refers to American United for Separation of Church and State which discussed in other issues of the newsletter.

⁴⁷³ Robert Simonds, *President's Report*, (National Association of Christian Educators/CEE, Costa Mesa, Cal.), July 1, 1996, at 1.

Public school challenges based on such rhetoric are often "fired with emotion and beset with confusion."⁴⁷⁴

b. Nonactivist Conservative Protestant Parents

For some informants, lack of discipline in schools was also related to general societal conditions. For Linda Brady "we're the most liberal of any other country. . . America is being stormed by the spirits of the anti-Christ." This statement, while not directly impugning the public schools, is noteworthy for its explicit linkage of religion (anti-Christian forces) and political ideology. More directly related to public school practices, another nonactivist parent expressed the view that teachers were "not allowed to express any kind of religious views." Nancy Stewart was pessimistic about the schools' ability to instill moral convictions. "[J]ust reading the Bible would cause some moral convictions maybe. I don't expect teaching or anything in the public schools about the Bible but, of course, it would be nice." Christian school parents perceive their beliefs and values as being ignored or denigrated. In addition to explicit statements regarding the prohibition on school prayer and Bible reading, there was consensus among the informants that public schools fail to respect the views of conservative Christians. Yvonne Nicholson provided the most direct statement regarding this feeling of being "put down" for one's Christian faith. In response to a question asking whether she felt that the public schools had a political agenda, she

⁴⁷⁴ Butts, *The American Tradition in Religion and Education* at ix. Butts, writing almost 50 years ago, was referring to the passions generated in debates over religion, education and democratic values.

responded, "[E]vangelicals are painted out to be some ignoramus group out in right hand field."

Some informants raised the issue of Halloween activities, usually in conjunction with Christmas celebrations.⁴⁷⁵ Clearly expressing the displacement argument within this context, Evelyn Newsome is "bother[ed]" that "they don't let them celebrate Christmas," that Christmas is called "Winter Holiday" and that Easter is called "Spring Holiday." Alice Castleberry finds it problematic that Halloween is "a big deal," but "you aren't allowed to celebrate Christmas at all." Yvonne Nicholson echoes these views, "I don't know what the hang up is, but a kid calls Christmas 'Christmas,' that is Christmas is Christmas, you know." Sometimes, a discussion of Halloween included a mentioning of children dressing up as ghosts or goblins (some parents permitted this; others did not) and praise for the way Mt. Olivet handled this divisive (within the conservative Christian community) issue-with an Octoberfest.⁴⁷⁶

c. Reported Challenges to Public School Materials, Curricula,
and Instructional Activities

Challengers to public school curricula, materials and instructional activities articulate many of the same sentiments as Christian Right literature and nonactivist conservative Christian parents. While many of the challenges included in this category

⁴⁷⁵ See also discussion of Halloween as an issue of concern *infra* pp. 241-44.

⁴⁷⁶ Mrs. Stephens also brought up the subject of Halloween as Satanic. See also *Guyer v. School Bd. of Alchua County*, 634 So.2d 806 (Fla. 1994) (Halloween displays and teachers dressed as witches did not establish the religion of Wicca or Satanism).

are simply on the grounds that the material is blasphemous or more explicitly "takes the Lord's name in vain," a significant number of such protestors include statements that reflect the same ideological themes as Christian Right elites and nonactivists.

Some typical examples follow⁴⁷⁷

1. *Introduction to Myth* (textbook for elective junior and senior high school course) for being anti-Christian;⁴⁷⁸
2. *Halloween* (elementary school library book) for "leading children to believe ideas contrary to the Bible's teaching";⁴⁷⁹
3. *The Butterfly Revolution* (supplemental high school reading book) for "suggest[ing] dislike of the Bible [and a] belief in atheism";⁴⁸⁰
4. *In the Rabbit Garden* (elementary school library book) for "mock[ing] the Bible's tale of Adam and Eve";⁴⁸¹
5. "Why the Lord Comes to Sand Mountain" (high school drama club production) for "demean[ing] Christians";⁴⁸²

⁴⁷⁷ With the exception of numbers 11 and 12, the challenges are arranged in chronological order. As much as possible the words of the protestors themselves rather than the report summaries have been used. This practice has resulted in a certain weighting toward more recent incidents because *Attacks on the Freedom to Learn* has become progressively more detailed.

⁴⁷⁸ Doyle, *Banned Books* 8 (1983).

⁴⁷⁹ People for the American Way, *Attacks on the Freedom to Learn* 14 (1985).

⁴⁸⁰ Doyle, *Banned Books* 34 (1987).

⁴⁸¹ *Id.* at 36.

⁴⁸² People for the American Way, *Attacks on the Freedom to Learn* 37 (1989).

6. *Demons and Dragons* (school library book) for "portray[ing] the 'Bible as myth'",⁴⁸³
7. *A Wrinkle in Time* (Newbery Award book in use in elementary class) because "perhaps the children would interpret this as a slight hesitancy and flickers of doubt toward the Lord and because the only possible point of this book is to undermine (sic) and confuse children who are Christians";⁴⁸⁴
8. *A Bridge to Terabithia* (Newbery Award book on an elementary reading list) for "not being 'accurate with scripture' because the parent of a child character insists that children would not go to hell "made it sound like God would never send anyone under 11 to hell";⁴⁸⁵
9. "Baba Yaga" (a Russian folk tale to be performed for elementary students) because the performer "victimizes children who hold Christian convictions";⁴⁸⁶
10. *Around the World in a Hundred Years: Henry the Navigator-Magellan* for containing "a passage on the burning of the library at Alexandria [which implied] that 'Christians did not believe in scholarship,' for mentioning

⁴⁸³ Doyle, *Banned Books* 47 (1990).

⁴⁸⁴ People for the American Way, *Attacks on the Freedom to Learn* 108 (1991).

⁴⁸⁵ People for the American Way, *Attacks on the Freedom to Learn* 34 (1992). *A Bridge to Terabithia* was also challenged in the same state because it "might provide students with contempt for the church and a change of beliefs of heaven and hell." *Id.* at 35-36.

⁴⁸⁶ People for the American Way, *Attacks on the Freedom to Learn* 85 (1992).

"intellectual suppression by Christians," and for being "a sweeping generalization and . . . definitely anti-Christian";⁴⁸⁷

11. *Ordinary People* (book used in a ninth grade honors English class) for "go(ing) against the Judeo-Christian ethics of our community";⁴⁸⁸
12. School library display of a dream catcher constructed by students in connection with a Native American studies unit. The protestor stated during a school board meeting that "Christians have to fight tooth and nail to have a simple two-minute prayer said at graduation, and be turned down, [while] other religions are welcome with open arms to have a full week of speakers and festivities on school grounds during school hours."⁴⁸⁹

What is particularly interesting, although by no means unique about the last statement is the reference to prayers at high school graduations. While many challengers include several grounds for challenges (the material is religiously offensive *and* it promotes a nonChristian religion *and* it is humanistic *and/or* it is New Age, pagan, and demonic), some refer to other school issues which cause Christians to perceive themselves as discriminated against or displaced within the school community. It is by no means clear that this particular statement is a reference to

⁴⁸⁷ Doyle, *Banned Books* 4 (1996).

⁴⁸⁸ People for the American Way, *Attacks on the Freedom to Learn* 210 (1996).

⁴⁸⁹ People for the American Way, *Attacks on the Freedom to Learn* 228 (1995).

Lee v. Weisman, but the statement of the protestor implies a disagreement with the decision.⁴⁹⁰

d. State Republican Platforms

Several Republican party platforms contain statements consistent with the views of Christian Right elites, nonactivist orthodox Protestants, and challengers to public school materials and activities on this issue. Where such views are expressed, the platforms often imply the occurrence of discrimination against Christians. For example the Iowa platform states, "We believe that the Bible and all other religious texts may be on school library shelves and should be available to anyone at any time."⁴⁹¹ Both the Oklahoma and Texas platforms include similar statements. Oklahoma's platform proposes that "Christian Bible study should be allowed in all public schools as an elective."⁴⁹² Broadly the platform goes on to declare, "We believe that the gradual and progressive elimination of any reference to God in our public schools should be reversed. We urge, therefore, that the display of historic documents which include

⁴⁹⁰ 112 S.Ct. 2649 (1992) (junior high school graduation prayer delivered by member of the clergy violated the Establishment Clause).

⁴⁹¹ *State Platform* (as Adopted [sic] on June 15, 1996) The Republican Party of Iowa, (received from People for the American Way, August 1996), <<http://www.fyiowa.com/gazette/elect96/ele96005.htm>>, at 7.

⁴⁹² *1996 Oklahoma Republican State Convention*, Oklahoma Republican Party (Oklahoma City, OK), 1996, at 16. Given the platform's citation of *Torcasco*, the provision for Christian Bible study in contravention of the older decision in *McCollum* is ironic. The platform also makes two separate statements calling for the posting of copies of the Ten Commandments in all public schools in contravention of the Supreme Court's decision in *Stone v. Graham*, 449 U.S. 39 (1980).

references to God not be prohibited in public schools."⁴⁹³ The 1996 Texas Platform "decr[ies] the censoring of historical events, including religious events, from textbooks and demand[s] that such events be restored to ensure the accuracy of our history."⁴⁹⁴ The 1992 Texas platform "abhors the use of tax dollars to overcome resistance to [the Adolescent Pregnancy and Parenthood Advisory Council] program, as has already been done by publication of the APPAC report which targets Christian and pro-family groups as the enemy. . . ." ⁴⁹⁵

e. Data from Reports and Surveys

Of the 1551 challenges listed by Burress, 76 (4.9%) could be categorized as concerning the denigration of religion. Table 6 and Figure A.5 present the number and percentages of such challenges from 1982 to 1996 as reported by the ALA and PFAW. The raw data presented in Table 6 are the ratios of challenges on the grounds that the material or activities denigrated religion to the total number of challenges which meet the criteria for this study in a given year. For example, in 1983 the ALA report shows that five challenges on the grounds of denigration of religion were brought out of a total of 79 reported challenges. The percentage of such challenges reported by the ALA ranges from 1.6 percent (1989) to 19.1 percent (1987). The proportion of challenges in this category rises from 1983 (6.3%) to its highest peak in

⁴⁹³ *Id.* at 15.

⁴⁹⁴ *Republican Party of Texas Platform*, Republican Party of Texas (Austin, Tex.), 1996, at 27. This provision appears in the 1990, 1992, 1994, and 1996 platforms.

⁴⁹⁵ *Republican Party of Texas Platform*, Republican Party of Texas (Austin, Tex.), 1992, at 8.

1987, drops to under five percent in 1988 and 1989, rises to 8.1 percent in 1990, falls to 3.2 percent in 1991, rises to 9.9 and 7.9 percent respectively in 1992 and 1993 and then declines to under five percent in 1994, 1995 and 1996, finishing at approximately half of the percentage of such challenges in the early years of the ALA's annual reports. PFAW percentages range from a low of 4.1 percent (1986) to a high of 14.4 percent (1992). Of the fourteen years covered by the organization's report, four years show that more than ten percent off all challenges were brought on the grounds that the materials or activities denigrate religion (1987, 1988, 1992 and 1993), with the highest peak occurring in 1987 at 13.6 percent. Thus, there are two peaks, each lasting two years, in the PFAW data for challenges of this nature.

Table 6. Reported Challenges Brought on the Grounds that Public School Materials or Instructional Practices Denigrate Religion, Given in Ratio (raw data) and Percentage of Total Reported Challenges, by Year.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	5:79 6.3%	6:84 7.1%	11:111 10.0%	8:74 10.8%	21:110 19.1%	6:124 4.8%	7:63 1.6%	7:86 8.1%	3:93 3.2%	9:91 9.9%	12:152 7.9%	4:132 3.0%	6:177 3.9%	5:134 3.7%
PFAW	3:47 6.4%	6:60 10.0%	5:67 7.5%	4:98 4.1%	19:140 13.6%	10:96 10.4%	9:130 6.9%	10:209 4.8%	23:243 9.5%	51:353 14.4%	34:337 10.1%	33:395 8.6%	34:354 9.6%	32:340 9.4%

Adler's surveys did not include a comparable category. Of McCarthy and Langdon's 184 Indiana challenges (1982-1992), "over one fourth of the allegations expressed religious concerns."⁴⁹⁶ This would indicate a total number of challenges expressing religious concerns of between 46 and 51; however, McCarthy and Langdon include challenges based on "New Age" (n=13) and "concepts that critics often associated with 'New Age'--satanism, witchcraft, the occult and secular humanism (n=27)."⁴⁹⁷ These issues of concern are considered separately in the present study. Thus, excluding the 40 challenges based on "New Age" and its related issues of concern McCarthy and Langdon's challenges for issues analogous to those grouped here under the rubric "denigration of religion" would be between six (3.3%) and 11 (6%) of their total. This corresponds to yearly means for the ALA and PFAW reports of 6.6% and 8.8% respectively. Looking solely at PFAW Indiana data for the same years, this category of religious objections, excluding evolution, secular humanism and the occult, averaged 12.8% (mean) of the PFAW Indiana totals.

4. Challenges Brought on Explicitly Religious Grounds Other than the Occult

This section combines the data from Tables 4, 5, and 6 to show the number and percentage of reported challenges brought on explicitly religious grounds when challenges such as those alleging Satanism, the occult, witchcraft, New Age, paganism,

⁴⁹⁶ McCarthy & Langdon, *Challenges to the Curriculum in Indiana's Public Schools* at 4. McCarthy stated that "over one fourth" would be between 25% and 28%. Telephone interview with Martha McCarthy (Feb. 4, 1997).

⁴⁹⁷ *Id.* McCarthy & Langdon include secular humanism (n=10) in their total figures for challenges brought on religious concerns.

and/or Eastern religion are excluded. Figures A.6 and A.7 display graphically the percentages of reported challenges brought on the grounds of evolution, secular humanism and denigration of religion for the ALA and PFAW, respectively. Table 7 and Figure A.8 display the combined data related to explicitly religious challenges reported by the advocacy organizations.

The raw data presented in Table 7 are the ratios of explicitly religious challenges, excluding those alleging occult content to the total number of challenges which meet the criteria for this study in a given year. For example, in 1983 the ALA report shows that eight explicitly religious (evolution, secular humanism and denigration of religion) challenges were brought out of 79 total reported challenges. The ALA reports show that such challenges ranged from 3.4 percent (1994) to 36.4 percent (1987), the highest peak of the combined nonoccult religious challenges. This combined category was above ten percent from 1983 to 1990, but in the 1990s did not reach the earlier figures. For four of these later years (1991, 1994, 1995 and 1996) the percentage of this combined group of challenges was between three and four percent. A rise in 1992 (9.9%) and 1993 (7.9%) marks an interruption of this decline. PFAW figures range from 8.6 percent (1990) to 28.6 percent (1987). The peak years are 1985 (28.4%), 1987 (28.6%) and 1988 (24.0%). Like the ALA percentages, this combined group has tended to taper off in recent years although at a higher level than the percentage of such challenges reported by the ALA and also like the ALA this combined group of challenges peaks in 1991.

Table 7. Reported Challenges Brought on Religious Grounds, Excluding Challenges Alleging Occult Content, Given by Ratio (raw data) and Percentage of Total Reported Challenges, by Year.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	8:79 10.1%	9:84 10.7%	15:111 13.5%	8:74 10.8%	40:110 36.4%	24:124 13.4%	10:63 15.9%	12:86 14.0%	3:93 3.2%	0:91 9.9%	12:152 7.9%	4:132 3.0%	6:177 3.4%	5:134 3.7%
PFAW	5:47 10.6%	11:60 18.3%	19:67 28.4%	18:98 18.4%	40:140 28.6%	23:96 24.0%	21:130 16.1%	18:209 8.6%	35:243 14.4%	61:353 17.3%	44:337 13.1%	40:395 10.1%	39:354 11.0%	38:340 11.2%

Mean percentages are 11.1 percent for the ALA and 16.4 percent for PFAW. Figures A.9 and A.10 present ALA and PFAW challenges in this category together with the means for the organizations.

McCarthy and Langdon reported 184 challenges in Indiana for the years 1982-1992. Of these 25 to 28 percent were related to religious concerns; however, 17 of these challenges were on the basis of occult content which is considered separately in the present study. Thus, McCarthy and Langdon's respondents reported between 29 (15.8%) and 34 (18.8%) of all Indiana challenges were related to explicitly religious issues other than the occult. These figures compare to mean percentages of 13.8 percent and 18.0 percent for ALA and PFAW respectively. Adler gives the percentage of California challenges related to "religious conflicts" (other than "satanic/witchcraft") as 17 percent (1990), 21.9 percent (1991), 30 percent (1993), and 20 percent (1995), giving a mean of 14.8 percent. This figure compares with an ALA mean of 9.6 percent and a PFAW mean of 14.2 percent for the six year period. Looking solely at the years in which Adler conducted her surveys, the mean percentages are Adler 22.2 percent, ALA 10.3 percent, and PFAW 10.9 percent. Scheurer's data cannot be compared with this category because his survey did not provide a separate category for challenges brought on explicitly religious grounds, and, other than responses indicating those brought on occult content and secular humanism, none of his respondents indicated incidents involving religion per se.

C. Challenges Based on Occult Content

1. Introduction: Data from the ALA, PFAW and Surveys

Of the 1551 challenges listed by Burress, 23 (1.5%) could be categorized as brought on the grounds of occult content. Note that only three of Burress' 23

challenges based on such grounds were reported by surveys conducted before 1982. Table 8 and Figure A.11 present reported challenges based on objections to occult content. The raw data presented in Table 8 are the ratios of challenges on the grounds of occult content to the total number of challenges which meet the criteria for this study in a given year. For example, in 1983 the ALA report shows that three challenges on the grounds of occult content were brought out of 79 total reported challenges. For ALA challenges brought on these grounds, the percentage ranged from 1.8 percent (1985) to 41.9 percent (1990). The ALA figures show a one year peak in 1987 and a four year peak from 1990 to 1993. Although such challenges drop off in recent years (1994 to 1996), they do not drop under the percentage of such challenges during the initial years of the ALA reports. PFAW figures range from 2.1 percent (1983) to 42.8 percent (1991). Starting in 1986/1987 the PFAW percentages for challenges based on occult content rise until 1991 and decline thereafter. Although higher than the ALA's figures for 1992 to 1996, the decline in PFAW percentages for these years shows a similar decrease.

Table 8. Reported Challenges to Public School Materials or Instructional Activities by ALA and PFAW Alleging Satanism, Witchcraft, Occult, New Age, Pagan, or Eastern Religious Content, Given in Ratio (raw data) and Percentage of Total Reported Challenges, by Year.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	3:79 3.8%	3:84 3.6%	2:111 1.8%	4:74 5.4%	18:110 16.4%	5:124 4.0%	7:63 11.1%	30:86 34.9%	39:93 41.9%	18:91 19.8%	30:152 19.7%	8:132 6.1%	9:177 5.1%	6:134 4.5%
PFAW	1:47 2.1%	3:60 5.0%	7:67 10.4%	6:98 6.0%	23:140 16.4%	17:96 17.7%	28:130 21.5%	64:211 30.3%	104:243 42.8%	95:353 26.9%	94:337 27.9%	57:395 14.4%	44:354 12.4%	33:340 9.7%

From 1982-1983 to 1985-1986 ALA percentages increase by a mean of 0.5 percent and PFAW percentages increase by a mean of 1.3 percent. Table 9 and Figures A.12 and A.13 show the projected increase in the percent of reported challenges brought on occult grounds based on these means and compares these projections to the actual percentages such challenges reported by both organizations.

Table 9. ALA and PFAW Projected and Actual Challenges Based on Occult Content in Percents

	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA projected	5.9	6.4	6.9	7.4	7.9	8.4	8.9	9.4	9.9	10.4
ALA actual	16.4	4.0	11.1	34.9	41.9	19.8	19.7	6.1	5.1	4.5
PFAW projected	7.3	8.6	9.9	11.2	12.5	13.8	15.1	16.4	17.7	19.0
PFAW actual	17.1	20.4	42.8	30.3	42.8	26.9	27.9	14.4	12.4	9.4

Table 9 shows how much the percentages of such challenges from 1987 to 1992 varied from what would be expected from the organizations' previous reports. For the ALA data the greatest variance from the extrapolated increase in challenges based on occult content were 27.5 percent (1990) and 34 percent (1991). PFAW's greatest variances occur during roughly the same period: 32.9 percent (1989) and 30.3 (1991). For both organizations' reports, the percentage of such challenges "crosses" under the line of projection in 1994 and continues to decline until the present time. Thus, even if the increase had been a steady 0.5 percent and 1.3 percent such challenges actually declined relative to the projected percentages for the years 1992-1996. Moreover, this decline relative to the line

of projection is fairly substantial. For both the ALA and PFAW reports, the actual percentage of such challenges in 1996 was less than half the expected percentage based on the line of projection.

Turning to findings of scholars related to challenges based on occult content, Scheuerer's 59 respondents chose from nine topics to indicate whether their district had experienced a challenge(s) based on particular grounds. One hundred and nine positive responses were given. Witchcraft, the occult or satanism accounted for six (0.6%) of the 109 positive responses. By contrast the mean of ALA data for the same period showed that 16.1 percent of reported challenges were brought on similar grounds. For comparable PFAW data, 18.2 percent of all reported challenges were on the grounds of occult content.

For McCarthy and Langdon's 1982-1992 Indiana survey, the yearly mean of challenges brought on these grounds was 3 (1.6%). Nationally, ALA and PFAW data show means of 14.2 percent and 17.8 percent respectively for challenges brought on these grounds during this period. While it might appear that both ALA and PFAW overreported such challenges, it should be noted that the ALA and PFAW national totals include *Impressions* challenges and that there were no challenges to *Impressions* in Indiana. However, even if the *Impressions* challenges are excluded from the ALA and PFAW figures, then the yearly mean percentages of such challenges are 10% and 16.6% respectively. Looking solely at comparable PFAW data for Indiana during this period, the organization reported a total of 39 challenges of which 14 (35.9%) were on similar grounds.

Adler's four surveys covered the years 1988-1989 to 1994-1995. The survey used the descriptor "Satanic/Witchcraft" to describe a comparable category of reasons for challenges. It should be noted that Adler's "Satanism/Witchcraft" category is more restricted than that of the present study. Thus, Adler's study might place objections alleging the presence of Eastern and pagan religions in her "Religious Conflict" category.⁴⁹⁸ Table 10 and 11 show Adler's data for both her "Satanism/Witchcraft" category and the most comparable data from the ALA and PFAW, challenges based on occult content.

Table 10. Adler's "Satanism/Witchcraft" Challenges Compared to Similar ALA and PFAW data

	1990 Data	1991 Data	1993 Data	1995 Data
Adler	23.7%	19.7%	20.0%	10.0%
ALA (national)	34.9%	41.9%	19.7%	5.1%
PFAW (national)	34.9%	42.8%	27.9%	12.4%
PFAW (California)	28.3%	44.1%	23.1%	2.6%

Adler's respondents were asked if their districts had experienced challenges during the previous two years. In Table 11 ALA and PFAW data have been combined to produce comparable information.

⁴⁹⁸ See discussion of total religious objections *supra* pp.176-80.

Table 11. Adler's "Satanism/Witchcraft" Challenges Compared to ALA and PFAW Data with Data Combined.

	1990 Data	1991 Data	1993 Data	1995 Data
Adler	40.7%	41.5%	50.0%	32.0%
ALA (national)	24.8%	38.5%	19.8%	5.5%
PFAW (national)	27.0%	37.0%	27.4%	13.5%
PFAW (California)	24.6%	34.0%	23.5%	6.5%

2. *NonImpressions* Challenges Brought on the Grounds of Occult Content

a. Data from Reports and Surveys

Table 12 presents the incidence of reported challenges brought on the grounds of occult content when the *Impressions* challenges are excluded. This data is shown graphically in Figure A.14. The raw data presented in Table 12 are the ratios of challenges on the grounds of occult content, excluding *Impressions* challenges, to the total number of challenges which meet the criteria for this study in a given year. For example, in 1988 the ALA report shows that four challenges on the grounds of evolution/creation science were brought out of a total of 124 reported challenges. ALA *nonImpressions* challenges alleging occult content ranged from 1.8 percent in 1985 (a year in which no *Impressions* challenges were reported) to 25.6 percent in 1990 during the period the *Impressions* challenges were occurring. These challenges peak in 1987 (16.4%) and again in the two year period from 1990 through 1991, at 25.6 percent and 20.4 percent respectively. For PFAW data the proportion of such challenges ranges from 2.1 percent in

1983 to 42.8 percent in 1991. This category of challenges peaked in 1987 and showed sustained high levels from 1989 to 1993 before dropping sharply in the 1994 report.

Although down from their high points in the early 1990s, the proportion of PFAW challenges brought on such grounds in the mid-1990s is substantially higher than during the early years of the organization's reports and is higher relative to these initial reports than the recent figures from the ALA (PFAW: 2.1 percent in 1983 versus 9.7 percent in 1996, ALA: 3.8 percent in 1983 versus 4.5 percent in 1996).

Table 12. Reported Challenges Alleging Satanism, Witchcraft, Occult, New Age, Pagan, or Eastern Religious Content by Year (excluding *Impressions* challenges), Given in Ratio (raw data) and Percentage.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	3:79 3.8%	3:84 3.6%	2:111 1.8%	4:74 5.4%	18:110 16.4%	4:124 3.2%	6:63 9.5%	22:86 25.6%	19:93 20.4%	11:91 13.2%	27:152 17.8%	8:132 6.1%	9:177 5.1%	6:134 4.5%
PFAW	1:47 2.1%	3:60 5.0%	7:67 10.4%	6:98 6.0%	23:140 16.4%	13:96 13.5%	28:130 21.5%	49:211 23.2%	104:243 42.8%	90:353 25.5%	94:337 27.9%	57:3951 4.4%	44:354 12.4%	33:340 9.7%

b. The Occult as an Issue of Concern

(1) Introduction

Table 8 shows that challenges based on objections to alleged occult content ranged from 1.8 percent to 42.8 percent of all reported challenges. These figures include challenges to *Impressions*. *NonImpressions* challenges brought on similar grounds ranged from 1.8 percent to 27.9 percent of all reported challenges. The following section examines the nature of such challenges. In addition to objections to occult content generally, Christian Right authors and challengers find several specific areas to be problematic: New Age, Pagan and Eastern religions, and Halloween. These topics are discussed separately. One argument that cuts across a variety of specific content objections regards separation of church and state issues. Both Christian Right literature and actual challenges that make use of such arguments are examined. The section concludes with a discussion of the occult as an issue of concern in state Republican platforms and in two bills introduced into the South Carolina House of Representatives.

(2) Occult Content and Practices Generally

(a) Christian Right Literature

While Phyllis Schlafly's Eagle Forum appears to devote less attention to this issue than CEE or the Gablers, the organization's *Education Reporter* ran an article in 1986 dealing with the objections of Missouri parents to occult materials in textbooks

published by Random House and used as supplementary readers.⁴⁹⁹ Specifically, the parents complained about the presence of stories about "self-proclaimed present day witches [sic] Sybil Leek and Satanist Anton Szandor LaVey, killer bees, and Dracula" together with a selection about the Salem witch trials.⁵⁰⁰ Although the books were being used as supplementary readers, the parents argued that when their children brought them home there was no indication that they were optional reading. The parents initially requested that the books and their accompanying filmstrips be removed from the schools, but amended their request to allow their children to be excused from using or viewing the materials. The parents also argued that the district should mail parents permission slips similar to those used for films shown on the last day of school for supplemental readers .

Like the Eagle Forum materials, Blumenfeld's *Education Letter* is noticeably less explicit in putting forth the view that the occult, especially materials with occult content, is a danger to school children. The newsletter's infrequent articles on the subject include "Satanists Abuse Children" (March 1987), "Occult Project in Catholic School Leads to Murder and Suicide" (April 1988), and "Teen Member of Occult Group Commits Suicide" (April 1993),⁵⁰¹ Blumenfeld's main concerns are the

⁴⁹⁹ *Missouri Parents Expose Witches in Textbooks*, Education Reporter, (Eagle Forum, St. Louis, Mo.), July 1986, at 2.

⁵⁰⁰ *Id.*

⁵⁰¹ *Satanists Abuse Children*, The Blumenfeld Education Letter (Paradigm Press, Boise, Idaho), March 1987; *Occult Project in Catholic School Leads to Murder and Suicide*, The Blumenfeld Education Letter (Paradigm Press, Boise, Idaho), April 1988; *Teen Member of Occult Group Commits Suicide*, The Blumenfeld Education Letter (Paradigm Press, Boise, Idaho), April 1993.

superiority of phonics over whole language as "method" for teaching reading and the decline in American education generally.⁵⁰² Blumenfeld asserts that whole language teachers make their classrooms "more homelike than schoollike [sic]," and transform their classrooms into "surrogate homes which replace the child's real home by offering so much more enrichment than parents can provide."⁵⁰³ All this "nutur[ing]" and "cuddl[ing]" provides "[t]he perfect scheme for weaning children away from their traditional religious upbringing and inculcating them in the liberating empowering dogma of holistic ecological paganism."⁵⁰⁴

Citizens for Excellence in Education (CEE) distributes two flyers specifically related to the presentation of the occult in public schools: "New Age Education: Occult in the Classroom" and "Halloween: Treated or *Tricked*."⁵⁰⁵ "New Age Education" worries that "the Christian child in public education may easily find himself face to face with teaching about demonology or classroom activities that involved watered down demonology."⁵⁰⁶ A third flyer asserts that both the Developing

⁵⁰² The term "philosophy" is used in describing whole language by its advocates. Here, the term "method" is used because this is how Blumenfeld characterizes both it and phonics. See discussion *supra* p. 37.

⁵⁰³ Samuel L. Blumenfeld, *The Whole Language: OBE Fraud*, 207 (1995).

⁵⁰⁴ *Id.* at 207-208.

⁵⁰⁵ *New Age Education: Occult in the Classroom*, Special Report #5 (NACE/CEE, Costa Mesa, Cal.), 1990, n.p.; *Halloween: Treated or Tricked*, Special Report #21 (NACE/CEE, Costa Mesa, Cal.), 1991, n.p.

⁵⁰⁶ *Id.*, n.p.

Understanding of Self and Others (DUSO) and Pumsy in Pursuit of Excellence (PUMSY) programs contain "deceptively charming characters [who] guid[e] children down occultic pathways under the guise of self-esteem."⁵⁰⁷ Both CEE's *Newsline* and Robert Simonds' *President's Report* make frequent references to occult practices. Simonds deplors the fact that in developing the *Mission: Soar* program which was "written under a federal grant to teach 'self-esteem' and stop gang violence. . . . No one monitored the writer or the district training of teachers in the world of the occult."⁵⁰⁸ In January 1997, CEE declared that it was the only ministry exclusively devoted to "saving our 52,000,000 American school children from atheism, agnosticism. . .new-age spiritualism, false religions and a host of brainwashing programs in our public schools."⁵⁰⁹

In their 1986 book, *What Are They Teaching Our Children*, the Gablers devote two and a half pages to concerns related to the occult.⁵¹⁰ After a discussion of attacks on students' Biblically based beliefs, the authors find that "[m]odern textbooks indoctrinate our children in tenets of nonbiblical religions" and give as an example an assignment in which students were asked to pretend they were Hindus for several

⁵⁰⁷ *DUSO & PUMSY: Playing Mind Games*, Special Report #19 (National Association of Christian Educators/CEE, Costa Mesa, Cal.), 1991, n.p.

⁵⁰⁸ Robert Simonds, *President's Report*, (National Association of Christian Educators/CEE, Costa Mesa, Cal.), Sept. 1996, at 1.

⁵⁰⁹ Robert Simonds, *President's Report*, (National Association of Christian Educators/CEE, Costa Mesa, Cal.), Jan. 1997, at 1.

⁵¹⁰ Gabler & Gabler, *What Are They Teaching Our Children* at 39-41.

days.⁵¹¹ In addition, some textbooks "involve students in occult practices," such as "requir[ing] students to perform research on the occult."⁵¹² The presence of a book titled *Curses, Hexes and Spells* in a middle school library in Texas was also deemed objectionable. The Gablers particularly object to schools' using the game *Dungeons and Dragons* ("Satanic symbols are everywhere") and the authors use anecdotes to link the playing of *Dungeons and Dragons* to teen-age suicide.⁵¹³ By 1994, the Gablers were able to announce that "occultic content" had been "hexed" in spite of "educators ignoring elements of witchcraft in classroom 'creativity' and relaxation activities."⁵¹⁴

(b) The Nature of Challenges on the Grounds of Occult Content

Typical objections allege that the books or materials

1. Encourage children "'to dabble in the occult,'"⁵¹⁵
2. Contain "'wizardary themes'" and promote . . . acceptance and involvement in occult practices."⁵¹⁶
3. Cause "young minds to be drawn to the allure of witchcraft and black

⁵¹¹ *Id.* at 39. The authors state this assignment is in a "world cultures book," but do not give any bibliographic information.

⁵¹² *Id.*

⁵¹³ See generally, *Dungeons & Dragons (D&D) and Other Fantasy Role Playing Games*, Newsletter: [T]he Mel Gablers Educational Research Analysts, (Educational Research Analysts, Longview, Tex.), May 1982, n.p.

⁵¹⁴ "As Texas Goes, so Goes the Nation": *Our Recent Impact on the Nation through Texas*, The Mel Gablers' Educational Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), Dec. 1994, n.p.

⁵¹⁵ Doyle, *Banned Books* 45 (1991).

⁵¹⁶ Doyle, *Banned Books* 49 (1993).

- magic that runs through" Lloyd Alexander's *The Prydain Chronicles*.⁵¹⁷
4. Exposes fourth grade children to satanism because the teacher had a picture of Santa Claus on her classroom wall and the letters in the word "Santa" could be rearranged to form the word "Satan."⁵¹⁸
 5. "Guid[es] our Montana children down occultic pathways in the name of self-esteem" and contains witchcraft and puts "children in a prehypnotic state." (two separate challenges to PUMSY).⁵¹⁹
 6. Contains magic (*Mrs. Piggle Wiggle's Magic*, an elementary school library book).⁵²⁰
 7. Discusses, among other things, the occult and folklore (*Little Big Man*, used in eleventh grade honors U.S. history class).⁵²¹
 8. Imagining talking to a white rabbit "has the potential for inviting a demon into their lives."⁵²²

⁵¹⁷ Doyle, *Banned Books* 1 (1995).

⁵¹⁸ People for the American Way, *Attacks on the Freedom to Learn* 165 (1993).

⁵¹⁹ People for the American Way, *Attacks on the Freedom to Learn* 107, 167 (1993).

⁵²⁰ People for the American Way, *Attacks on the Freedom to Learn* 61 (1986).

⁵²¹ People for the American Way, *Attacks on the Freedom to Learn* 67 (1986).

⁵²² People for the American Way, *Attacks on the Freedom to Learn* 44 (1987).

9. Contains Satanism (*The Hobbit*).⁵²³

10. Are "religious indoctrination into Satanism" (*Wizards* spelling game).⁵²⁴

Protestors often link their objections to the occult to a disparagement of Christianity. For example, a challenge to a junior high school library book in Oregon included the statement that the book "promoted 'positive attitudes toward the occult and ridicule toward Christianity.'"⁵²⁵ More forcefully, an individual protesting the PUMSY program stated, "If we can't have the Bible, then I say to hell with the dragon."⁵²⁶

(2) Specific Topics: New Age; Pagan and Eastern Religions; and Halloween

(a) New Age

By 1990, the Gablers were asking readers to supply information on New Age practices in public education because "the schools. . . are being flooded with various aspects of the occult, eastern religions, etc."⁵²⁷ In 1991, the Gablers noted the introduction of a South Carolina bill prohibiting occult and New Age activities in

⁵²³ People for the American Way, *Attacks on the Freedom to Learn* 15 (1990).

⁵²⁴ People for the American Way, *Attacks on the Freedom to Learn* 131 (1992).

⁵²⁵ Doyle, *Banned Books* 45 (1990).

⁵²⁶ People for the American Way, *Attacks on the Freedom to Learn* 135 (1993). Another protestor in the same community linked the program to the suicide of a Tennessee child stating, "No one is sure why (the girl committed suicide), but she was taught this curriculum until she died." *Id.*

⁵²⁷ *New Age*, The Mel Gablers' Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), June 1990, at 1.

public schools with the statement, "Public schools are peddling anti-Christian supernaturalism in the guise of academic enrichment."⁵²⁸

By 1993, New Age religious practices were linked with the occult in CEE publications. Simonds argues that "the new age is a religion," that many teachers promote their belief to their students," and that "new age curricula introduces [all but especially Christian] children to an occultic universalist religion that denies the true and living God."⁵²⁹ In his section devoted to the New Age, the author uses the phrase "new age occultic practices" to refer to public school activities he finds objectionable.⁵³⁰ For example, one CEE objection to DUSO and PUMSY is that children engage in guided fantasies to the accompaniment of "new age music played on a cassette."⁵³¹

⁵²⁸ *South Carolina Legislation Would Forbid "New Age" Occultism in Public Schools*, The Mel Gablers Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), June 1991, n.p. See discussion *infra* pp. 247-49 for a discussion of the South Carolina legislation.

⁵²⁹ Robert L. Simonds, *A Guide to the Public Schools: For Christian Parents, and Teachers, and Especially for Pastors* 51 (1993).

⁵³⁰ *Id.* at 38-41.

⁵³¹ *DUSO and PUMSY: Playing Mind Games*, n.p.

Three documents distributed by the Pro-Family Forum link the New Age movement to paganism and secular humanism.⁵³² Hobbs reiterates many of the themes found in the writings of Cumbey, Groothius, Kjos and others:

1. "Unbelief in the Churches."
2. The connection between humanism and the New Age movement. "Both are retrogressive. . . throwbacks to pre-Christian times when the world languished in sin and darkness."
3. "Supernaturalism [is] ascribed to the creature, NOT the *Creator*" which is "Eastern mysticism."
4. Reincarnation.
5. Spiritualism as "promoted in businesses, schools and churches."
6. "Global Utopia" and "World Brotherhood."
7. "Natural law is incompatible with Christianity."⁵³³

Bromling also finds the New Age movement, which he abbreviates as NAM, to be incompatible with Christianity. Bromling repeatedly links the New Age movement

⁵³² Lottie Beth Hobbs, *Are We Going Full Speed Backward to Paganism*, (Pro-Family Forum Ft. Worth, Tex.), 1986; Shirley Correll, *Q.R. (Quieting Reflex), Guided Imagery, and Meditation: Are Your Children Being Subjected to These "New Age" Techniques*, (Pro-Family Forum Ft. Worth, Tex.), n.d., Brad T. Bromling, *A Christian Confronts the New Age*, Research Article Series, Apologetics Press (Montgomery, Ala.), n.d. The Hobbs and Correll documents are pamphlets; the Bromling document is a research paper. Pro-Family Forum is no longer distributing these materials; however, copies are on file with the author. A third pamphlet, *Clinton's Model School for New Age Education* by Berit Kjos (see discussion of Kjos' books pages pp. 36, 63-64), is permanently out of stock.

⁵³³ Hobbs, n.p.

to the Genesis story of the Fall as continuation of Satan's plot to destroy God. In one sentence Bromling sums up why the New Age movement is so theologically threatening to orthodox Christianity. "New Age thought effectively eliminates the entire scheme of redemption--negating 4,000 years of divine action."⁵³⁴ More polemically, the author states, "When man has declared his own deity he has spit in the face of God and personally participated in plunging the nails maliciously through the hands and feet of the sinless Savior."⁵³⁵

To Correll, the schools are embarked on a "New Age of Mental Healing" which "violat[es] the child's most basic religious rights."⁵³⁶ Affective education programs which she links to fourteen books listed in her bibliography (eight of which Correll notes were "immediately purchased in the *occult-metaphysical store*") "promise chilling and unbelievably offensive assaults on the SOUL OF THE CHILD."⁵³⁷ Correll quotes extensively from one of these books, which she describes as being entirely based on Eastern mysticism ("the Hindu religion which teaches that GOD IS ALL THINGS in creation" as opposed to being a separate entity), and notes that while the book is "not state-adopted it is *supplementary material which can be used by any*

⁵³⁴ Bromling at 22.

⁵³⁵ *Id.* at 22-23.

⁵³⁶ Correll, n.p.

⁵³⁷ *Id.*

teacher authorized to use supplementary aids."⁵³⁸ The author does not explain what is meant by this comment.⁵³⁹

(b) Pagan and Eastern Religions

Beginning in 1984 (ALA) and 1985 (PFAW) and continuing to the present day objections to materials and activities on the grounds that they promote nonChristian religions appear to have been increasing. Protestors use terms such as pagan, pantheism, Eastern religions or Eastern mysticism. Sometimes, specific religions such as Hinduism and Buddhism are identified as objectionable and allegations involving these religions, while by no means overwhelming in number, are sufficiently frequent to warrant a closer examination. In 1985 PFAW reported the first of these incidents, an Indiana parent's challenge to a physical education film on the grounds that the film encouraged "spiritual awareness of the 'Hindu religion'" because it described yoga as a form of exercise.⁵⁴⁰ By the 1990-1991 report, incidents involving allegations that the material included unspecified Eastern religions or religious practices, Hinduism, or Buddhism had reached a total of 6 of 71 challenges brought on the grounds of occult content.⁵⁴¹ Virtually all the incidents citing Eastern religions and/or Hinduism are

⁵³⁸ Correll, n.p.

⁵³⁹ Are any teachers not authorized to use supplementary materials? Are teachers in any state permitted to use supplementary materials that are not state-adopted? If so, are there limitations on what teachers can use?

⁵⁴⁰ People for the American Way, *Attacks on the Freedom to Learn* 16 (1985). See discussion of yoga p. 55-56.

⁵⁴¹ This figure includes both *Impressions* and non*Impressions* challenges. Excluding *Impressions* challenges, the ratio is 6 to 45 (15.6%). Of the 243 (total number for PFAW in 1990-1991) challenges that meet the criteria for inclusion in the

challenges to PUMSY and/or DUSO; however, the 1992 Newbery Award-winning *A Wrinkle in Time* was challenged because "'impressionable children [are] being exposed to mysticism and Far Eastern religious practice.'"⁵⁴² "[M]uch of what goes on in this book is based on Hindu and Buddhist religions."⁵⁴³ In addition, Wyoming parents requested parental review of all materials and teaching activities used in high school world history classes as well as removal of a filmstrip, "Religion in Human Cultures: The Hindu Tradition," "for teaching the religious practices of nonChristians."⁵⁴⁴ A New York school district was accused of promoting pantheism in a fourth grade unit, "Coping with Grief and Loss." Protestors alleged that materials included in the unit "provided 'no spiritual distinctions . . . between humans, rocks and animals'" and "'implied equality of human and animal life."⁵⁴⁵

Challenges in which the protestors object to environmental education on religious grounds are a permutation of this subcategory of challenges based on occult content. In 1992 an environmental education curriculum program was challenged in

present study, 2.9 percent were brought on these grounds.

⁵⁴² People for the American Way, *Attacks on the Freedom to Learn* 65 (1992). The challenger also cited *The New Age Masquerade* by Eric Buehrer, a CEE vice-president, and *Children at Risk* by James Dobson of Focus on the Family and Gary Bauer of the Family Research Council. *Id.*

⁵⁴³ *Id.*

⁵⁴⁴ People for the American Way, *Attacks on the Freedom to Learn* 119 (1991).

⁵⁴⁵ People for the American Way, *Attacks on the Freedom to Learn* 146 (1994). Demonstrating how such incidents can include a variety of grounds, protestors also cited *The Fall of Freddie the Leaf* by Leo Buscaglia for containing "'the basic tenets of secular humanism'" and *The Tenth Good Thing about Barney* by Judith Viorst for having "'an agnostic world view.'" *Id.*

Oregon for containing a "'paganistic. . . mixture of Hinduism, Eastern mysticism, and witchcraft'" and "suggesting 'Native American religion.'"⁵⁴⁶ The following year state and local parents' groups in Oklahoma challenged the teacher's resource manual for an environmental education program, alleging that the manual and program "'promot[ed] Hinduism and other Eastern religions [which] used subliminal messages to brainwash our children."⁵⁴⁷ One protestor argued that the "'deep ecology'" content of the manual "'advocated the termination of the Judeo-Christian belief of man being placed above the animals."⁵⁴⁸ By the publication of PFAW's 1995-1996 report, such challenges had almost died out. Of the two 1995-1996 challenges that specifically mentioned pagan or Eastern religions, one was directed at two state recommended books, *Japanese Tales and Legends* and *The Samurai's Tale* for references to Buddha and the second was directed at an environmental education program for "'freely discuss(ing) and promot(ing)' the 'Goddess of Pantheism.'"⁵⁴⁹

The ALA reports do not include challenges to DUSO nor PUMSY consequently the organization reports relatively fewer incidents in which the complaints cite similar grounds. The first came in the organization's 1983-1984 report

⁵⁴⁶ *Id.* Native American religion might be suggested by the teacher's hugging a tree. *Id.*

⁵⁴⁷ People for the American Way, *Attacks on the Freedom to Learn* 136 (1993). The local and state groups were affiliated with CEE.

⁵⁴⁸ *Id.* at 137.

⁵⁴⁹ People for the American Way, *Attacks on the Freedom to Learn* 66 (1996). One objector stated, "I'm all for studying Japan, but we need to stay away from tales and legends." *Id.*; People for the American Way, *Attacks on the Freedom to Learn* 277 (1996).

of the *Mozert* challenge ("Hinduism").⁵⁵⁰ The fears of orthodox Protestant parents were expressed when a Michigan protestor commented that *Zen Buddhism: Selected Writings* "detail[ed] the teachings of the religion of Buddhism in such a way that the reader could very likely embrace its teachings and choose this as his religion."⁵⁵¹

(c) Halloween

CEE's Halloween flyer asserts that, the church having failed to "stamp out the pagan celebrations of Halloween, . . . very little difference exists between the Halloween practices of today versus those of 2000 years ago [because] Halloween was and *is* an occultic holiday."⁵⁵² Most of the flyer concerns the Celtic origins of the holiday and the religious connections of various Halloween symbols, such as black cats, jack o'lanterns, and "flying" witches. Regarding Halloween activities in schools, the flyer encourages parents to "[s]how your child's teacher the inherent religiosity of Halloween."⁵⁵³ Urging parents to rely on principles laid down in Supreme Court decisions CEE *Newslines* states, "*When teaching about religion or including religious symbols during holiday observances that have both a secular and religious background (Christmas, Thanksgiving, Halloween, Easter, St. Valentine's Day, St. Patrick's Day, Mardi Gras, and in some communities Rosh Hashanah, Yom Kippur, Hannukkah, and*

⁵⁵⁰ Doyle, *Banned Books* 38 (1984).

⁵⁵¹ Doyle, *Banned Books* 39 (1988).

⁵⁵² *Halloween: Tricked or Treated*, n.p.

⁵⁵³ *Id.*

Ramadan), *all pertinent religions should be included, along with secular aspects.*"⁵⁵⁴

The article goes on to warn parents, "If you object to the inclusion of symbols representing other religions or Halloween symbols, you're probably out of luck, since religious rights apply to all religions."⁵⁵⁵

Some parents and community members have challenged Halloween activities and materials related to Halloween in schools. An objector to Halloween celebrations in Billings, Montana elementary school classes made clear the connection between the holiday activities and the danger to society as well as his/her feelings related to the perceived displacement of Christianity. "If we put something to do with our Lord during Christmas or Easter--that's considered religion. Yet you see witches and skeletons up there--that's uplifting witches. . . Satanism is on the rise and it starts with things like this."⁵⁵⁶ Evanston, Illinois parents objected to Halloween parades, costumes and decorations because they promoted Druidism and witchcraft.⁵⁵⁷ In 1992, a Wichita, Kansas school received a letter requesting the removal of "all literature that 'promotes, endorses or exposes our children to the religion of Satanism,' including

⁵⁵⁴ *A Time to Celebrate*, Education Newslite (National Association of Christian Educators/CEE, Costa Mesa, Cal.), Fall 1995, at 5. A degree of inconsistency exists between this statement and other CEE statements that urge abolition of Halloween celebrations in schools precisely because of their alleged religious basis. One observation that can be made about Christian Right treatment of the Supreme Court's First Amendment jurisprudence is the absence of any mention of the Court's statements that public schools should be neutral between religion and nonreligion.

⁵⁵⁵ *Id.*

⁵⁵⁶ People for the American Way, *Attacks on the Freedom to Learn* 60 (1990).

⁵⁵⁷ People for the American Way, *Attacks on the Freedom to Learn* 86 (1994).

'witches, goblins, evil spirits, ghosts, demons, ghouls, vampires, ogres, monsters, Halloween and related subjects.'"⁵⁵⁸ Eve Merriam's book, *Halloween ABC*, has been challenged frequently. For example, Howard County, Maryland protestors challenged the book in 1991 on the grounds that "there should not be books about [Halloween] in the schools."⁵⁵⁹ In 1993, Auburn, Washington protestors objected to posters and bulletin board displays as well as all classroom and library materials related to Halloween.⁵⁶⁰ During the same year objections to Halloween activities were made in two other Washington state school districts. In one district protestors argued that the holiday was an "occult" celebration.⁵⁶¹ The incident also included a challenge to *Halloween ABC* on the grounds that it promoted Satanism. Challenging *Harriet's Halloween Candy*, *It's Pumpkin Time*, and *Joey the Jack-O-Lantern*, a Maryland protestor observed, "Halloween is of pagan origin and there are many, many people in our community who are offended by it."⁵⁶² A New York parent requested the removal of all books dealing with witches, demons, devils and Halloween from an elementary

⁵⁵⁸ People for the American Way, *Attacks on the Freedom to Learn* 91 (1992). Again illustrating the inclusion of a more than one issue of concern, protestors also "made general objections to any curricula that teaches 'the philosophies of a New World Order, one-world government and one-world religion.'" *Id.*

⁵⁵⁹ Doyle, *Banned Books* 51 (1992).

⁵⁶⁰ People for the American Way, *Attacks on the Freedom to Learn* 174 (1993).

⁵⁶¹ *Id.* at 180. One of these school districts, Pasco School District No. 1, had also experienced an *Impressions* challenge in 1991. See discussion *infra* pp. 282-84.

⁵⁶² People for the American Way, *Attacks on the Freedom to Learn* 154 (1996).

school library.⁵⁶³ As with challenges on the grounds of pagan or Eastern religious beliefs or practices, challenges related to Halloween are not a significant proportion of reported ALA incidents. These incidents, although never very large in either absolute numbers or as a percentage of reported challenges in either ALA or PFAW reports, continue unabated to the present time. In this respect they differ from challenges related to paganism or Eastern religions.

c. Separation of Church and State Arguments

Some Christian Right literature specifically addresses the issue of separation of church and state in discussing occult, pagan, and New Age religion in the public schools. According to CEE president Robert Simonds, "[t]he separation of church and state is a creation of the American Civil Liberties Union (ACLU) to destroy all religion and deprive America's children of their American heritage, history, and faith in God."⁵⁶⁴ CEE's flyer *Halloween: Treated or Tricked* asks, "We hear so much about the separation of church and state and how Christianity has no place in the schools. Yet the schools promote the Halloween celebration which is so obviously tied to the religion of witchcraft."⁵⁶⁵

A number of protestors include directly allege a violation of the separation of church and state and, even more particularly, violations of the Establishment Clause. Despite the greater degree of emphasis given to the Free Exercise Clause in Christian

⁵⁶³ *Id.* at 211. Specific objections were made to *A Wrinkle in Time*.

⁵⁶⁴ Simonds, *A Guide to the Public Schools* at 31.

⁵⁶⁵ *Halloween: Treated or Tricked*, n.p.

Right literature, challengers to public school materials, curricula, and instructional practices do not explicitly mention the Free Exercise Clause. Examples of the protestors' challenges based on First Amendment arguments include

1. "Objections to elementary school Halloween activities [as] unconstitutionally promoting the religion of witchcraft."⁵⁶⁶
2. Challenges to two middle school library books in Cleveland, Oklahoma on the grounds that "'witchcraft is a 'religion' and the First Amendment bars the teaching of religion in public schools."⁵⁶⁷
3. A challenge to the use of an Ouija board in a high school psychology class for "promoting religion" in violation of the First Amendment.⁵⁶⁸
4. A challenge to *Which Witch*, a middle school library book, in which the protestor stated, "This entire book is a study in Satanism, which is a form of religion and breaks the First Amendment right of separation of church and state."⁵⁶⁹
5. A challenge to an elementary school library book also used as a supplementary reading book for containing "[b]lack magic [which] is

⁵⁶⁶ Doyle, *Banned Books* 49 (1987).

⁵⁶⁷ Doyle, *Banned Books* 45 (1990).

⁵⁶⁸ People for the American Way, *Attacks on the Freedom to Learn* 88 (1990).

⁵⁶⁹ People for the American Way, *Attacks on the Freedom to Learn* 86 (1992).

considered a form of religion' [that] violates the constitutional separation of church and state."⁵⁷⁰

More obliquely, an Iowa challenger stated in objecting to *The Witches* by Roald Dahl, "Witchcraft is a practiced religion in this day and age [and] [r]eligion is not allowed in schools."⁵⁷¹

d. Political Activity Expressing Concern Over Occult and New Age Materials
and Activities in Public Schools

(1) State Republican Party Platforms

The 1992 Washington state Republican party platform included a ban on witchcraft and channeling in public schools.⁵⁷² The 1996 Iowa, Oklahoma, and Texas Republican party platforms contain references to New Age religion; the Christian Right is dominant in all three state Republican parties. The Iowa platform "oppose[s] the promotion of secular humanism, 'Political Correctness,' New Age concepts, [or] the PETA philosophy. . . ."⁵⁷³ Oklahoma's platform "urge[s] that the teaching of New Age philosophy [or] Deep Ecology should not be included in school textbooks, classrooms or teacher reference material [and that] all association with occult practices be

⁵⁷⁰ People for the American Way, *Attacks on the Freedom to Learn* 147 (1992).

⁵⁷¹ People for the American Way, *Attacks on the Freedom to Learn* 77 (1993).

⁵⁷² *Proposed 1992 Platform*, (Washington State Republican Party, Seattle, Wash.), 1992, at 6; People for the American Way, *Attacks on the Freedom to Learn* 177 (1992).

⁵⁷³ *The Republican Party of Iowa State Platform* at 5.

eliminated from our schools."⁵⁷⁴ The platform specifies that "instruction in reincarnation, mysticism, channeling, guided imagery, and meditation" be excluded.⁵⁷⁵ Occult practices are linked to counseling which includes "psycho-therapy, transcendental meditation or altered states of consciousness."⁵⁷⁶ In the area of environmental education two planks address the "[t]eaching of animal welfare as opposed to animal rights" and "political correctness in the teaching of sciences including 'Environmental Awareness."⁵⁷⁷ The Texas platform first included a statement regarding secular humanism in 1992. In 1996 the party stated that both "Secular Humanism and New Age Religion in any form should be subjected to the same state and federal laws as any other religion."⁵⁷⁸

(2) **Legislative Activity Related to Occult Materials and Activities in Public Education**

Although the present study limits itself to attempts to influence curricula after their adoption or to restrict access to materials after their selection, one incident is sufficiently unique to warrant inclusion in this section. In 1991, South Carolina state Representative Michael Fair introduced a bill that proposed making the teaching of

⁵⁷⁴ *1996 Oklahoma Republican State Convention* at 14.

⁵⁷⁵ *Id.*

⁵⁷⁶ *Id.*

⁵⁷⁷ *Id.* at 16.

⁵⁷⁸ *Republican Party of Texas Platform*, 1996, at 9.

"religious New Age practices or tenets in the public schools" illegal.⁵⁷⁹ The attached report listed several practices that were to be prohibited "including, but not limited to,"

1. Progressive relaxation,
2. Meditation,
3. Visualization,
4. Moral Relativism,
5. Guided Imagery.

Teachers were to use "only verbalization techniques as opposed to visualization in the the teaching of critical thinking skills" and were not to engage in "consciousness alteration or any attempt to influence the subconscious mind of students through direct or indirect methods."⁵⁸⁰ The bill stated that "[certain] psychological methodologies can involve such techniques as transcendental meditation, altered states of consciousness, or the occult."⁵⁸¹ Included in the "occultic or 'New Age' techniques [to be prohibited in] public school curricula or teacher training programs" were "the use of spirit guides," "channeling," "clairvoyance," "divination practices," "astral projection," "telekenesis or parakenesis," "yoga," "astrological forecasting," "mental telepathy," and "other practices that are derived from Eastern mysticism or the occult."⁵⁸² The bill provided for disciplinary action, including termination, to be taken against any teacher

⁵⁷⁹ H.B. 3687, 109th Leg., 1st Sess., 1991 S.C. (not enacted).

⁵⁸⁰ *Id.*

⁵⁸¹ *Id.*

⁵⁸² *Id.*

who violated its provisions. In 1993, Representative Fair introduced a similar bill which made no mention of "New Age," and deleted the provisions related to teacher training programs and teacher termination. This bill would have prohibited the "teach[ing], use or promot[ion] of occultic practices, tenets or philosophies, in the classrooms of the public schools [and defined] occult [as] a means of, pertaining to, dealing with supernatural influences, agencies, or phenonmena that are esoteric in nature."⁵⁸³ In 1996, the "Parent and Pupil Rights Law" was introduced into the New Hampshire legislature. The bill provided a form letter to be used to excuse students from, among other things, "[d]iscussions of witchcraft, occultism, the supernatural, and Eastern mysticism."⁵⁸⁴ If enacted, enforcement of the statute would be through an office and review board established by the state's attorney general. In some respects these three bills, especially the South Carolina bills, like the *Smith*, *Mozert*, *Brown* and *Fleischfresser* cases, represent an attempt to gain legal recognition for a particular world view that perceives such "influences, agencies, and phenomena" as both real and dangerous.

3. Impressions Challenges

This section begins with an analysis of ALA and PFAW reporting of *Impressions* challenges, showing how they influenced challenges brought on the grounds of occult content generally. *Anti-Impressions* literature produced and/or

⁵⁸³ H.B. 3936, 110th Leg., 1st Sess., 1993 S.C. (not enacted).

⁵⁸⁴ S. 653, 154th Sess., 2d Year, 1996 N.H. (not enacted).

distributed by Christian Right organizations was examined in some detail. This discussion also compares the rates of involvement of Christian Right organizations with *Impressions* versus non*Impressions* challenges. Lastly, controversies over the series in several school districts are described. To examine fully the nature of these disputes this study relied most heavily on citizens' requests for reconsideration of materials, letters of complaint received by districts, and reports issued by review committees. Supplementary information was drawn from local newspaper accounts of the controversies and the ALA and PFAW accounts.

a. ALA and PFAW *Impressions* Data

At least seventy-four school districts experienced pre-adoption and/or post-adoption challenges to the series.⁵⁸⁵ The identities of these districts were determined by examination of ALA and PFAW reports, Adler's article, and relevant issues of the ALA's *Newsletter on Intellectual Freedom*.⁵⁸⁶ A list of these districts can be found in Appendix B.

Table 13 shows the number and percentage of *Impressions* challenges reported by the ALA and PFAW. These data are displayed graphically in Figure A.15. The

⁵⁸⁵ Citing ALA and PFAW reports, Foerstel stated that there were over 100 challenges to the series; however, the present study found that a number of accounts were duplicates. In some cases both organizations reported the same incident. Sometimes, one organization would use the name of the community to identify the location of the challenge and the other would identify the same challenge by the name of the school district. If the incidents reported by both organizations were simply added together without close analysis (including, in the case of the present study, letters and/or telephone calls to the respective state departments of education for clarification), then the total would be over 100.

⁵⁸⁶ Adler, *Institutional Responses*.

raw data presented in Table 13 are the ratios of *Impressions* challenges to the total number of challenges which meet the criteria for this study in a given year. For example, in 1988 the ALA report shows that one challenge out of a total of 124 total reported challenges was brought to the series. *Impressions* challenges as a percentage of total reported challenges ranged from 0.8% (1988) to 21.5 percent (1991) for the ALA reports and 0% (1989) to 15.6 percent (1991) for PFAW. Reports of *Impressions* challenges peaked for both organizations in 1991. Tables 14 and 15 show the relationship between the *Impressions* challenges and non*Impressions* challenges brought on similar grounds, i.e., that the material or activity was objectionable because of occult content, for each organization's reports. This information is displayed graphically in Figures A.16. and A.17. Note that fewer than the 74 districts listed in Appendix B appear in Tables 13-15 because these data do not include districts identified by Adler or those reported in the *Newsletter on Intellectual Freedom*, but not included the ALA's annual report. Table 16 shows the actual number of *Impressions* challenges that were reported by year. The table eliminates duplicate reports, i.e., incidents reported by both organizations. A complete list of *Impressions* challenges at the school district level is presented in Appendix B.

Table 13. Reported *Impressions* Challenges, Given as Ratios (raw data) and Percentages of Total Reported Challenges, by Year.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
ALA	N/A	N/A	N/A	N/A	N/A	1:124 0.8%	1:63 1.6%	8:86 9.3%	20:93 21.5%	7:91 7.7%	3:152 2.0%	N/A	N/A	N/A
PFAW	N/A	N/A	N/A	N/A	N/A	3:96 3.1%	0:130 0.0%	15:211 7.1%	38:243 15.6%	4:353 1.4%	N/A	N/A	N/A	N/A

Although one *Impressions* "challenge" was reported by PFAW in 1986-1987, it was a protest against the adoption of the series and thus does not meet the criterion for this portion of the study. Table 16 gives yearly combined data for all *Impressions* challenges, regardless of grounds including preadoption "challenges."

Table 14. Challenges Reported by ALA Alleging Satanism, Witchcraft, Occult, New Age, Pagan, or Eastern Religious Content by Year Divided into *Impressions* Challenges and Challenges to Other Materials and Instructional Activities on Similar Grounds, Given in Ratios (raw data) and Percentages.

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
<i>NonImpressions</i> Challenges	3:79 3.8%	3:84 3.6%	2:111 1.8%	4:74 5.4%	18:110 16.4%	4:124 3.2%	6:63 9.5%	22:86 25.6%	19:93 20.4%	11:91 13.2%	27:152 17.8%	8:132 6.1%	9:177 5.1%	6:134 4.5%
<i>Impressions</i> Challenges	N/A	N/A	N/A	N/A	N/A	1:124 0.8%	1:63 1.6%	8:86 9.3%	20:93 21.5%	7:91 6.6%	3:152 2.0%	N/A	N/A	N/A

Table 15. Challenges Reported by PFAW Alleging Satanism, Witchcraft, Occult, New Age, Pagan, or Eastern Religious Content by Year Divided into *Impressions* Challenges and Challenges to Other Materials and Instructional Activities on Similar Grounds, Given in Ratios (raw data) and Percentage

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
<i>NonImpressions</i> Challenges	1:47 2.1%	3:60 5.0%	7:67 10.4%	6:98 6.0%	23:140 16.4%	13:96 13.5%	28:130 21.5%	49:211 23.2%	66:243 27.2%	90:353 25.5%	94:337 27.9%	57:3951 4.4%	44:354 12.4%	33:340 9.7%
<i>Impressions</i> Challenges	N/A	N/A	N/A	N/A	N/A	4:96 4.2%	0:130 0.0%	15:211 7.1%	38:243 15.6%	5:353 1.4%	N/A	N/A	N/A	N/A

These figures indicate that non*Impressions* challenges on similar grounds tended to track the increase and decrease in reported *Impressions* challenges. Whether the general increase in challenges on the grounds of occult content were a cause of the *Impressions* challenges or whether the *Impressions* challenges caused the increase in non*Impressions* challenges is difficult to ascertain. Although, as previously noted, the censorship surveys (McCarthy and Langdon, Adler, and Scheuerer) did not break down challenges based on "occult" or "witchcraft" into *Impressions* and non*Impressions* challenges, Adler notes that the much higher incidence of elementary level challenges was "probably reflective" of the number of *Impressions* challenges that occurred in California and that districts which reported an *Impressions* challenge were more likely to experience multiple challenges.⁵⁸⁷

The following section describes the overall contours of *Impressions* disputes and is based on the ALA and PFAW accounts as well as on information drawn from Adler.⁵⁸⁸ Occult content was the most frequently reported issue of concern for *Impressions* challengers. The second most frequently reported objections were to selections that were violent and/or frightening. A list of common reported *Impressions* objections follows. The percent of all reported challenges that included the specific objection is given.

⁵⁸⁷ Adler, *Fourth Statewide Survey* at 4; Adler, *Third Statewide Survey* at 5.

⁵⁸⁸ Adler, *Institutional Responses*. Data may not equal 100% because in some instances information was unavailable. In some instances the percentages total more than 100 percent because objections on multiple grounds were common.

1. Occult content (87%).
2. Violent, frightening (45%).
3. Disrespect for parents and/or authority figures (35%).
4. Morbid, dark, depressing, themes of despair (34%).
5. Denigration of religion, anti-Christian (14%).
6. Canadian content, anti-American, unAmerican, lack of patriotism (14%).
7. Lack of phonics (3%).

National Christian Right organizations were reported to have been involved in 14 (19%) of the challenges. Materials produced or distributed by national Christian Right organizations were reported to have been used in 15 (20%) of the disputes.

Challengers were reported to have formed local organizations in 22 (30%) of the disputes. Seven (9%) challenges were reported as occurring before the series was selected, i.e., while the series was being previewed or piloted. Sixty-three (85%) challenges were reported to have occurred after selection and/or when the series was in use. In only one dispute was the requested district response an opt-out provision. Removal of the series was requested in 60 (81%) of the disputes.

Table 16 shows the actual number of *Impressions* challenges by year.

Table 16. *Impressions* Challenges by Year (raw data).

1987	1988	1989	1990	1991	1992
1	4	2	25 ^a	41 ^b	2

Note. Dates given are by the year the challenge was reported by the ALA or PFAW unless the source of information was Adler's article. This chart excludes duplicate reports. Some of these challenges are not included in tables 13, 14 and 15 because they were not objections to materials or curricula previously selected. ^a Includes challenges at state textbook adoption hearings in Idaho and New Mexico. ^b Includes challenge at South Dakota state adoption hearing.

b. Christian Right Literature and Involvement with *Impressions* Challenges

Beginning in 1990, several Christian Right leaders wrote and distributed materials on the subject of *Impressions*, virtually all were in the form of articles appearing in CEE and Focus on the Family newsletters. However, a 1990 essay written by David Llewellyn, the President of the Western Center for Law and Religious Freedom, can be distinguished from the other anti-*Impressions* materials.⁵⁸⁹ Llewellyn begins by arguing that *Impressions* is not educationally sound. Extensively citing E. D. Hirsch's *Cultural Literacy*, he asserts that the series is a "kind of mental fluff which relied on a thoroughly discredited theory of 'educational formalism.'"⁵⁹⁰

⁵⁸⁹ David L. Llewellyn, Jr., *False Impressions: The "Impressions" Reading Series Controversy*, Western Center for Law and Religious Freedom (1990). This essay is available from CEE, Costa Mesa, Cal. and was distributed as part of packet of *Impressions* materials which could be purchased from the organization. Mr. Llewellyn was one of the attorneys for the plaintiffs in *Brown v. Woodland Joint Unified School District*.

⁵⁹⁰ *Id.* at 1.

Turning to content-based objections to the series, the author cites Ann B. Croissant's study of the series that identified "witchcraft/magic/animism" and "anti-authority/anti-religion" themes in 22 percent (n=100) and 13 percent (n=58), respectively, of 463 selections.⁵⁹¹ Llewellyn cites a second, but unnamed analysis for the proposition that the series gave a disproportionate weight to nontraditional religions, with "sorcery/witchcraft appearing in 52 [percent] of the selections"; Christianity in 22 percent; Native American religion in eight percent; Greek, Asian, and Egyptian mythology in 12 percent; and the Quaker religion in two percent.⁵⁹² It seems reasonable to assume that the 463 selections used in the Croissant document include only student reader selections; however, in describing the objectionable nature of the series' content Llewellyn gives fifteen examples from the teacher anthologies or teacher resource manuals, as opposed to six examples of objectionable material from the student anthologies.⁵⁹³ Llewellyn concludes with a discussion of parental rights which emphasizes the inculcative purpose of public education. According to the

⁵⁹¹ *Id.* at 7 (citing Ann B. Croissant, *Memorandum*, October 23, 1989).

⁵⁹² *Id.* at 8. Llewellyn does not identify whether these figures are from the total number of selections in the student readers or whether they are drawn from the series as a whole, i.e., including teacher resource books and teacher anthologies. Also interesting is the exclusion of "the Quaker religion" from the category of Christian.

⁵⁹³ *Id.* at 8-12. The source for seven examples is not identified. One example was drawn from a student project book. This issue is significant because the series consisted of over 10,000 selections as noted by the *Brown* and *Fleischfresser* courts. Moreover, teacher resource materials are not in the hands of students and may not ever be presented to students. In the *Brown* complaint 25 objections to materials in teacher materials were listed as opposed to 33 objections to student materials. Plaintiffs' amended complaint at §5.3. In the *Fleischfresser* complaint a majority of the objections were to materials in the teachers' books. Plaintiffs' amended complaint, n.p.

author, "[i]t is the duty of the public schools to reflect both parental concerns and local community values in the public school curriculum."⁵⁹⁴ Drawing a distinction between library materials and "non-school sponsored association and expression of students," and curriculum, Llewellyn asserts that the schools stand in loco parentis with regard to curriculum.⁵⁹⁵ Thus, parents have the right "to have their children excused from exposure to objectionable educational materials."⁵⁹⁶ Llewellyn implies that this right is absolute.

Llewellyn's extensively documented and reasoned approach contrasts with the ephemeral material produced and distributed by various Christian Right organizations: the American Family Law Association (which filed the *Brown* complaint), the Christian Educators Association International, Focus on the Family, Citizens for Excellence in Education, and the Traditional Values Coalition which urged parents to "disgrace" school officials in order to get rid of *Impressions*.⁵⁹⁷

Although *Impressions* was not adopted in Texas, an article concerning the series appeared in the Gablers' newsletter in June 1990.⁵⁹⁸ Positioned next to an article on the deficiencies of whole language which stated that "the IMPRESSIONS whole language series [was] under heavy attack" in California where whole language had

⁵⁹⁴ *Id.* at 14.

⁵⁹⁵ *Id.* at 14, 18.

⁵⁹⁶ *Id.* at 18.

⁵⁹⁷ Foerstel at 136, 137.

⁵⁹⁸ *Impressions*, The Mel Gablers Educational Research Analysts Newsletter, (Educational Research Analysts, Longview, Tex.), June 1990, at 3.

been "mandated."⁵⁹⁹ The Gablers listed eleven reasons why a "great number of battles [were] being waged" over the series.⁶⁰⁰ Included in the list was the series' "obsession with witches, ghosts, black cats, chants, spells, magic goblins, spirits, and other aspects of the occult."⁶⁰¹ The Gablers also noted that the series emphasizes "the depressing, horrifying and gruesome;" "undermin[es] authority figures such as parents;" "attacks traditional families;" contains "recurrent" themes of "violence," "frightening situations," "danger to children," and "cruelty to animals;" and uses "trust walks and 'listening circles.'"⁶⁰² The article alleges that most parents are opposed to the series, but are thwarted by educators who "comprise only a small percentage of our nation and [who] are imposing their views, as expressed by the curriculum they select, upon the majority."⁶⁰³ Teachers and administrators who hold "traditional American values" in contrast to the "antagonism to Judeo-Christian values [that] is the norm in the educational establishment" do not speak out for fear of losing their jobs.⁶⁰⁴

⁵⁹⁹ *Whole Language*, The Mel Gablers Education Research Analysts Newsletter (Education Research Analysts, Longview, Tex.), June 1990, at 3.

⁶⁰⁰ *Impressions* at 3.

⁶⁰¹ *Id.*

⁶⁰² *Id.*

⁶⁰³ *Id.*

⁶⁰⁴ *Id.*

Concerned parents could order a two-page check sheet listing sources of information about *Impressions*.

Focus on the Family and Citizens for Excellence in Education appear to have taken the major role in the dissemination of anti-*Impressions* materials. A June 1990 article in the Focus on the Family *Citizen* stated that *Impressions* was alarming parents across the country and compared school administrators to South American dictators.⁶⁰⁵ According to the *Citizen*, "*Impressions* celebrates witches [and] encourages children to cast spells and find 'familiar spirits.'" "[S]tories focus on violent death . . . others have a New Age flavor."⁶⁰⁶ The teachers' manuals and artwork, which is described as "consistently dark and gruesome," are also criticized.⁶⁰⁷ Returning to the subject of *Impressions* in September of the same year, the *Citizen* opined that the series was "torment[ing] even happy, well-adjusted children" because of its "violent and occultic content."⁶⁰⁸ A marriage and family counselor, whose credentials and educational background were not given, is quoted as saying that *Impressions* "comes extremely close to molestation of the tender innocence of a child's mind."⁶⁰⁹ According to the counselor, reading such stories and poems could cause "the tender young psyche [to]

⁶⁰⁵ Peter Winn, *What's New in School? Lesbians and Wizards*, Focus on the Family Citizen, (Focus on the Family, Colorado Springs, Colo.), June 18, 1990 at 10, 11.

⁶⁰⁶ *Id.* Note that violent death is common theme in traditional fairy tales.

⁶⁰⁷ *Id.*

⁶⁰⁸ Deborah Mendenhall, *Nightmarish Texts Await Your Kids*, Focus on the Family Citizen, (Focus on the Family, Colorado Springs, Colo.), Sept. 17, 1990 at 1.

⁶⁰⁹ *Id.* at 3.

collapse, which could lead to chronic fears and phobias throughout life."⁶¹⁰ According to a police officer and a child abuse specialist, exposure to the "overly occultic messages" could lead youngsters to become "desensitized" to "ritualistic crime."⁶¹¹ The article then presents an almost paranoid view of school district responses. "Some districts have met secretly to *plot* their strategies against *Impressions* critics."⁶¹² By January 1991, the *Citizen* was able to proclaim that parents were "Chasing *Impressions* Out of the Schools."⁶¹³ The following month the newsletter featured an article titled "The Secret Campaign Against Parents" that describes materials Harcourt distributed to school districts in response to criticisms of *Impressions* as "public relations propaganda containing slanted information and half-truths disguised as fact."⁶¹⁴

The CEE newsletter addressed the issue of *Impressions* in April 1991. Like Focus on the Family (*Impressions* was an "occultic literature series"), Robert Simonds of Citizens for Excellence in Education called *Impressions* "a scourge" and "a massive occultic program" with "depressing and frightening stories . . . on violence, death,

⁶¹⁰ *Id.*

⁶¹¹ *Id.* at 4.

⁶¹² *Id.* at 6 (emphasis added).

⁶¹³ Deborah Mendenhall, *Chasing Impressions Out of the Schools*, Focus on the Family Citizen, (Focus on the Family, Colorado Springs, Colo.), January 21, 1991, at 5 (documents actions against *Impressions* in eight states, including outright victories for anti-*Impressions* groups, for example Georgia dropped the series from its approved list, and events which it is difficult to construe as "victories," such as the appointment of a citizen's committee and a count of attendees at school board meetings).

⁶¹⁴ Deborah Mendenhall, *The Secret Campaign Against Parents*, Focus on the Family Citizen, (Focus on the Family, Colorado Springs, Colo.), Feb. 18, 1991, at 1.

witchcraft, magic, animism, mutilation, child abuse, [and] fear and horror" for "little children."⁶¹⁵ To Simonds, the Harcourt materials were "an anti-parent kit."⁶¹⁶ Simonds warned that *Impressions* "could change our entire culture to an erotic witchcraft and demonized society."⁶¹⁷ Simonds ended with a plea for funds to preserve good values in public schools after calling on readers to "pray for the many Christian parents fighting to save their children from atheism, immorality and Satanism (New Age)."⁶¹⁸

As previously discussed, assessing the impact of Christian Right literature is difficult; however, the intense coverage from multiple sources in 1990 may have contributed to the 357 percent increase in the number of challenges in that year over the combined number of challenges for the previous three years. A second factor could be the increased number of districts considering adoption or using the series. Using data from PFAW reports for 1989-1990 and 1990-1991, Table 17 compares the

⁶¹⁵ Robert Simonds, *President's Report*, (Citizens for Excellence in Education, Costa Mesa, Cal.), Apr. 1991, n.p.

⁶¹⁶ *Id.* The Harcourt materials include comments praising the series (the sources are described in terms of job title rather than name, for example, "Administrator, Nanuet, NY"; an article by David Booth, the editor of *Impressions*, defending the whole language approach to reading instruction; a list of award-winning children's authors represented in the series; and excerpts of textbook review committee reports from five districts that experienced *Impressions* challenges: Ancortes School District, Wash. (1990); Lincoln School District, Cal. (1990); Oak Harbor School District, Wash. (1987); Yucaipa, Cal. (1990); and Dixon Unified School District, California (1990). The excerpts are arranged in such a way as to respond to criticisms of the series.

⁶¹⁷ *Id.*

⁶¹⁸ *Id.*

involvement of Christian Right organizations in all challenges, non*Impressions* challenges, and *Impressions* challenges.

Table 17. Involvement of Christian Right Organizations^a in Challenges Reported by PFAW, Given in Ratios (raw data) and Percentages.

	All Challenges	Non <i>Impressions</i> Challenges	<i>Impressions</i> Challenges ^b
1989-1990	13:209 6.2%	7:192 3.6%	6:17 35.3%
1990-1991	54:244 22%	36:204 17.6%	18:40 45%

^a For the purposes of this analysis, "Christian Right organization," is defined as national organizations or state or local chapters of national organizations. Thus, purely local organizations are not included. ^b These figures include only post-adoption or challenges that included demands for the removal of the series from pilot programs. This restriction allows comparison with all challenges and non*Impressions* challenges which were counted under the criteria previously discussed, i.e., that the challenge had to be to materials already selected or adopted.

Included in the data for Christian Right involvement in *Impressions* challenges is information stating that the protestors used materials produced by the various Christian Right organizations. Considering only *Impressions* challenges, *Impressions* protestors used material of this type in 17.6 percent (n=3) of *Impressions* challenges reported by PFAW during 1989-1990. In 1990-1991, such materials were used in 17.5 (n=7) percent of PFAW reported *Impressions* challenges. These figures cut against the argument that the 1990 articles caused the increase in *Impressions* challenges in 1990; however, 1990 figures also include some 1989 incidents. The 1991 figure suggests wider dissemination of anti-*Impressions* material produced by Christian Right organizations and/or greater use of such materials. Protestors were not more likely to

use such materials in 1990-1991, but more challenges in terms of actual numbers where these materials were used occurred. The impact of the anti-*Impressions* articles is suggested by the inclusion of a copy of "Nightmarish Texts Await Your Kids" with a November 5, 1990 letter to the Southwestern Central School District in Lakewood, New York. Eva Lewis and Stella Crockett confirmed that Christian Right newsletter articles surfaced during disputes.⁶¹⁹ The article was also attached to a locally produced flyer distributed in Pacheco, California. Despite heavy involvement of Christian Right organizations in *Impressions* disputes, states with substantial or dominant Christian Right strength in their Republican party organization were slightly less likely (58.8%) to experience controversies over the series as compared with substantial or dominant Christian Right strength (62%) in all state Republican parties.

c. Examination of Selected *Impressions* Challenges⁶²⁰

All 74 districts listed in Appendix B were contacted by letter and asked to send copies of any documents related to the *Impressions* challenge in their districts. Because of the nature of the request, the length of time since the controversies occurred, and district reticence given the level of acrimony common to *Impressions* disputes, it was expected that the response rate would be low. Sixteen districts (21.6%) responded. Thirteen districts (17.6%) supplied information. Two districts

⁶¹⁹ Lewis, *supra* note 67; Crockett, *supra* note 68. People for the American Way reported these challenges, but did not report the use of Christian Right materials in either incident.

⁶²⁰ For the purposes of this portion of the discussion, the term "challenge" includes preadoption disputes. Some controversies over the series began during adoption procedures and continued after the series was adopted.

responded with personal communications but did not send documents. Eleven districts sent copies of documents. These ranged from a two-inch stack of materials from Citrus Valley School District (pseudonym) to a three page timeline supplied by Wheaton School District 200 in Illinois. Typical documents included copies of citizen's requests for reconsideration of materials, written complaints, correspondence from the district to complainants, intradistrict memoranda, newspaper clippings, minutes of school board meetings, and review committee reports.

The first *Impressions* challenges occurred in Washington state and Oregon with five incidents occurring from 1986-1988. In the 1988-1989 PFAW report, two California districts are listed as experiencing challenges to the series. In 1989-1990, 21 California districts experienced challenges.⁶²¹ There were two controversies in Idaho, New Mexico, and Washington and one incident involving the series in both South Dakota and Tennessee. In 1990-1991, 17 California districts, two Colorado districts, four Illinois districts, three Maine districts, four New York districts, five Oregon districts, and two Washington state districts experienced challenges. In addition one challenge occurred in each of the following states: Idaho, Nevada, New Mexico (plus a state textbook adoption controversy), Ohio, and South Dakota (plus a state textbook adoption controversy). In 1991-1992, one school district challenge was reported in each of the following states: California, Hawaii, Maryland, and Oregon.

⁶²¹ These figures are drawn from the ALA and PFAW reports and Adler, *Institutional Responses*.

While the geographic distribution of *Impressions* controversies shows a distinct pattern of fanning out from the Pacific Northwest in a west-to-east progression, it is difficult to identify, ten years after the events, precisely when the first *Impressions* controversy arose. The first incident reported by either ALA or PFAW was a challenge to the adoption of the series in the Phoenix-Talent school district in Oregon. PFAW reports the incident in its 1986-1987 report. The ALA reports it in the January 1989 issue of its *Newsletter on Intellectual Freedom* as having been initiated the previous spring, i.e., the spring of 1988.⁶²² Both organizations' accounts of this incident are scanty and the school district did not respond to a request for information. Nevertheless, the predominant theme of possibly contemporaneous and certainly subsequent challenges was present: that the series promoted witchcraft and denigrated Christian values. Specifically, the parents objected to a parody of the carol, "The Twelve Days of Christmas." Excerpts from this selection were reproduced in the *Fleischfresser* amended complaint and a reproduction of the entire poem was included in the first amended complaint of the *Brown* plaintiffs. This selection, "A Wart Snake

⁶²² *Library Censorship in Oregon*, *Newsletter on Intellectual Freedom*, (American Library Association, Chicago, Ill.), Jan. 1989, at 3. A copy of the report prepared by the district's review committee, dated June 23, 1987, was obtained from Louise Adler. Of the 72 specific objections to the selection in the series described in the report, 18 (25%) related to occult content. *Final Report of the Phoenix-Talent Review Committee in Response to the Citizens' Request for Reconsideration of Material: Impressions Reading Series, Publishers Holt, Rinehart and Winston of Canada, Ltd.*, June 23, 1987 (on file with the author).

in a Fig Tree," was replaced in the 1990 U.S. printing of the series.⁶²³ Also noteworthy was the inclusion of secular humanism in this early *Impressions* challenge.

The following year, 1987-1988, four challenges to the series were reported. One was a challenge to the adoption of the series (Troutdale, Oregon), three were challenges to the series after it was adopted (Oak Harbor, Washington, Gig Harbor, Washington, and Aurora, Oregon). In all four incidents parents objected to witchcraft. In Aurora, parents stated that the series "promot[ed] witchcraft and satanism."⁶²⁴ In Oak Harbor parents stated that the series had "overtones of witchcraft, mysticism, and fantasy."⁶²⁵ In addition, other objections that were expressed in subsequent controversies surfaced in these disputes, including the inclusion of Canadian materials ("lack of an American perspective" and Canadian/British spelling), "use of values clarification," "persistent themes of rebellion against parents and authority figures," and selections that frightened children.⁶²⁶ The Oak Harbor school district received 12

⁶²³ *Changes for the 1990 U.S. Printing of Impressions*, n.d., n.p. (on file with the author). In all, 95 changes, including 13 "reillustrations," were made for this printing. While it is not clear that all, or even a majority, of the revisions were related to the complaints, some do appear to have been made on that basis. For example, "The Dance of the Thirteen Skeletons" and "Three Witches" were replaced by "Autumn Song of the Goose" (in the *Thread the Needle* student anthology). "A Ghost Story" was replaced by "This Mysterious Multiplying Ocean" (in the *Cross the Golden River* project book). A cursory examination of this document does indicate that most of the revisions were of the selections most often challenged by objectors.

⁶²⁴ *People for the American Way, Attacks on the Freedom to Learn* 41 (1988).

⁶²⁵ *Id.* at 52.

⁶²⁶ *Id.* at 41, 42, 52. A parent in Saratoga Union School District (Cal.) voiced his objection to Canadian materials by stating "West Indian stories are wonderful for West Indians and stories about Canadian Mounties are wonderful for Canadians. Where are the stories about George Washington?" Aleta Payne, *Two Districts Adopt*

written complaints or completed "Citizen's Requests for Reconsideration of Printed Materials" forms in the fall of 1987. Complainants objected to the series on the following grounds:

1. Witchcraft/satanism/occult (11 of 12 complaints),
2. Religiously offensive (4 of 12),
3. Teaches disrespect for authority (4 of 12),
4. Canadian content (4 of 12),
5. Lack of American content (includes British/Canadian spelling) (4 of 12),
6. Violence (3 of 12),
7. Homosexual content (3 of 12), and⁶²⁷
8. Lack of phonics (2 of 12).

One complainant specified that the religious content of the series included "Hindu and Egyptian practices." "For one thing this is not about our civilization worsip [sic] and witchcraft."⁶²⁸ An objector, who described herself as a Christian mother, stated, "I don't think children need to read about witches and their practises [sic]. They will *learn* this."⁶²⁹ Another objected to "a witch teach[ing] a frog magic spells" by "reading words backwards and [to] the fact that children [would be] sitting

Controversial Texts, San Jose Mercury News, Aug. 29, 1990, at 4.

⁶²⁷ "A lewd encounter between two men (from the sixth grade reader)." Carol Mills, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

⁶²⁸ Sharon Y. Lawson, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

⁶²⁹ Sheila Clift, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

around in a witch's story circle."⁶³⁰ A fourth challenger described "The Snow Queen" as "full of occult themes and mystical overtones," "Beauty and the Beast" as "dealing with magical spells [and] fantasy," "Sedna," a folktale, as "Native American spiritualism," "I Was a Second Grade Werewolf" as containing werewolf characters which "are symbolic of occult activity," "Arthur's New Power" as "promot[ing] . . . rock music [and] Eastern religion (yoga)," and the award winning *Garden of Abdul Gasazi* as objectionable because "you're left with the feeling that magic really does work even though older people says [sic] it doesn't."⁶³¹ This individual also mentioned "astro-projection [sic]," "reincarnation," "foreign deities," and "white magic."⁶³² One complainant included the dictionary definition of a "changeling" to underscore her objections to a story in which a girl changes into a seal (two other complaints specifically mentioned the changeling story).⁶³³ Another protestor included a tape of a radio program "in order to inform you that the occult (satan worship as an organized religion) is real."⁶³⁴

⁶³⁰ Gail Dahl & Mark T. Dahl, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

⁶³¹ Linda Brockway, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

⁶³² *Id.*

⁶³³ Marie McKinney, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

⁶³⁴ Kim Morse, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

Comments indicating that the series was religiously offensive included such statements as "make[s] a mockery of such things as Christmas" and "publisher chose to defraud something sacred to those who believe the Bible to be true." A third complainant included such comments as: "inaccurate presentation of our loving God," "unfactual [sic] events of Noah's ark," "strongly anti-Christian," and "deals with infant baptism."⁶³⁵ However interesting the substance of these objections may be, a common strand running through both those related to the occult and those alleging religious offensiveness is the argument that the use of the series violates the separation of church and state or impinges on the complainant's Free Exercise rights. For example, the series "promote[s] specific philosophies that may undermine lawfully protected beliefs."⁶³⁶ "This is an attempt to present paganism in a favorable light. Christianity is now [sic] allowed to be taught in our public schools. Therefor [sic], neither should paganism be taught."⁶³⁷ Another challenger stated that "[s]hould [the] portions [containing occult themes] be taught, it would be a blatant infringement of our freedom of religion, as those specific materials are diametrically opposed to our beliefs" and that mandatory use of the series would constitute "censorship of religious freedom, which is guaranteed by our constitution."⁶³⁸

⁶³⁵ *Id.*

⁶³⁶ Carol Mills. *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

⁶³⁷ Alan Schell, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author).

⁶³⁸ Mills, n.p. Mills also quotes Deuteronomy 18: 9-14 which reads in part, that using divination, practicing witchcraft, sorcerers, casting spells, mediums, and spiritualists "are detestable to the Lord." *Id.*

Among comments that the series promoted disrespect for authority were such statements alleging that the series fosters "rebellion toward all authority," and that "give[s] the kids ideas in bad behavior," and "stories depicting disobedience to parents."⁶³⁹ One protestor specifically cited "Bedtime for Frances," a story about the delaying tactics a little badger uses to put off going to sleep, as a "discussion of preparation for bedtime and tricks the children can play to avoid bedtime and obeying."⁶⁴⁰ Complaints about the lack of phonics or the use of whole language were for the most part grounded in a view that the former is a more effective approach for teaching reading. One parent linked her content objections to the instructional methodology employed. "The [whole] language approach will definitely ingrain this [occultic] material into their minds."⁶⁴¹

The district's Instructional Review Committee report responded to such criticisms by citing the Commission on Reading of the National Institute of Education's 1985 report, *Becoming a Nation of Readers*, and to the effect that "[t]he controlled vocabularies and contrived sentence structures of linguistic basal readers

⁶³⁹ Jan McGeorge, *Oak Harbor Citizen's Request*, n.d., n.p. (on file with the author); Dahl & Dahl, *supra* note 630, n.p.; Morse, *supra* note 634, n.p.

⁶⁴⁰ Brockway, *supra* note 631, n.p.

⁶⁴¹ McKinney, *supra* note 633, n.p. Lack of phonics was also an objection to the series in Walla Walla, Washington. Although not an *Impressions* challenge, a Riverside, California protestor of the DUSO program clearly stated the religious grounds for such objections by asserting "'phonics is Judeo-Christian, while look-see or decoding is a sign of Secular Humanism; rules of grammar, speech and spelling are Judeo-Christian while discovering language through discussion and reading indicate Secular Humanism.'" People for the American Way, *Attacks on the Freedom to Learn* 29 (1991).

such as Lippincott interfere with student comprehension and reduce student motivation to read."⁶⁴² The review committee reports of two other districts, Yucaipa, California and Anacortes, Washington, also included responses to this criticism.⁶⁴³ In all 2.7 percent of the reported challenges cited lack of phonics as an objection to the series.

A majority (67%, n=8) of the Oak Harbor parents requested that the series be removed from the schools.⁶⁴⁴ One parent stated that she had removed her child from the schools because *Impressions* was in use. With one exception ("trashy curriculum," "mental abuse," "why don't you 'educators' let these children have a childhood"), the tone of the written complaints did not display the hostility evident in some other communities, especially in later controversies.⁶⁴⁵ The attitude of the complainants is more distressed and concerned than angry.

In 1988-1989, neither the ALA nor PFAW reported challenges to *Impressions*; however, Adler notes that disputes over the series occurred in two California districts,

⁶⁴² *Final Report of the Oak Harbor Instructional Materials Committee in Response to Citizens' Requests for Reconsideration of the IMPRESSIONS Reading Series*, (Oak Harbor School District, Oak Harbor, Wash.), 1987, n.p. (on file with the author).

⁶⁴³ Harcourt materials, (Harcourt Brace, Orlando, Fla.), n.d. This untitled report is on file with the author. The Anacortes district devoted nine pages, including test scores of students using the series, to the issue of phonics. Fifteen percent of the complaints received by the district were related to the issue of methodology.

⁶⁴⁴ Only three (25%) parents asked that their child be excused from using the series. One written complaint was in the form of a letter; the writer did not specify what action s/he wished the district to take.

⁶⁴⁵ See discussion pp. 286-90.

North Monterey County Unified School District and Pacheco Union School.⁶⁴⁶ North Monterey County did not respond to a request for information. Pacheco received "two written challenges [and] many telephone calls."⁶⁴⁷ One challenger attended board meetings accompanied by 15 individuals who did not reside in the district. Anti-*Impressions* literature was distributed at local churches. This literature included a flyer attached to a reprint of Mendenhall's September 17, 1990 article in *Focus on the Family Citizen*, "Nightmarish Texts Await Your Kids." The flyer quotes from the article, "what a prayer is to a Christian, a spell is to a practicing Wiccan priest or witch' . . . quoted from CITIZENS . . . a Dobsen [sic] publication," and from Deuteronomy "one who practices witchcraft. . . is an abomination to the lord. . . ." ⁶⁴⁸

Expressing the view that Christians have been excluded from public life and public education, the flyer asserts, "Christians have taken a back seat and have allowed the enemy to gain ground and it is time that we stand up and make a difference."⁶⁴⁹

Nevertheless, "concerned citizens" are advised not to frame their objections primarily in religious terms. "Avoid 'Bible thumping': using scriptures and Christian

⁶⁴⁶ Adler, *Institutional Responses* at 165. Adler's chart states that both disputes began in December 1989, which might account for their not appearing in the 1988-1989 reports; however, materials sent to the author by Pacheco are dated 1990 with the exception of one undated document. Neither dispute was reported by ALA or PFAW in their subsequent reports.

⁶⁴⁷ Letter from Jim Weaver, Superintendent, Pacheco Union School District, (Dec. 13, 1996) (on file with the author).

⁶⁴⁸ *The Impressions Series*, n.d., n.p. (on file with the author).

⁶⁴⁹ *Id.*

terminology might have an adverse effect."⁶⁵⁰ The flyer recommends that parents find objectionable stories in the series by "open[ing] the table of contents [and] pick[ing] out a story that sounds suspicious or contains occultic materials."⁶⁵¹

The written complaints were in the form of two letters received by the district in October 1990. Only the first letter specifically addressed *Impressions*. This letter described the series as containing "hideous pictures, nightmarish themes, and hellish fears produced by an obviously depraved bunch of authors."⁶⁵² Although the complainant acknowledged that very few of the selections in the series are "despicable stories," the danger existed that the inclusion "opens the door to let more scenes of torture, violence and other forms of conditioning and desensitizing into the minds of future generations."⁶⁵³ Such material is the source of "criminals get[ting] their ideas to dismember their subjects, or using their entrails to strangle them."⁶⁵⁴ The parent asked the district to "stop the subtle entry of demon worship into our schools."⁶⁵⁵ A veiled allusion to the alleged ouster of Christianity and the separation of church and state can be discerned when the complainant wrote, "If our schools are not to present a bias on any religion, then they must not allow the inception [sic] of Satan worship in its *now*

⁶⁵⁰ *Id.*

⁶⁵¹ *Id.*

⁶⁵² Letter from unknown author to Superintendent of Schools, Pacheo School Board, Prairie School Board, n.d., n.p. (on file with the author).

⁶⁵³ *Id.*

⁶⁵⁴ *Id.*

⁶⁵⁵ *Id.*

subtle form into our educational system. This is only the first step in a series of a full blown introduction of the submission to the 'Prince of Darkness.'"⁶⁵⁶ The second letter merely included "[d]iscussions of witchcraft, occultism, the supernatural, and Eastern mysticism" as one of a long list of topics that the complainant requested his/her child be excused from participating in or being exposed to until the parent had an opportunity to "review all relevant material" and give his/her written consent.⁶⁵⁷

In their 1989-1990 reports, ALA and PFAW documented 28 challenges in six states (22 separate and not previously reported challenges). For the first time, reports of challenges outside the Pacific Northwest and California appeared with challenges being reported in New Mexico (Albuquerque and Santa Fe); Box Elder, South Dakota; and Nashville, Tennessee.

Forty school-district-level challenges were reported in 1990-1991 while only two previously unreported, school-district-level challenges were reported for 1991-1992. Although the ALA reported three *Impressions* challenges in its 1992-1993, all of these incidents had been previously reported. Six districts from of the forty districts that experienced challenges reported in 1991 supplied information that contributes significantly to an understanding of the *Impressions* challenge phenomenon.⁶⁵⁸ These school districts are Newcastle (pseudonym), Campbell Union (California), Pasco

⁶⁵⁶ *Id.*

⁶⁵⁷ Letter from unknown author to the Principal of Columbia Elementary School, October 18, 1990, n.p. (on file with the author).

⁶⁵⁸ The Oregon district requested anonymity. For the present study this district will be referred to as the Newcastle School District and the local newspaper as the *Newcastle Register*.

(Washington), Stafford (pseudonym), Citrus Valley (pseudonym), and Southwestern Central (New York).

Newcastle School District (pseudonym) responded to criticisms of the series by compiling a list of selections together with the grounds of the objections. Of the 25 selections listed, 12 objections relate to witchcraft or the occult, three cited violence, and one was considered to have "offended religious sensibilities."⁶⁵⁹ Included in the materials received from Newcastle was a flyer produced by a local anti-*Impressions* group.⁶⁶⁰ Overall, the flyer describes the series as containing "subliminal messages . . . which would lead young minds into areas where established moral values are undermined."⁶⁶¹ Specifically, three types of objections to the series are discussed: lack of proper values, overemphasis on Halloween, and indoctrination into the Wiccan religion. First, the flyer states that "much of the series is amoral [leading] to indoctrination in 'relativism' . . . which is a part of Religious Humanism."⁶⁶² Second, "Valentine's Day, Thanksgiving, Mother's Day, Memorial Day and Christmas receive little attention" and the "disproportionate emphasis on [Halloween]" which many "consider a sacred religious holiday is inappropriate."⁶⁶³ Third, the series "fosters and

⁶⁵⁹ *Impressions Concern List*, n.d., n.p. (on file with the author).

⁶⁶⁰ *What Is "Impressions"?*, n.d., n.p.

⁶⁶¹ *Id.*

⁶⁶² *Id.*

⁶⁶³ *Id.* Speaking against the series at a May 28, 1991 school board meeting, a protestor also cited the disproportionate attention paid to Halloween which she described as "the highest holiday of witchcraft." Author unknown, *Promotion of Religion at Heart of "Impressions" Appeals*, Newcastle Register, June 5, 1991, at A1.

aids in teaching the Wiccan religion and initiating a child into the occult. Wiccan is a tax-exempt religion in the United States."⁶⁶⁴ The point is made that Wiccan rituals and spells are the equivalent of Christian prayers.⁶⁶⁵ The flyer goes on to assert that activities such as having the children sit in circles and chant spells "teaches the child to actively participate in Wiccan religious practices. Practitioners of the Wiccan religion are instructed in their religious books to do the same thing."⁶⁶⁶ Echoing many ideas expressed by the Focus on the Family and CEE articles about *Impressions*, the author of the flyer fears that "[c]hildren's tender innocent minds are being desensitized [which] can lead to the collapse of the young psyche and cause chronic fears and phobias which could last through life."⁶⁶⁷ Distinguishing the aim of the group from censorship, the flyer espouses the view that "COMPULSORY reading in schools should be in keeping with traditional American values."⁶⁶⁸

A Newcastle couple paid for an anti-*Impressions* advertisement to be printed in the local paper. Included in the advertisement was a coupon that readers could clip

⁶⁶⁴ *Id.*

⁶⁶⁵ The parallel between Wiccan ceremonies and Christian prayers was reiterated at the May 28 school board meeting. "What prayer is to a Christian, spells are to a practicing Wiccan priest." Author unknown, *supra* note 663, at A4. This language is lifted without attribution from Mendenhall's September 1990 article in Focus on the Family Citizen, *Nightmarish Texts Await Your Kids*.

⁶⁶⁶ *Id.*

⁶⁶⁷ *Id.* This language is also lifted without attribution from Mendenhall's September 1990 article in Focus on the Family Citizen, *Nightmarish Texts Await Your Kids*.

⁶⁶⁸ *Id.*

and send to the district. The district received 48 of these coupons. Although newspaper accounts cite only two Newcastle women as seeking the removal of the texts, the school district received one petition signed by 551 individuals and a second petition signed by 32 pastors. The first petition stated that "the use of the books constituted the establishment of religion" while the second asserted that the books "assume a religious world view without identifying it as such."⁶⁶⁹ The reading selections and activities were the "teaching and practice of religion that is foreign and incompatible with traditional Christian principles and values."⁶⁷⁰

One minister who spoke at the meeting stated that "parents who believe in scripture cannot put their children in schools where the *Impressions* books [are] in use."⁶⁷¹ Several individuals who spoke made mention of the exclusion of Christianity from the schools. "Let's bring the Bible back and teach it in the schools now. It's against our rights and it's time to make a difference."⁶⁷² Another speaker added that if the schools cannot discuss the reasons for Easter and Christmas, "they should not have this occultic literature there either."⁶⁷³ Another protestor remarked that "the federal

⁶⁶⁹ Author unknown, *Threats, Pleas Fill Public Testimony on "Impressions,"* Newcastle Register (pseudonym), n.d., n.p.

⁶⁷⁰ *Id.*

⁶⁷¹ *Id.*

⁶⁷² *Id.*

⁶⁷³ *Id.*

government, while taking pains to keep religion out of public school has defined this as keeping only Christianity out of the schools."⁶⁷⁴

A Beaverton, Oregon attorney, representing the Rutherford Institute of Oregon, also spoke against the series at the May 28 meeting.⁶⁷⁵ He had been contacted by the protestors and had prepared a written report. The attorney argued that the district's policy of allowing students to be excused from exposure to the series did not cure its constitutional defects because "other children in the district will continue to be indoctrinated [by a] reading curriculum that violates the freedom of conscience of the district's orthodox Christian and Jewish children" and that "teaches them witchcraft" instead of reading.⁶⁷⁶

In addition to the Oregon Rutherford Institute, other organizations were involved in the controversy, including the county chapter of the Oregon Citizens Alliance and, by January 1992, a group called the International Institute for Advocacy for School Children (IASC). IASC was organized to combat what it terms academic child abuse, which is defined as "the adoption and use of inadequately tested programs for teaching the foundation skills such as reading and basic mathematics."⁶⁷⁷ One

⁶⁷⁴ Author unknown, *supra* note 663, at A1.

⁶⁷⁵ The Rutherford Institute provides representation for conservative Protestant litigants in a variety of legal actions.

⁶⁷⁶ *Id.*

⁶⁷⁷ Author unknown, *Citizens for Better Education (pseudonym) Told to Seek Policy*, Newcastle Register, Jan. 22, 1992, at A7.

protestor cited research conducted in Texas to the effect that the series failed to include drills and "taught the religion witchcraft as a deliberate indoctrination."⁶⁷⁸

In Campbell Union School District (Campbell, California), the district's review committee produced a 73 page report as a response to *Impressions* complaints.⁶⁷⁹ The report included descriptions of the district's textbook adoption and complaint review procedures; a list of award winning authors and selections; a chart showing the state criteria for English/language arts curriculum, with examples; and a table showing the nature of the *Impressions* complaints received by the district. For the 66 listed selections that were challenged, 21 objections were related to witches/occult content, 20 concerned violence, 14 concerned "parental disrespect," and two involved Halloween.⁶⁸⁰ The report noted that 22 adults had filed challenges. Challenges to the teachers' anthologies slightly outnumbered challenges to the student readers (39 to 35).⁶⁸¹ In addition, there were smaller numbers of challenges to selections in the teacher resource manuals and student projects as well as to illustrations, including illustrations on the covers of student textbooks.⁶⁸²

⁶⁷⁸ Author unknown, *supra* note 664, at A4. Possibly this was material distributed by the Gablers.

⁶⁷⁹ *Campbell Union School District Final Report of the Board of Review for Challenged Curriculum Materials*, Campbell Union School District, (Campbell, Cal.), Mar. 13, 1991.

⁶⁸⁰ *Id.* at 32-34.

⁶⁸¹ *Id.* at 2.

⁶⁸² *Id.*

One complainant alluded to separation of church and state by writing that the "[a]ctivities which go along with this picture have children participating in practices of witchcraft which violates the right of freedom of religion."⁶⁸³ On the same note, a second protestor stated that a different selection "asks children to create and chant a spell which is in violation of religious beliefs."⁶⁸⁴ A third complaint stated that the story, "Bunya the Witch," "teaches [that] it is fine to be a witch [and] endorses occult practices and witchcraft which violates constitutional rights."⁶⁸⁵ A complaint involving a folktale asked, "What if a child asks, 'What is an evil spirit?' Is the teacher going to say, 'They are make-believe,' contradicting a religious teaching in our home?"⁶⁸⁶ Echoing an equal time argument similar to that employed by creation science advocates, the story "The Voyage of Osiris" (in a teacher anthology) prompted the recommendation that "[i]f you are going to include a story like that, then it would be necessary to include accounts of other ancient religions."⁶⁸⁷ The complainant also wanted a factual account of the beliefs of the ancient Egyptians rather than a myth.

As in many other districts, *Impressions* had been adopted as supplementary reading material to support the elementary language arts and reading programs.

Although the present study is concerned with the protests to the series rather than the

⁶⁸³ *Id.* at 30.

⁶⁸⁴ *Id.*

⁶⁸⁵ *Id.* at 26.

⁶⁸⁶ *Id.* at 9.

⁶⁸⁷ *Id.* at 11.

responses of districts, the Campbell Union report includes a noteworthy statement. "[M]any of the challenged stories have been in the school library or in other student readers for a number of years."⁶⁸⁸ The report notes that this fact has been "pointed out by a number of Districts [sic] using the series."⁶⁸⁹

Like other districts that experienced *Impressions* challenges, Pasco School District No. 1 in Pasco, Washington responded by forming a review committee which recommended retaining the series. This decision was appealed by three individuals at a special board meeting on June 25, 1991. Prior to the board meeting, one of these individuals, Fern Kemper filed a five page "Citizens' Request for Reconsideration of Instructional Materials" with the district.⁶⁹⁰ Kemper listed objections to a number of the selections in the series. Most prominent among her objections were occult themes and disrespect to authority figures. Included in the former were statements such as:

1. "[T]eacher's manual asks the children to sit in a circle, and chant rhymes, make up their own spells." (Kemper makes numerous references to the students sitting in a circle).
2. "[P]romotes the idea that witchcraft is FUN! The teachers manual is full of examples for encouraging witchcraft, chanting spells, manipulating events."

⁶⁸⁸ *Id.* at 46.

⁶⁸⁹ *Id.*

⁶⁹⁰ Fern A. Kemper, *Citizen's Request for Reconsideration of Instructional Materials*, n.d. The district responded to Kemper's complaint by letter on June 10, 1991. Both documents are on file with the author.

3. "[O]ccultic symbolism and signs throughout this piece."
4. "[I]nduction of the child into the occult."
5. "[T]heme occultic. This is an incantation chant."
6. "[Children] practice backward writing. This behavior is exposing children to the occult."⁶⁹¹

Selections that promoted disrespect for parents and authority figures were described as "promoting negative attitudes toward the parent figure," "promoting disrespect to adult authority figures," "child gets what he wants by manipulating his parents," "portraying the adult authority figure as someone to be scoffed at," and "encouraging a child to rebel against authority."⁶⁹² As with the use of the term "circle," Kemper's complaints on this issue make frequent use of the word "trickery." The document also includes other complaints common to *Impressions* challenges: violence, denigration of Christianity ("misrepresenting the truths and values taught to Judeo-Christian children"), and "Canadian language and terminology."⁶⁹³

At the board meeting Kemper testified that the series "communicated a rebellion to authority and an introduction to the occult."⁶⁹⁴ Like other *Impressions* challengers, she made reference to the separation of church and state issue. "[I]t's a

⁶⁹¹ *Id.*

⁶⁹² *Id.*

⁶⁹³ *Id.*

⁶⁹⁴ *Minutes: Board of Directors' Special Meeting, Pasco School District No. 1, (Pasco School District No. 1, Pasco, Wash.), June 25, 1991, n.p.*

violation to the first amendment of Freedom of Religion."⁶⁹⁵ John and Cheri Vause who had been involved in a challenge to the series in the East Finley (Washington) School District also spoke before the board and objected on the grounds of occult content. Cheri Vause stated that the use of the series was "a system of brainwashing. Ritual is being taught; this is also used in satanism and the occult."⁶⁹⁶ While the board voted to uphold the decision of the review committee, two members voted against the motion. One of these board members stated that the series "[told] of kids using magic spells and trying to get objects in the room to move [and that it had] the common theme of chanting and ritual . . ." ⁶⁹⁷

Also reported in PFAW's 1990-1991 report was a challenge in the Stafford (pseudonym) County Public Schools. Like other districts which experienced *Impressions* challenges, Stafford county, although it did not have "a set formula or model . . . for responding to a curriculum challenge of this nature," formed a review committee and issued a committee report.⁶⁹⁸ As with other review committee reports, it is possible to infer the issues of concern in the Stafford county dispute. For example, the Stafford report states, "Reference to folklore and witches does not

⁶⁹⁵ *Id.*

⁶⁹⁶ *Id.*

⁶⁹⁷ *Id.*

⁶⁹⁸ *Final Report: Stafford County School District, Impressions Teacher Anthology Review Committee*, Mar. 25, 1991, at 2 (on file with the author). The district did have a procedure for dealing with challenged materials, but did not have "a procedure for carrying out a board directive for examining ancillary books in an already adopted series." Memorandum from Eva Lewis to the author (Mar. 1997) (on file with the author).

constitute an affirmation of a particular religion or school of thought, even though there are recognized religions which include occult or witch-like practices or activities. Committee members unanimously recommend that students not be compelled to participate in activities that are clearly identified with the occult, such as 'role playing' a witch or engaging in witch-like activities such as casting a spell. On the other hand, some other activities like 'chanting' or backward spelling should not automatically be interpreted as witchcraft or occultic in nature."⁶⁹⁹ "To avoid offending the sensibilities of those who take witches seriously, the Committee recommends that teachers avoid compelling students to imitate casting spells or engage in any other activities that are *clearly identified* with the occult."⁷⁰⁰ More direct evidence of the nature of some of the objections in Stafford County is supplied by the report's acknowledgement that many of the individuals who spoke against the teachers' anthologies did so on the grounds that "stories containing witches were harmful to children [and that] some stories violate[d] religious freedom."⁷⁰¹ Further confirmation of the nature of the dispute appears in a minority report filed by a dissenting committee member. Addressing "Characteristics of the *Impressions* [M]aterial," the minority report asserted that the books contained "unwholesome and unnecessary subject matter such as witchcraft, which was to be reinforced by teachers 'showing' the

⁶⁹⁹ *Id.* at 6.

⁷⁰⁰ *Id.*

⁷⁰¹ *Id.*

children how to cast spells and otherwise play up the importance of the material."⁷⁰²

Like protestors in other communities, this individual's goal was not that students be permitted to opt-out of reading offensive selections or participating in certain activities.

Rather "the whole *Impressions* curriculum should be scrapped and the public funds used to provide material that would both edify and inspire."⁷⁰³ A second minority report found that "the anthologies should not remain in the resource library or anywhere for use."⁷⁰⁴

A particularly bitter dispute erupted in Citrus Valley, California.⁷⁰⁵ In Citrus Valley, a well-organized parent group forced a recall election of four school board members who had voted to retain the series. The parent group published a newsletter in addition to distributing flyers, organizing meetings and speaking out against the series at school board meetings. Their efforts were supported by a Christian radio station which called for the resignation of the assistant superintendent and, after the board's decision to retain the texts, supported the local organization's recall election efforts.⁷⁰⁶ By "ignoring the pleas of hundreds of concerned parents [to remove]

⁷⁰² Susan Lord (pseudonym), "*Impressions*" *Teacher Anthology Review Committee: Minority Report*, Mar. 25, 1991, n.p. (on file with the author).

⁷⁰³ *Id.* (emphasis added).

⁷⁰⁴ Lisa Otterburg (pseudonym), *Re: Teacher's Anthologies*, Mar. 25, 1991, n.p. (on file with the author).

⁷⁰⁵ Citrus Valley is the pseudonym used by Oliver in her case study of the *Impressions* controversy in this district. Oliver, *The Politics of Textbook Controversy*.

⁷⁰⁶ Letter from General Manager of KXYZ (pseudonym) to Dr. Laura Smith, Assistant Superintendent, Citrus Valley School District, Jan. 18, 1990 (on file with the author); *Editorial* (KXYZ radio broadcast, Jan. 18, 1990) (on file with the author).

reading books permeated with the occult, witchcraft, violence and constant negativism," the school board and administration had demonstrated that they had been "overtaken" by "the spirit of the liberal left."⁷⁰⁷ After one school board meeting, a complainant physically assaulted a school administrator. A review committee formed in response to criticisms of the series received 116 written complaints during late November and early December of 1989 in which the following issues of concern appeared.⁷⁰⁸

1. Satanism/witchcraft/occult (71 of 116 or 61%),
2. Teaching disrespect for parents or authority (37 or 32%),
3. Violence (14 or 12%),
4. Religious issues (including offensiveness to Christianity specifically-6)-
(13/6 or 11%/5%),
5. New Age (5 or 4.3%),
6. "Evolution taught as fact" (3 or 2.5%) ,
7. Canadian material (3 or 2.5%),
8. Lack of patriotism or anti or unAmerican (8 or 6.9%),
9. Humanism (2 or 1.7%),
10. Nightmarish (3 or 2.5%),

⁷⁰⁷ *Editorial* at 1.

⁷⁰⁸ *Citizen's Request for Reconsideration of Instructional Materials* (on file with the author) [hereinafter *Citrus Valley Citizen's Request*]. This designation refers to any of these documents used in the present study. The date is particularly significant because it predates the Focus on the Family and CEE articles by a number of months.

11. Animals turning into people (2 or 1.7%),⁷⁰⁹ and

12. Lack of phonics-2 or 1.7%).

Other complaints included "sex with animals," "ridiculous nutrition," and "children will suffer existential despair."⁷¹⁰ On the subject of the predominant issue of concern, complainants stated that the illustrations had "several symbols of the occult"; that the series contained "Satanic undertones in a subliminal way," "Satanic idealism," and "astrail [sic] projection"; and that a "story background stem[med] from the Satanic church."⁷¹¹ Alluding to the separation of church and state, one complainant stated, "Witchcraft and devil-worship are, indeed, a part of our society. However, we do not want our children indoctrinated in these religions in school. Just as all Christian symbols have been banned from school, so should activities and symbols of all religions be banned."⁷¹²

⁷⁰⁹ In Reedville, Oregon, a protestor included "animalism" in his objections to the series. "I'm objecting to any story that would ascribe mankind's traits and abilities to animals." People for the American Way, *Attacks on the Freedom to Learn* 93 (1991). Several vendors at the 1995 Oklahoma home schooling conference indicated that stories with talking animals were considered objectionable by some fundamentalist parents.

⁷¹⁰ *Citrus Valley Citizen's Request*.

⁷¹¹ *Id.*

⁷¹² *Id.* Again, the date of this complaint is particularly noteworthy because it predates the filing of the *Brown* and *Fleischfresser* complaints by well over a year. Akin to the plaintiffs' arguments in *Mozert* and *Smith*, this type of argument indicates that the use of the religion clauses by plaintiffs' attorneys is not merely legal strategy, but arises from their clients' perceptions of the issues. The writer's sentiments were repeated by a Redding, California parent who stated, "If (witchcraft) is taught in schools, then I am going to give my kids a Bible and they are going to pray in school. I'm not having that religion taught to my kids if my religion can't be taught." People for the American Way, *Attacks on the Freedom to Learn* 34 (1991).

In response to a question concerning whether the complainant was "aware of the judgment of this material by literary critics and evaluators," one protestor stated, "I have read *Child Abuse in the Classroom* by Phyllis Schlafly" and another made reference to the writings of Dr. James Dobson of Focus in the Family.⁷¹³ The responses to this question indicated a significant degree of hostility. One complainant stated, "I'm aware the evaluators of this series was [sic] either Brainless [sic] or Brain [sic] dead."⁷¹⁴ Another responded, "Yes, I am. Are they aware of the judgment of God?"⁷¹⁵ A number responded to this item by stating that the series had been banned elsewhere and, of these, several specified that the series had been "banned in Canada."⁷¹⁶ One response added "for good reason."⁷¹⁷ Negative descriptive words, such as "trash," "corrupt," "sick," and "demented" are relatively common in these documents. Asked whether they wished the district to (a) excuse the complainant's child, (b) remove the books from the district, and/or (c) reevaluate the series by means of a faculty committee, 99 (85%) indicated they wanted the books removed from the school. A few stated that the books should be burned; some suggested they be sent back to Canada. One complainant stated that the district should "distroy [sic]

⁷¹³ *Citrus Valley Citizen's Request.*

⁷¹⁴ *Id.*

⁷¹⁵ *Id.*

⁷¹⁶ *Id.*

⁷¹⁷ *Id.*

them so no one can be exposed to it's [sic] teachings."⁷¹⁸ Another suggested the district should "feed [them] to the faculty." A third complainant stated, "I WANT THESE BOOKS REMOVED, BANNED, BURNED REFUND ANYTHING BUT IN OUR SCHOOLS FOR MY CHILDREN AND OTHER CHILDREN TO READ."⁷¹⁹ Another simply scrawled, "GET OUT!"⁷²⁰

Overall the Citizen's Requests reveal an extremely high level of anger, but this hostility is not the only emotional response they contain. One complaint expressed a sense of betrayal when the writer acknowledged that *Impressions* had been on display during the selection process and that he/she had not examined the books at that time. For this individual, the issue was trust. Parents had trusted teachers and administrators to select the best materials possible for the students. There is also a certain poignancy attached to the fact that a considerable amount of effort went into reading the materials and filling out the forms although the fact that some of the forms are virtually identical (and not all of these were married couples filling out two separate forms) indicates that not all complainants gave the series an objective evaluation.

In Jamestown, New York, fourteen parents formed a local organization and gathered 525 signatures on petitions calling for the discontinuation of a pilot program to evaluate the series. Like protestors in other districts across the country, one parent considered the use of the series to be a constitutional violation because the schools

⁷¹⁸ *Id.*

⁷¹⁹ *Id.*

⁷²⁰ *Id.*

were engaged in the "teaching of polydeism."⁷²¹ Citing *Everson* by name, the parent argued that "the many occultic messages that contain ritual and symbols used in Wicca, a witchcraft religion, Satanism, and Santeria, all of which when taught, promoted and practiced in a state-regulated public school is unconstitutional and a direct violation of the No-establishment [sic] clause of the First Amendment of the Constitution of the United States."⁷²² An unusual objection, but one reminiscent of the Christian Right literature previously discussed, is contained in a second letter received by the district. A parent cited 2 *Corinthians* 11:14 to entreat the school district personnel to "remember that the prince of this (satan) is so sly, so crafty, that he masquerades as an angel of light."⁷²³ The protestor stated, "I believe that he (satan) has worked himself into this curriculum as he attempts to delude, defraud and defeat God's power, people and purpose."⁷²⁴ Moving on to the more typical content objections to the series, the same writer objected to a Native American folktale on the grounds that "[t]ragically not only is the child not being exposed to the truth of the Bible, but they [sic] are actually being 'programmed' into believing false gods exist."⁷²⁵

⁷²¹ Letter from author unknown to Southwestern Central School District (Nov. 5, 1990) (on file with the author).

⁷²² *Id.*

⁷²³ Letter from author unknown to Southwestern Central School District (n.d.) (on file with the author).

⁷²⁴ *Id.*

⁷²⁵ *Id.* at 4.

Turning to an activity in which the students would pretend to be goblins, the writer finds that

Undoubtably [sic], *IMPRESSIONS* is promoting the idea that as Goblins (evil spirits) they have power to change or alter the rainbow. Let us remember that the rainbow was a sign of the covenant God gave to Noah and all mankind to know that man is responsible to suppress the outbreak of sin and violence. Advocating as evil spirits that they (the children) can change, steal or do away with this covenant by God is to promote violence and sin, and that they are equal to God. After the children are told that they as evil spirits have the power to alter the rainbow (God's sign of mercy), they are now actually instructed how to do it.⁷²⁶

The activity which the letter writer describes as "THE VERBAL SEMANTICS OF SORCERY BEING TAUGHT . . ." gives the child the idea that through a ceremonial chant offered as goblins (evil spirits) they have power over nature and even God himself!!!⁷²⁷ Quoting from *Deuteronomy* 18:10-12 and *Ezekiel* 13:6, 7, the writer objects to the use of "invented magic words" and "the development and the casting of spells."⁷²⁸ Finally, the letter reminds readers that, according to *Leviticus* 20:27, the punishment for casting spells is death. The sentiments expressed by this letter are eerily similar to those prevalent during one of the darker episodes in American history, the Salem witchcraft trials.

After summarizing data presented in this section, the present study will consider why the occult and witchcraft became an issue of concern to the Christian Right and many of the individuals who challenged *Impressions*. Part of this analysis examines

⁷²⁶ *Id.* at 5.

⁷²⁷ *Id.*

⁷²⁸ *Id.* at 6.

the similarities between historical episodes manifesting the fears expressed by *Impressions* challengers and contemporary social pressures, especially those affecting conservative Protestants in the late twentieth century. It is hoped that this discussion will explain, at least in part, why fears related to the occult generally and *Impressions* specifically resonated so strongly with some members of contemporary American society.

d. Summary

Looking at the objections to *Impressions* in these communities, the series' alleged occult content is the dominant theme. In the two districts, Oak Harbor, Washington and Citrus Valley, which supplied the greatest amount of primary material, i.e. citizen's requests for reconsideration and written complaints, 91.7 percent and 61 percent, respectively, of the complaints centered around witchcraft, Satanism, Wiccan religion, etc. This compares with the fact that this issue was a reason for challenges to the series in 86 percent of all disputes. Challengers in these two districts, like challengers in the disputes reported by the ALA and PFAW and the legal complaints in *Brown* and *Fleischfresser*, also expressed a wide variety of other concerns, e.g., violent and/or frightening selections, encouragement of disrespect, and dark, depressing or morbid themes. As in the *Impressions* disputes generally, the individual protesters primarily sought removal of the series, sometimes in vehement language, rather than permission for their children to be excused. The calls for removal of the series reflect a belief that *Impressions* was an example of materials or activities that were dangerous to children and ultimately to society rather than merely offending the complainant on

religious grounds. Certainly, the argument that the series was a danger to children and to society was a theme of the articles written about the series by Christian Right elites, particularly Robert Simonds of CEE.

D. Summary and Conclusions

1. Introduction

A positive relationship exists between challenges on the grounds of occult content generally and the challenges to *Impressions* specifically. It cannot be determined whether the increase in the general category of occult-based challenges encouraged the *Impressions* controversies or whether the *Impressions* challenges caused the number of general occult-based challenges to rise. What is most likely is that the relationship was reciprocal.

In contrast to evolution and the denigration of religion as categories of challenges, both challenges based on objections to secular humanism and occult content show a distinct pattern of rising and falling-secular humanism in the 1980s and occult content in the early 1990s. Figure A.18 shows these patterns when the ALA and PFAW figures are averaged for each year and the resulting percentages for challenges brought on these grounds are displayed graphically. The *Impressions* controversies were both an anomaly and part of a pattern. They were distinctive because they displayed a relatively abrupt appearance and even more sudden cessation. In addition, they are an anomaly because they were challenges to a specific textbook series that took place in a large number of widely dispersed communities. Adler

observed a geographic clustering of challenges to *Impressions* in California and an increased likelihood of challenges to other materials in California communities that had experienced *Impressions* challenges. The present study contends that there was also an "echo effect" regarding *Impressions* challenges themselves. The very occurrence of the challenges caused other challenges to the series to occur even where there was considerable distance between the communities. Thus, the *Impressions* challenges stand by themselves as a particular example of explicitly religious challenges to public school materials, curricula and instructional activities.

At the same time, the *Impressions* challenges were part of a larger pattern reflecting a growing involvement by the Christian Right with public education generally and with curricula and materials specifically. The controversies over the series ended after 1992 even as the other categories of explicitly religious challenges diminished significantly in the middle 1990s. In addition, the question of occult content had surfaced in *Mozert* and its underlying controversy. In some respects, the *Impressions* controversies, ironically also over a Holt, Rinehart and Winston reading series, represent a mutated continuation of the Hawkins County dispute and legal arguments of *Mozert*. This is not surprising given that the *Impressions* challenges and other explicitly religious challenges reflect the concerns and fears expressed in Christian Right books and widely distributed newsletters. Both *Mozert* and the *Impressions* challenges are exemplars of issues important to elites and members of the Christian Right movement.

What the previous discussion has demonstrated is that in a great many instances challengers of public school materials, curricula, and instructional activities either directly or indirectly echo the arguments and rhetoric of Christian Right literature. Aside from the specific content-based issues present in both Christian Right literature and the statements of challengers, the tendency of the challengers to articulate arguments based on perceptions that Christianity has been removed from public education and that the inclusion of other "religions" violates the separation of church and state suggests that Christian Right literature is influential in shaping the nature of disputes over public school materials and activities.

The present study has been driven by two research questions. First, starting from a preliminary assumption that the *Impressions* challenges were largely an undertaking of the Christian Right, whether they are consistent with other Christian Right challenges brought on religious grounds.⁷²⁹ Second, how did the *Impressions* challenges fit with issues of concern expressed in Christian Right literature. A secondary inquiry regarding the nature of the relationship between the *Impressions* challenges and other explicitly religious challenges would result from a finding that there was a "fit" between the former and the latter. Answering the second question and comparing Christian Right involvement in challenges during the years the

⁷²⁹ This assumption reflected observations based on prior research and scholarly literature regarding challenges to public school materials, curricula, and instructional activities. The present study has not revealed information that would contradict this assumption although it should be emphasized that "largely" does not mean "exclusively."

Impressions challenges were occurring tended to confirm the preliminary assumption regarding Christian Right's involvement with challenges to the series.

2. Fit with Other Challenges

a. Introduction

That there have been other Christian Right challenges to public school curricula, materials and instructional activities is readily apparent from even the most cursory examination of education, library science, and/or legal literature. The fact that these challenges have formed a continuum, in the sense of a continuous series of events with a discernable common characteristic, is also clear. Despite statements from both the ALA and PFAW and many scholars to the effect that challenges to school materials and activities by Christian Right groups and individuals had been increasing in recent years, no comprehensive studies could be found that showed *how* they were increasing, i.e., whether any long term pattern(s) would emerge from the challenge data. Thus, there simply was no initial context to determine if the *Impressions* challenges fit into this continuum. Conclusory statements from the organizations themselves were considered unsatisfactory not only because of the advocacy nature of the organizations but also because the organizations did not analyze their own data comprehensively. In addition, each organization bases its statements on its own data which includes accounts of incidents which do not reflect the focus of the present study. The ALA reports challenges to both public library and school materials. PFAW includes many incidents that are not properly challenges at all, but rather

attempts to influence instruction through the exercise of the democratic process. The inclusion of such incidents appears to have been increasing in more recent reports published by the organization. Even in earlier reports some data clearly falls outside the parameters of the present study, e.g. accounts of the burning of popular music recordings in some communities. Surveys conducted by academics were restricted to individual states which had (Adler) or did not have (Scheuerer and McCarthy and Langdon) *Impressions* challenges. Moreover, each survey covered different, although sometimes overlapping, periods. Thus, to establish whether a pattern of explicitly religious challenges to *Impressions* and non*Impressions* materials required extensive original analysis of the ALA and PFAW data.

Information from the advocacy organizations is inherently suspect and has been used to inform the present study with great reluctance. These organizations are, by their very nature, not unbiased reporters. Although it can be argued that all research products reflect, consciously or unconsciously, the values and perspectives of the individuals or groups who produce them, the problem of bias is greater when dealing with organizations that have a particular agenda. In addition, the two organizations have different purposes. PFAW is a political organization. The ALA is a professional organization although that in itself does not preclude the possibility that it also has a particular political orientation. For this reason the ALA reports might be considered more objective; however, the ALA reports fewer incidents and in less detail than does the PFAW. There were two ways to deal with the problem of bias. First, their data was compared with that generated by scholars conducting surveys. Second, the data

from their annual reports was not used to support the proposition that Christian Right activity was increasing per se, but to focus more narrowly on whether the report data showed a pattern in the occurrence of such challenges.

b. ALA and PFAW Reports Compared with Survey Data

Because of the nature of the organizations, one might expect that both the ALA and PFAW would overreport certain kinds of challenges compared to the surveys undertaken by scholars and when the figures given in the surveys are compared with national data for the same years that expectation is borne out. It should be noted, however, that the advocacy organizations do not always overreport when their percentages are compared to those generated by the surveys. This tendency to overreport may be attributed to the sources from which the organizations gather their information. Both rely on newspaper reports, and most likely from major newspapers as opposed to those serving a relatively small geographic area or small community. It is also reasonable to suppose that a censorship incident or dispute over library or curricular materials must have some distinguishing feature in order to be covered by a major newspaper. A dispute involving objections to the frequently challenged *Of Mice and Men* by John Steinbeck, *Catcher in the Rye* by J.D. Salinger, *I Know Why the Caged Bird Sings* by Maya Angelou, or *Go Ask Alice* (anonymous) on the usual grounds of inappropriateness or profanity is less likely to receive media attention than one involving either a novel objection, widespread community involvement with or without a certain level of acrimony, and/or litigation. PFAW also uses reports of incidents sent in by individuals. And again, it can be argued that self-reported data is

inherently unreliable at least in part because individuals are more likely to make the effort to send accounts of unusual incidents to the organizations. Thus, the sources of information for both organizations, as well as their subjective biases, would affect the content of their reports.

Not unexpectedly, PFAW tends to overreport more frequently than the ALA. Both organizations report challenges from the "left," e.g., objections to *The Adventures of Huckleberry Finn* on the grounds of racism, as well as from the "right." However, the mission of PFAW is more focused on challenges from the right because the organization was formed in "response to the sudden emergence of a vocal, focused and organized Far Right and Religious Right effort to remove a range of teaching materials from the nation's schools."⁷³⁰

c. The Emergence of Patterns in ALA and PFAW Data

Having established that the data drawn from the advocacy organizations although not always unreliable as an indicator of the grounds upon which challenges are actually brought must be approached with caution, the question of whether the advocacy organization reports are consistent with each other and display discernable patterns can now be addressed. The following section begins with explicitly religious challenges excluding those brought on the grounds of occult content, before turning to challenges alleging occult content. The section concludes with an examination of how the *Impressions* challenges fit or do not fit into the category of challenges on grounds of occult content.

⁷³⁰ People for the American Way, *Attacks on the Freedom to Learn 2* (1990).

(1) Explicitly Religious Challenges Other than Those Based on Occult Content

(a) Evolution

As previously discussed, the inclusion of evolution and its corollary the exclusion of creation science from the public school curricula has long been a source of concern for fundamentalists. This is not surprising if a person's faith is predicated on the belief that the Edenic fall reflects the innate depravity of humanity and, thus, makes central the absolute necessity for Christ's redemptive sacrifice. In the eyes of some Christians, without the fall God would have had no reason to send His son to redeem humankind. Given the linchpin status of the Genesis account of the origins of the human race, it might be surprising to find that very few challenges are actually brought on the grounds that school materials or instructional activities teach evolution or fail to include an account more consistent with Genesis (Table 3; Figure A.1). Both the ALA and PFAW data indicate the relatively low numbers of challenges brought against school materials or activities on the grounds of evolution. Two factors may account for the extremely low number of such challenges. First, evolution is only one part of one curricular area--science. Second, controversies over evolution may "play out" in other contexts and other arenas, e.g., state legislatures and the courts.

Considering only the fluctuations in the percentage of "evolution challenges," no clear pattern emerges (Figure A.2). With the exception of PFAW data for 1988, these challenges tend to hover under the five percent mark and rise and fall seemingly at random. The only observation that can be made is that challenges brought on these

grounds appear to be fading away and in some recent years no challenges at all have been reported by the organizations.

(b) Secular Humanism

The decrease in or, in some cases, complete absence of reported challenges on the grounds of evolution is also a characteristic of challenges brought on the grounds of secular humanism (Table 4; Figure A.3). However, in contrast to evolution-based challenges, secular humanism-based challenges do show a readily discernable pattern and one which was not entirely unexpected. Both sets of reports show that the bulk of the secular humanism challenges occurred before 1990 and then, like the evolution challenges, diminishing in the 1990s to none or virtually none. Because the ALA data was affected by the inclusion of many of the titles challenged as part of the *Smith* and *Mozert* cases, the PFAW data is a more reliable indicator of secular humanism challenges. It held fairly steady through the 1980s, with a slight peak in 1985, declining only in 1990. After 1990 the percentage of such challenges reported by PFAW fell to extremely low levels and has never again risen to the levels reported in the 1980s. The same observation can be made about the ALA data, however inaccurate it was during the *Smith* and *Mozert* years. The pattern displayed by data for challenges on the grounds of secular humanism indicates the need for some explanation, however speculative.

The present study would argue that secular humanism was a highly unsatisfactory construct, at least as a motivation for individuals or groups to challenge school materials and activities. It was and is too vague and amorphous a concept. Simply

put, it was "all which is not us," i.e., an ill-defined category of everything not grounded in traditional religion and more specifically traditional Protestantism. Moreover, despite strenuous efforts to cast secular humanism as a religion neither the courts nor individual protestors could really accept the absence of religion, i.e., nonreligion, as a religion. In some respects, the difficulty both challengers and the courts encountered with the concept of secular humanism as a religion were similar: the absence of the indicia of religion. While an individual group of humanists might qualify for tax-exempt status and share some characteristics with organized religions and churches (perhaps a building, regular meeting times, and a cohesive philosophy regarding questions of ultimate concern) the movement as a whole lacks the manifestations of a religion. To individuals for whom faith and worship are highly significant, if not self-defining, secular humanism does not seem like a recognizable religion because it lacks a sacred text (despite attempts to identify the Humanist Manifestos I and II as such), persons who can readily be seen as leaders (despite attempts to cast John Dewey and others as the movement's "clergy"), places of worship (or at least a consistent gathering of adherents), or ritual. If religion is a shared set of responses to ultimate questions, then secular humanism has so little in common with orthodox Protestantism that the efforts of Christian Right elites to motivate individuals to act on the putative dangers it poses to Christendom and to America were neither successful nor lasting. Hence, the significant decrease in challenges brought on the grounds of secular humanist content reflects a long term failure to convince movement adherents to challenge materials on these grounds.

(c) Denigration of Religion

In contrast, challenges based on objections to materials on the grounds that they denigrate religion display somewhat greater staying power. While the percentage of challenges brought on these grounds is similar to those brought on the grounds of secular humanism during the 1980s (Figure A.4.), they do not exhibit the same degree of decline during the 1990s. Moreover, the ALA and PFAW data tend to track each other, albeit imperfectly, a phenomenon that was noticeably absent from the two previously discussed categories. Both peak in 1987 and peak again in 1992 although at a lower level. The explanation for the 1987 peak may lie in the *Mozert* and *Smith* litigation. Assuming, arguendo, that Christian Right literature has some effect on its readers, its coverage of these highly publicized challenges to public school textbooks may have alerted or heightened awareness in Christian Right adherents to the possible dangers in school curricula, programs, and materials. The 1992 peak may have reflected frustration over the lack of success with the *Impressions* challenges. By and large school districts did not remove *Impressions* as a result of the controversies over the series and this fact may have increased fundamentalists' perceptions that their concerns were not being listened to. Even where school districts listened to the concerns of *Impressions* protestors, the message could be construed as "we have

listened, but we are not persuaded and will not act in accordance with your wishes however sincerely felt."

(d) Combined Trends of Explicitly Religious Challenges

Looking solely at the ALA data related to these three issues of concern-- evolution, secular humanism, and denigration of religion (Figure A.5.)--the most significant feature is the peak of both secular humanism and denigration of religion challenges in 1987, their simultaneous decline from that year to 1989, a slight rise around 1990 (shared with evolution), and, with the exception of a peak in denigration of religion, their simultaneous decline through the 1990s. PFAW data for the same categories shows a slightly looser pattern, in that a peak in secular humanism challenges in 1985 is not mirrored by a similar increase in denigration of religion challenges. Secular humanism challenges tend to remain relatively high during the 1980s, but both categories tend to gradually decrease until 1990. At that point secular humanism declines still further while denigration of religion challenges rise from 1990 to a peak in 1992.

Combining all three categories yields a picture of how explicitly religious challenges other than those based on objections to occult content behaved from 1982 to 1996 (Figure A.7). Here, the tendency of the data to rise and fall in tandem is more apparent. Both rise from 1983 to 1985, although the PFAW increase is considerably more gradual (probably the effect of the disproportionate inclusion of *Mozert* and *Smith* titles in the ALA's reports) and both peak in 1987. From 1987 to 1990-1991 both decline, peaking again around 1991-1992, declining thereafter, and

remaining relatively constant from 1994 to 1996. Figures A.8 and A.9 show the percentages for each organization compared with their respective means for explicitly religious challenges. Both figures dramatically illustrate the 1987 peak in the ALA figures, the double hump, 1985 and 1987, in the PFAW data, and the relative decline of these sorts of challenges since the 1980s. The following section will address the question of challenges based on occult content.

(2) Challenges Based on Occult Content

A significantly greater degree of congruence exists between the data of the two organizations regarding challenges based on occult content (Figure A.10). In only two of the 14 years, 1985 and 1988, does the report data from the ALA conflict with that of PFAW. In these two years the ALA-reported incidents decline while PFAW's data shows an increase. Moreover, from 1991 to 1996 both lines are almost parallel to each other. One possible explanation for this congruence is that the degree of overlap in incidents reported by the two organizations was higher for this group of challenges than for the categories previously discussed. For both organizations the bulk of occult challenges cluster around the early 1990s, peaking in 1991 which was also the year that the *Impressions* challenges peaked.

Figures A.11 and A.12 show the percentage of challenges based on occult content relative to a projected line of such challenges (based on data from 1982-1983 to 1986-1987) and relative to the mean percent (12.8% for the ALA and 15.6% for PFAW) of these challenges. From 1987 through 1993, with the exception of 1988, ALA percentages of such challenges were higher, and in some years substantially

higher, than both the projected percentage and the ALA mean. For the same period, 1987 through 1993, PFAW percentages are also above, and sometimes substantially above, both the projected increase in incidents and the PFAW mean. Figure A.13 shows that the *Impressions* challenges mirrored this pattern. The following discussion first examines the *Impressions* challenges as a group and then the interrelationship between the *Impressions* challenges, the total numbers of challenges based on occult content (relative to the total number of challenges), and the subcategory of non*Impressions* challenges brought on the grounds of occult content before turning to the question of why the *Impressions* series became an issue of concern.

An examination of the data presented in Figure A.15 shows that the percentage of *Impressions* challenges relative to the total reported challenges is consistent for both organizations probably because there was a greater degree of overlap in reporting the *Impressions* challenges than in the previously discussed categories. Figure A.16 shows that the frequency of the *Impressions* challenges mirrors the frequency of all other challenges brought on the grounds of occult content. The *Impressions* challenges were a fairly discrete phenomenon with no challenges, even preadoption challenges, in 1985-1986 (of course, the most likely explanation is that the series was not being used or being considered for adoption before that time) and no reported challenges after 1993.⁷³¹ Indeed, the *Impressions* challenges appear to have ended relatively abruptly.

⁷³¹ The *Brown* and *Fleischfresser* appeals were not included by either organization in its 1993-1994 report.

The data presented in Tables 14 and 15 and Figures A.16 and A.17 shows that the non*Impressions* challenges tended to track, albeit the congruence is less than perfect, the *Impressions* challenges with the corollary that the total percent of challenges brought on the grounds of occult content reflect the increases and decreases in challenges to the series itself. Alternatively, this finding could be expressed as the converse, the *Impressions* challenges tended to track the non*Impressions* challenges. However, it is important to note that occult challenges as a group rose sharply in 1987 before the *Impressions* controversies could have had any effect and non*Impressions* challenges showed slight changes from 1992 and 1993 just as reported *Impressions* challenges were sharply decreasing (for the ALA a change in the rate of decrease and for PFAW a slight increase). Obviously the two sets of challenges were linked. Understanding the nature of the connection between the them requires an exploration of the possible causes of both the *Impressions* challenges and non*Impressions* challenges brought on similar grounds. This exploration can be carried out on two levels: what concrete events may have influenced individuals to bring such challenges and what factors underlay the rise in concern over *Impressions* specifically and the occult generally, as expressed in the bringing of challenges to public school materials, curricula, and instructional activities.

3. Events and Factors Which May Have Contributed to Challenges

(a) The Influence of Christian Right Literature

The following section examines events factors which may have contributed to the bringing of challenges based on occult content, of which the *Impressions* disputes are a subcategory. First, the publication of books, newsletter articles and other materials by Christian Right authors and organizations undoubtedly focused the attention of members of the Christian Right on the issue of occult content in general and *Impressions* in particular. For example, the publication of books such as those written by Marrs (1989), Michaelsen (1989), and Kjos (1990) described in fairly strong language the danger posed by the occult to children. The publication of anti-*Impressions* articles in Christian Right newsletters and the distribution of anti-*Impressions* materials by those same organizations must be regarded as a contributing factor, at least to the incidence of the *Impressions* challenges themselves. For example, three articles published in 1990 and three in the first half of 1991 coincided with the highwater mark of the challenges to the series, 1990-1991. In addition, these years saw the publication and distribution of three CEE special reports arguing that occult materials and activities in schools posed a spiritual danger to Christian children and to American society. It is clear that protestors used the articles and materials published and distributed by these organizations.

(b) Support for *Impressions* Challenges and Litigation

Second, Christian Right organizations became actively involved in the controversies themselves, and more often in support of challenges to *Impressions* than

in support of other challenges to school materials or instructional activities. In two instances, this assistance took the form of legal representation: in Willard, Ohio and Woodland, California (*Brown*). The Willard suit was dropped shortly before the *Brown* complaint was filed. The attorneys in both *Brown* and *Fleischfresser* made similar arguments, that the series "established" an occult religion and these arguments reflected not only ideas expressed in Christian Right literature but also the disinclination of the courts to accept secular humanism as a religion that could be "established" in schools via curricula, materials and instructional activities. If the campaign against *Impressions* rises to anything that might even remotely be termed a concerted set of actions, it is in the strategies of the plaintiffs' attorneys. It seems evident that they closely read the Sixth Circuit in *Mozen* and found the open door in the court's statement that the Holt readers did not require the students to chant, cast pretend spells or engage in haggling. *Impressions* included suggestions for enrichment activities that would have had students performing those very actions, but the combining an Establishment Clause challenge (*Smith*) with the clear implication of the *Mozen* court's findings could not be considered either grasping at straws or any sort of conspiracy. It was merely good lawyering and due diligence on the part of the plaintiffs' attorneys. It must have seemed particularly galling to both plaintiffs and their attorneys "occult religions" enjoy some of the benefits of being recognized as religions, chiefly tax-exempt status and status as a religion under the Free Exercise Clause, but not the Establishment Clause strictures that appear to apply to Christianity.

Reflecting the consistency between protestors, attorneys, and Christian Right literature, variations of this line of thinking appear in statements to be found in all three sources.

c. The *Impressions* Challenges as Reflective of Disparate World Views

(1) Introduction

A final contributing factor to the spread of the challenges to the series may be the volatility of the disputes and consequent media coverage. Adler saw clear evidence of an echo effect in California and the New York challenges also clustered around a small geographic area. Apple and Oliver argue that in Citrus Valley the polarization was a result of the failure of school personnel to take the protestors seriously and this theory has been advanced in studies of the *Mozert* dispute.⁷³² The failure of school people to appreciate how seriously protestors regard occult materials and activities in public schools illustrates the disparity between a view of reality that is primarily, if not wholly, empirical and one that is, at least in part, nonempirical.⁷³³ This inability to appreciate the quality of the protestors nonempirical reasons for finding the series objectionable contributed to acrimonious nature of the disputes. The

⁷³² Michael W. Apple & Anita Oliver, *Cultural Politics and Education* 42-67 (1996); DeFattore at 16, 17; Bates at 74, 87, 88; R. Andrew Lugg, *Evil in Our Schools: A Legal Analysis of *Mozert v. Hawkins** 70 (forthcoming August 1997) (unpublished Ph.D. dissertation, The Pennsylvania State University).

⁷³³ For the purposes of the following discussion it is necessary to distinguish between objections based on occult content in which the protestor is acting from fear that his/her child might become receptive to Satanic cults as groups that engage in anti-social and sometimes criminal activities and those who object because of theologically based beliefs.

majority of school people, regardless of their own religious beliefs, are operating in a rational as opposed to a nonrational environment in the course of their employment. For individuals who regard the occult and Satan's presence in the world as a major issue of concern, nonempirical truths are extremely important and cannot be separated from the nature of reality. For such persons the supernatural operates in all aspects of life, both personal and societal. Ultimately, their concern over Satan's influence in the public schools reflects a fear of the occult as a manifestation of malevolent supernatural forces. There is also the issue of the disparity between how the larger society, including school people, perceives these so-called occult religions. The broader society is likely to regard these so-called "occult religions" as fairly insignificant at least in terms of number of adherents. Levack finds that while the number of witches has increased dramatically since the Second World War the actual number of practicing witches is estimated to be 200,000 in the United States, but to fundamentalists these practitioners are only an infinitesimally small manifestation of Satan's influence in contemporary culture.⁷³⁴ A fuller understanding of the fears generated in some groups and individuals by the presence of "occult religions" requires a closer examination of the historical roots and the parallels between historical and contemporary manifestations of such fears.

The objections raised against *Impressions*, and other school materials and activities as promoting the occult were not "manufactured," except possibly to the

⁷³⁴ Brian P. Levack, *The Witch-Hunt in Early Modern Europe* 254 (2d ed. 1995). This figure would put the number of practicing witches in the United States at fewer than one in a thousand.

extent that Christian Right elites found the series offensive and made a conscious decision to alert their readers to the dangers it posed. For both Christian Right elites and nonelites fear of the occult is an expression of a theologically-based world view that, until the modern period, was held by virtually all members of Western society. To understand the nature of these beliefs and the impetus that lies behind contemporary activism based on fear of the occult, it is helpful to examine the similarities between the contemporary and historical manifestations of this fear. The contemporary manifestations of fear of the occult include both Christian Right literature on the subject and the *Impressions* challenges. The historical manifestations are most vividly demonstrated in the persecution of witches in Western society.

Like other episodes when fear of the occult led to direct action, the *Impressions* challenges, taken as whole, had definite beginning and ending points. Setting aside the obvious irony that the anti-*Impressions* campaign occurred almost exactly 300 years after the Salem witchcraft trials, there are a number of similarities between what scholars have identified as factors that contributed to episodes of witchcraft persecution and their pale modern counterpart, the *Impressions* challenges.

(2) Fear of the Occult: A Motivating Factor with Historical Parallels

From its inception Christianity has been an embattled religion both temporally and, in the eyes of its adherents, spiritually. The genesis of the belief that Satan was the archenemy of Christianity lies in the Gospels of the New Testament. Assuming as true the view that the Gospels were written by the early church fathers to evangelize both the Jews and Romans, the first four books of the New Testament demonstrate

how the concept of Satan evolved from an impediment to God's will to a malevolent entity.⁷³⁵ Even after the triumph of Christianity, the religion continued to view itself as a besieged faith. The existence of other faiths, whether within the same society as in Spain of the Inquisition or the pogroms of Central Europe and Russia or externally, e.g., the Crusades, was often perceived as threat to the very existence of Christ's kingdom. Historically, Christianity is not a faith that finds coexistence with other faiths or nonfaith a comfortable proposition.

At certain times during its history, Christianity has dealt with dissidents with particular savagery. Those who were perceived as being under occult influence were treated as deviant and persecuted harshly. The great witch hunts of the early modern period were the result of a number of factors and scholars disagree on which factors had the greatest influence. Recent studies have introduced the theory that fear of the occult and its corollary persecution of witches was a particularly virulent form of misogyny.⁷³⁶ Other scholars have stressed the replacement of the accusatorial with the inquisitorial judicial system and the use and abuse of torture (justified by the nature of danger posed by Satan's forces) as necessary factors in the rise of witchcraft persecution. The psycho-pathology of the accusers and the acceptance of supernatural causes for events such as neonatal and maternal deaths; human and animal disease;

⁷³⁵ See generally Elaine Pagels, *The Origin of Satan* (1995). In the Old Testament the term "Satan" is used as common noun and refers to that which obstructs God's will. See also Joseph Klaits, *Servants of Satan: The Age of the Witch Hunts* 22, 23 (1985); Levack at 30.

⁷³⁶ See generally Carol F. Karlson, *The Devil in the Shape of a Woman: Witchcraft in Colonial New England* (1987).

and crop failures have also been identified as factors that contributed to the great witch hunts of the early modern period, but certain factors seem to have uncanny parallels with contemporary society and especially with the fundamentalist perceptions of modern culture.

One such factor relates to the absence of *maleficia* as an aspect of the occult in Christian Right literature and in the statements of challengers of school materials and activities. *Maleficia* is the belief that witches engage in activities that harm their neighbors, typically their accusers, in short "ill-wishing." During the late medieval and early modern periods *maleficia* as a grounds for fear and persecution of witches fused with diabolism (witches as agents of Satan) and heresy (witches as rebels against God's church).⁷³⁷ The secular rather than ecclesiastical prosecution of witchcraft was facilitated by the emphasis given diabolism by the educated classes: the lawyers, judges and intellectuals of the period. Likewise today, the perception that Satan is working through human agents is not espoused by uneducated or illiterate people. In contemporary Christian Right literature and the statements of challengers, the element of *maleficia* is completely absent. The rhetoric of both authors and challengers is built exclusively around the occult as evidence of the danger Satan poses to Christianity.

Many of the parallels between the historical episodes of witch persecution/prosecution and contemporary fundamentalist/Christian Right fear of the occult center around socio-religious factors. These interrelated factors include

⁷³⁷ Levack at 27-67; Klaitz at 32, 38, 40.

heightened religiosity, religious conflict and religious reform. Periods when spiritual fervor were especially evident correlated with periods in which witchcraft prosecution. The kinds of ecstatic religious experience associated with incidents involving demonic possession have been associated with the American revival known as the Great Awakenings and indeed Boyer and Nissenbaum draw a parallel between the experience of the accusers in Salem and the Great Awakening of the 1730s and 1740s.⁷³⁸ Similarly, the resurgence of the Christian Right in contemporary America has been also been compared with the Great Awakening.⁷³⁹ Levack also identifies the "public discussion of witchcraft" as producing "an atmosphere that heightened the fear of witchcraft and encouraged people to take action against it."⁷⁴⁰ In the early modern period communal anxiety regarding witchcraft was intensified by sermons and by the dissemination of books and treatises on the subject.⁷⁴¹ Within the contemporary Christian Right movement books, newsletters, and television and radio broadcasts appear to serve the same purpose and have the same effect.

One cause of heightened religiosity is religious conflict. Because "witch hunting was most severe in countries or regions where either large religious minorities lived within the boundaries of a state" or where two dissimilar groups shared a common boundary, Levack postulated a causal connection between religious conflict and

⁷³⁸ Boyer & Nissenbaum at 215.

⁷³⁹ Fowler & Hertzke at 23.

⁷⁴⁰ Levack at 163.

⁷⁴¹ Levack at 53-59; Boyer & Nissebaum at 168-178; Klaitz at 45, 46.

intense witch fear and persecution. According to Levack, "witch-hunting was more widespread and more intense in areas that were religiously divided" because religious heterogeneity made communities "more fearful of religious and moral subversion, more aware of the presence of Satan in the world" ⁷⁴² Both Catholic and Protestant reformers "were militants who saw the world as the scene of cosmic conflict between the forces of good and evil [and] were inclined to detect evidence of deviant practices everywhere." ⁷⁴³ "Rival groups regularly cast their enemies as representatives of the Devil [and] viewed themselves as fighters on the side of God [in] the war against heresy." ⁷⁴⁴ It is not chance that early witch persecution in colonial New England linked the practice of witchcraft with apostasy. Whether contemporary America is more religiously heterogeneous or not, there exists a perception, certainly on the part of the Christian Right, that the existence and recognition of nonChristian (frequently defined to include mainline Protestants and Catholics, i.e., those who do not ascribe to evangelical or fundamentalist Protestantism) threatens the existence of "true" Christianity. Klait's statements that earlier religious reformers saw themselves as "fighters" in a cosmic conflict between good and evil could have been written to describe the articulated views of many, if not virtually all, leaders of the contemporary Christian Right movement. Like the religious reformers of sixteenth and seventeenth centuries elites and members of the contemporary Christian Right movement see

⁷⁴² Levack at 114, 116, 119

⁷⁴³ Klait's at 60.

⁷⁴⁴ *Id.* at 61.

themselves as engaged in a "many-sided war [against] popular culture."⁷⁴⁵

While witch persecution was carried on both Catholic and Protestant areas, Protestantism by its nature was particularly vulnerable to episodes of witch hysteria.⁷⁴⁶ For Levack, both Biblical literalism ("Thou shalt not suffer a witch to live") and the elimination in Protestant areas of Catholic rites which could alleviate demonic possession short of full-scale prosecution contributed to the increase witch hysteria.⁷⁴⁷ However, the very nature of the Protestantism of Calvin and Knox made it susceptible to intense fear of witchcraft and the occult. Aside from the sexual repression and misogyny that precipitated many witch hunts, the Calvinistic emphasis on personal responsibility for sin and the strength of its zeal to reform and control society for the glory of God made tolerance of deviance and religious dissent impossible in many Protestant communities. For adherents of the Christian Right movement whose vision of the relationship of faith and morality is comprehensive, tolerance of both social deviance and religious dissent is problematic. It is the dilemma of an intolerant group, or at least one for whom tolerance is of lesser value than loyalty to faith, in a pluralistic society that values tolerance more highly. To the *Fleischfresser* court the teaching of "tolerance of divergent political and religious views" is an important function of public education.⁷⁴⁸

⁷⁴⁵ *Id.* at 85.

⁷⁴⁶ *Id.* at 56.

⁷⁴⁷ *Exodus* 22:18 (King James).

⁷⁴⁸ *Fleischfresser* at 690 quoting *Bethel Sch. Dist. v. Fraser*, 106 S.Ct. 3159, 3163 (1986).

In explaining the demise of witchcraft persecution, scholars consistently identify the impact of the scientific revolution as one, if not the prime, cause of the end of these violent convulsions. When both the learned classes and peasants accepted the possibility of alternate explanations for harmful events, the tendency to assign supernatural causes diminished. Even though science might not be able to explain the cause of all harmful events, the cause(s) were perceived to be natural rather than supernatural. Despite a whole-hearted embrace of technology, fundamentalists have a more ambiguous attitude toward science than the larger society. For fundamentalists the supernatural, whether a benevolent or malevolent force, is seen as operating in wider areas of human life. This is not to say that fundamentalists and members of the Christian Right subscribe to the belief in *maleficia*, however, they are not only more likely to ascribe harmful events to demonic agency but also to perceive Satan as a active force in contemporary American society.

Scholars of witchcraft persecution argue that their work has relevance for today because it assists in understanding the nature of human intolerance and to support this contention they point to recent and contemporary expressions of intolerance toward nonconformity such as racism and the persecution of ethnic minorities. Levack comes the closest to subject of the present study when he recounts incidents in which individuals have been attacked because their attackers sincerely believed their victims were agents of the devil.⁷⁴⁹ However, Levack points out that these vigilante actions did not involve the use of the legal system. The scholars fail to note the connection

⁷⁴⁹ Levack at 252.

between the resurgence of the Christian Right with its "commitment of God-fearing Christians to purify the world" and nonviolent action, including resort to the courts, to counteract Satan's presence in contemporary society.⁷⁵⁰ If scholars of the historical fear of witchcraft and the occult can miss the possibility that the resurgence of the Christian Right might galvanize believers to take action against malevolent supernatural forces in the American society, then can school people be blamed for reacting with incredulity when confronted with protestors who subscribe to a belief system which not only lies so far from an empirical world view but which also conjures up the dark images of *The Crucible* and lurid visions of the stake?

⁷⁵⁰ *Id.* at 247.

V. The *Impressions* Controversies As a Religio-Political Issue of Concern

A. Findings

1. The *Impressions* Challenges Expressed Issues of Concern Articulated in Christian Right Literature

The first research question asked in this study was how do challenges to public school materials, curricula and instructional activities reflect educational issues of concern discussed in Christian Right literature. Specifically, whether and in what ways the *Impressions* challenges fit with themes articulated by Christian Right leaders. The study has shown that Christian Right literature began to address the issue of the occult as a danger to American society prior to a period of significant increases in challenges to materials and curricula on the grounds of occult content. During the late 1980s and early 1990s, Christian Right authors began to publish books that identified school materials and curricula as being injurious to students because of its alleged occult content. The publication of these books occurred virtually simultaneously with the increase in this type of challenge generally and with the *Impressions* challenges specifically. In addition, Christian Right organizations published and/or distributed ephemeral materials, newsletter articles and Llewellyn's essay, on the subject of the danger posed by the series in late 1990 and early 1991. These documents explicitly urged readers to take action against the series. Their publication coincided with both the highest incidence of *Impressions* challenges and with the bringing of challenges outside the Pacific Northwest and California.

2. The *Impressions* Challenges: An Anomaly or Part of Pattern

In the second research question, it was asked whether the *Impressions* challenges were an anomaly or part of a larger pattern of fundamentalist responses to public school materials, curricula and instructional activities? This question focused on whether this discrete group of challenges should be viewed as a departure from and/or a continuation of legal as well as nonlegal challenges to public school materials and instructional activities. The *Impressions* challenges were both an anomaly in terms of Christian Right challenges to public school materials and curricula and part of a pattern of such challenges. Like challenges brought on the grounds of secular humanism, challenges brought on the grounds of occult content are a discrete set of events with an identifiable beginning, middle and end. The case of the *Impressions* challenges themselves is an even clearer example of an issue of concern that arose fairly quickly, received coverage in Christian Right media, peaked, and ended--all in a relatively short time-span. In this respect the *Impressions* challenges were an anomaly. The attention paid to this particular series of textbooks by Christian Right organizations, although short-lived, was intense. The *Impressions* challenges stand out from other Christian Right challenges because of their intensity, given the number of communities involved.

At the same time, the *Impressions* controversies were part of a pattern. The *Impressions* challenges were connected to prior challenges, especially *Mozert*. The occult was one issue of concern, albeit not the dominant one, in the dispute underlying *Mozert* and that decision opened the door for the *Impressions* challenges and litigation

by noting that the Holt readers asked the students to engage in religious activities such as chanting or casting spells. *Impressions* included just such activities.

Despite the use of Establishment Clause arguments by the *Brown* and *Fleischfresser* plaintiffs and by challengers in nonlitigated disputes, at the heart of the protests over the series stand religiously offended individuals. It appears self-evident that had the stories about witches in *Impressions* been traditional Bible stories, these individuals would probably not have found them objectionable. They would not have been offended and any establishment of religion would not have been problematic. Like challengers who find "taking the Lord's name in vain," the portrayal of Christians in a negative light, or the presentation of evolution, the *Impressions* protestors found the series offended their deeply held religious beliefs. In part, they are responding to a perceived displacement in the larger culture, but schools because of their influence and visibility at the local level are a place where this sense of displacement can be expressed. The extent to which public education can or should accommodate religiously offended persons is the question that confronted the school districts faced with *Impressions* challenges.

Individuals and groups offended on explicitly religious grounds have used a variety of arguments to challenge public school materials. Secular humanism and the occult, of which the *Impressions* challenges were a subset, are the two sets of grounds that are readily identifiable as occurring in waves. Given a propensity to view reality in religious terms (can a true "Bible-believing" Christian conceive of that which is nonreligious, i.e., an absence of religion?), secular humanism was sadly lacking as a

"target of opportunity" because, however powerful a force secularism is, it lacks the indicia of religion. The occult as an issue of concern makes sense to rank and file members of the Christian Right because believers can identify with it as a religion. Moreover, the occult can more clearly be connected to orthodox Protestantism's traditional arch-enemy Satan as a supernatural entity.

B. Implications

1. Implications for School Districts

The present study has implications for school districts on two levels. First, the experiences of districts that experienced *Impressions* challenges can be put to use in terms of concrete, day-to-day policy making. Second, the nature of the controversies can serve as a catalyst for reflection by school people. Because conservative spokespersons, including Christian right leaders, have challenged long unexamined assumptions related to the role of public education, school people and educational scholars must respond by examining critically their own convictions regarding the role of public education in the larger society and on the broadest implications of what it means to be a professional educator.

One the first level, the experiences of the Stafford County School District are particularly instructive. The administration found that their existing policies and procedures for dealing with challenges were inadequate for dealing with objections to teacher resource materials for an already adopted series. Thus, school districts should amplify their existing policies to cover a wider variety of objections than simply the

classic challenge to a single or multiple school library book(s), textbook(s), and/or piece(s) of media. No longer can districts think that "we might be faced with a library book challenge, but challenges to an entire curriculum or set of textbooks happen only in other districts." The *Impressions* challenges shattered that comfortable illusion in a way that the isolated incidents in Kanawha County, West Virginia (*Williams*), Hawkins County, Tennessee (*Mozer*), and Mobile County, Alabama (*Smith*) did not.

This study did not find that the districts which experienced *Impressions* disputes improperly abrogated their procedures for textbook adoption. In the great majority of districts the books were adopted and/or in use before the challenges began. In this respect, the *Impressions* challenges were similar to those in West Virginia, Tennessee, and Alabama. Perhaps some re-examination and restructuring of textbook selection procedures to provide for greater community participation might diminish the likelihood of such bitterly divisive post-selection disputes. Selection committees should include community representatives. Ideally such representatives would be an integral part of the committee's work and should be encouraged to focus on pedagogical issues.⁷³⁵ Districts would be wise to invite those persons whose

⁷³⁵ See generally Roger Farr et al., *The Evaluation and Selection of Basal Readers*, 87 *Elementary School Journal* 267 (1987) (advocates training for textbook adoption committee members); Janice A. Dole et al., *Improving the Selection of Basal Reading Programs: A Report of the Textbook Adoption Guidelines*, 87 *Elementary School Journal* 283 (1987) (describes the development of a series of seven booklets at the University of Illinois Center for the Study of Reading to assist committee members in the selection of reading textbooks); Edward B. Jenkinson, *The Schoolbook Protest Movement: 40 Questions and Answers* 94-111 (1986) (model selection policies from Michigan, Iowa, and Wisconsin reproduced); Henry Reichman, *Censorship and Selection: Issues and Answers for Schools* (1993) (guidance on establishing and revising selection policies and on responding to complaints and controversies).

affiliations make them more likely to have concerns to be a part of the selection process. It may be necessary to more aggressively solicit public response to proposed adoptions. In addition, since textbook adoptions often reflect curricular changes, districts could bifurcate the process of adoption, garnering support for the curricular change before adopting the textbooks that implement the new approach.

The study found that some school districts embroiled in *Impressions* disputes communicated with each other, but a quick perusal of the reports published by PFAW and the ALA by school administrators can be instructive about the nature and quality of the controversies that school districts experience. Understanding the current issues of concern helps school people to prepare for possible disputes and puts into perspective controversies which might arise in their districts. The field of library science has much to say that would be useful to school administrators regarding the issues of intellectual freedom and selection versus censorship not only in a theoretical sense but also in the practical aspects of dealing with challenges.

Moving to the second level, it is simplistic to cast the *Impressions* controversies as disputes engendered by different world views although that is an issue worthy of some attention; however, they can serve as a catalyst for reflection about the proper role professional educators play in society. Professional librarians have long grappled with the dilemma of balancing community demand, either for or against the purchase of given materials, with their professional judgment. In its crudest form, this is the Stephen King versus William James dilemma, or, in terms of a school library, the often-faced question of whether to purchase sports or joke books or romance

novels rather than award-winning titles that may not be read. Politicians, too, must wrestle with their consciences regarding the proper degree of responsiveness to the public when the official believes that the course of action the public wants is unwise. It is ultimately a philosophical and ethical question about the proper degree of responsiveness to public pressure.

In the school setting teachers and administrators face similar issues. The Christian Right movement has been astute in understanding the essential character of the debate as the degree to which school people ought to be responsive to parents, i.e., the amount of delegation of authority enjoyed by public education. This consideration frames the issue that underlies the parental rights movement. To what degree should schools be responsive to community pressure, especially when what a community member or group wants contradicts the professional judgment of the educator(s)? At some point, every administrator, teacher and/or librarian draws a line. A challenge to Hans Christian Andersen's story, *The Little Mermaid*, or Noel Coward's play, *Blythe Spirit*, evokes the response, "That's silly. I am not going to accede to the protestor's demand regarding this material." On the other hand, not all selections or purchases are appropriate or wise. There are materials that no one would feel comfortable defending in a school setting, but the great bulk of textbooks and library materials falls in the middle and virtually all would offend someone for some reason.

The combination of differing perceptions regarding the degree to which schools are accountable to parents and the community even if their wishes are diametrically opposed to the best professional judgment of the educators involved and with the

vastly differing opinions in a pluralistic society about what children should be taught accounts for the fact that the responses of school districts to outside pressure differ greatly. In some districts, the first sign of a complaint and the offending material disappears even when previously adopted policies provide formal procedures for reconsideration. In others, school administrators will defend curricula, instructional activities and/or materials in the face of community-wide controversy and/or litigation, even those they find personally distasteful. What can be said with assurance is that these pressures and the professional dilemmas they engender are going to continue.

2. Implications for Future Research

Research about the ways school districts respond to challenges generally and the ways they responded to *Impressions* challenges specifically could help school districts shape their responses to future challenges. In some cases such examinations might help districts avoid the levels of acrimony that existed in many of the communities that experienced *Impressions* disputes. Apple and Oliver discuss how the controversy over *Impressions* in Citrus Valley resulted in some of the protestors identifying themselves with conservative groups and causes, which contributed to an atmosphere of hostility toward the school district. To some degree, the authors found the school district's response caused this reaction among protestors. If this is not considered a desirable result, then studies focusing on districts where *Impressions* challenges or challenges generally were resolved without community polarization might assist districts in responding to future religio-political challenges to materials

and activities. Bonner County, Idaho was one community whose school administrators defused a controversy over *Impressions*. One administrator stated, "There was no community uprising here. We were able to work with parents, and maintain[ed] a good rapport between parents and teachers."⁷³⁶ Identifying and examining how such districts handled potentially divisive situations is crucial to helping other districts formulate and implement policies and procedures and respond to highly emotionally charged challenges. As in the area of sexual harassment, simply having a "one-size fits all (situations)" policy in place is no longer sufficient.

Another purpose of the study has been to understand where the *Impressions* controversies fit in the context of other explicitly religious challenges to public school materials, curricula, and instructional activities. Comparing and contrasting Christian Right challenges to other specific school programs, e.g., DUSO, PUMSY, and QUEST, with the challenges to *Impressions* would yield valuable information regarding the nature of religiously motivated challenges. One of the by-products of this effort has been to establish patterns, or lack thereof, so that future challenges can be compared and contrasted with previous ones. This opens the door to two interrelated questions. First, on what grounds were the challenges brought during the period from 1982 to 1996, but excluded from the present study? Second, what are the contours of current explicitly religious challenges and/or controversies?

⁷³⁶ People for the American Way, *Attacks on the Freedom to Learn* 46 (1991). Although Bonner County School District responded to the author's request for information, it was unable to give any information about its *Impressions* dispute.

The current study explored only a portion of Christian Right activism over public school materials, curricula, and instructional activities. Many other challenges were initiated by individuals and/or groups acting from fundamentalist/orthodox Protestant, religio-political convictions. These are not so easily identified as those in which religious objections were explicitly stated by the protestors. Nevertheless, the complete picture of challenges brought by the movement's adherents cannot be seen unless these challenges are also studied. Such challenges include those related to sex education, values education, and self-esteem and drug education programs.

This study found that explicitly religious grounds as a reason for challenging materials and activities diminished after the early 1990s. In future years, the incidence of such challenges would answer questions related to the direction of such challenges. This question interlocks with the issue of the nature of the other challenges which occurred from 1982 to 1996. For example, have challenges over the inclusion of homosexuality as a religious or moral issue been increasing as challenges related to occult content have declined? This study has shown that explicitly religious challenges have been declining in recent years. What are the grounds upon which recent challenges have been brought? Simply put, what kinds of challenges, as defined by this study, have been increasing to take the place of the decreasing proportion of explicitly religious challenges?

A different and broader set of questions related to Christian Right activism vis a vis public education is whether Christian Right activism is changing its focus from school district challenges, what might be termed classic challenges to materials and

instructional activities, to a greater degree of state-level, legislative activism? If so, what are the nature and what are the implications of this change of strategy for public schools? As this study has shown, evolution/creation science even though it accounts for a relatively small number of classic challenges is far from a dead issue in other contexts.

Although the present study confined itself to Christian Right activism over public school materials and activities, there appears to have been a recent rise in Christian Right activism over juvenile materials in public libraries and juvenile access to information on the Internet. In some instances, this activism has taken the form of attacks on the American Library Association and its ethical standards for professional librarians because school librarians are also governed by ALA standards public debates about restricted access to information affect both public and school libraries.⁷³⁷ In the broadest sense, such debates by their nature implicate the school community because, while the roles of libraries and schools are not identical, both institutions disseminate information and define what is considered official knowledge for our society.

C. Conclusions

Although the *Impressions* challenges were not part of a conspiracy in the sense of a deliberate, conscious, and concerted effort to eliminate the series from public schools, the challenges were a direct result of a loosely organized campaign

⁷³⁷ The national professional organization for school librarians, the American Association of School Librarians, is a division of the ALA.

orchestrated by some Christian Right groups and their leaders. The nature of the "campaign" against the series more strongly resembles expressions of opposition to secular humanism and occult content generally than it does other fundamentalist/Christian Right concern over other explicitly religious issues related to public school materials, curricula, and instructional activities. In this sense, the danger posed by secular humanism, occult content, and *Impressions* were artificial, religio-political constructions created by some Christian Right leaders as a specific response to a generalized set of dissatisfactions with both the wider culture and American education.

Impressions was a series developed to provide support for an innovative and nontraditional approach to the teaching of reading. Its editors hoped that it would not only teach children to read and to read critically from the early grades but also that it would encourage children to read for pleasure. Many in the Christian Right movement were uncomfortable with both its student-centered whole language philosophy and the content of the selections. Their preference is for more conservative curricula and teaching methodologies. The campaign against *Impressions* was an expression of a desire to return public school materials and instructional activities to a more structured and traditional model. To accomplish this goal, it was and is necessary to provide disincentives for the creation and adoption of innovative curricula. The effect of widespread and divisive controversies over nontraditional curricula is to discourage school districts from implementing innovative approaches to teaching and learning and to depress the market for materials that support such approaches. Even where administrators and teachers are willing to risk controversy by adopting nontraditional

curricula, materials to support the program will be more difficult to obtain. This is likely to further decrease the implementation of curricular innovation. It is ironic that Harcourt, having discontinued *Impressions*, is one of a number of publishers currently developing phonics-based reading programs.

Discouraging nontraditional curricula was the purpose of the campaign against *Impressions* as well as prior and subsequent fundamentalist/Christian Right local, state and national activism over public school materials, curricula, instructional activities, and teaching methodologies. Leaders and members of the movement are exerting strong pressure on local districts and state policy makers to pull the curriculum of the public schools to the "right," to a position that is more in harmony with the movement's theological and political positions. The *Impressions* controversies were part of a deliberate, conscious, and concerted strategy that is being used to accomplish that goal.

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APPENDIX A

Figure A.1. Explicitly Religious Challenges Reported by the American Library Association and People for the American Way

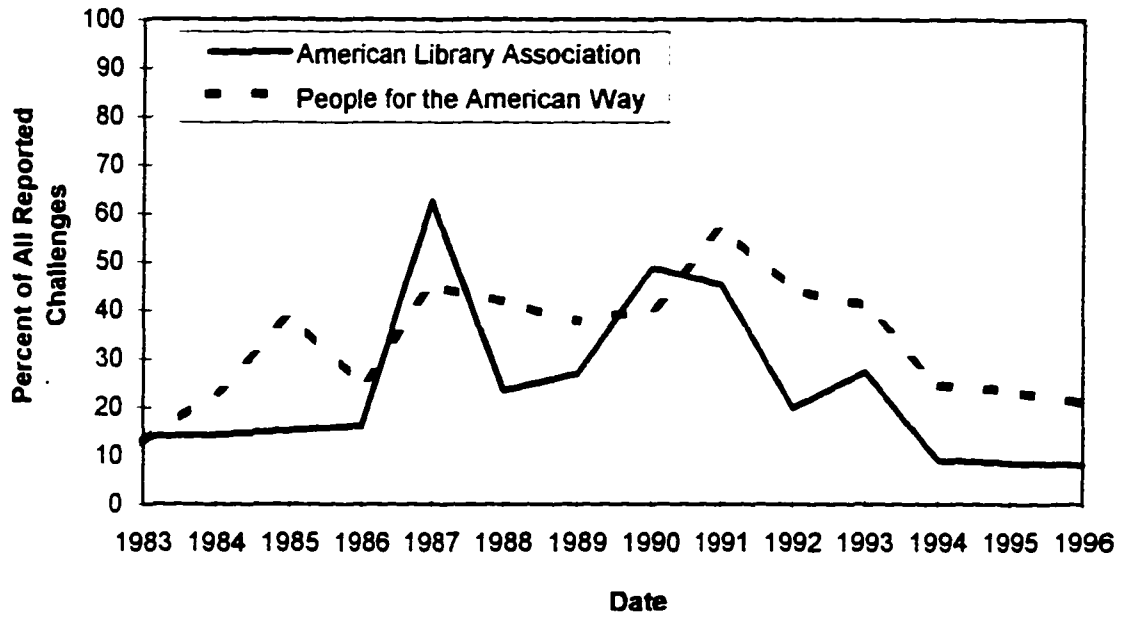


Figure A.2. Reported Challenges on the Grounds That Public School Materials or Instructional Activities Contain Evolution or Fail to Include Creation Science

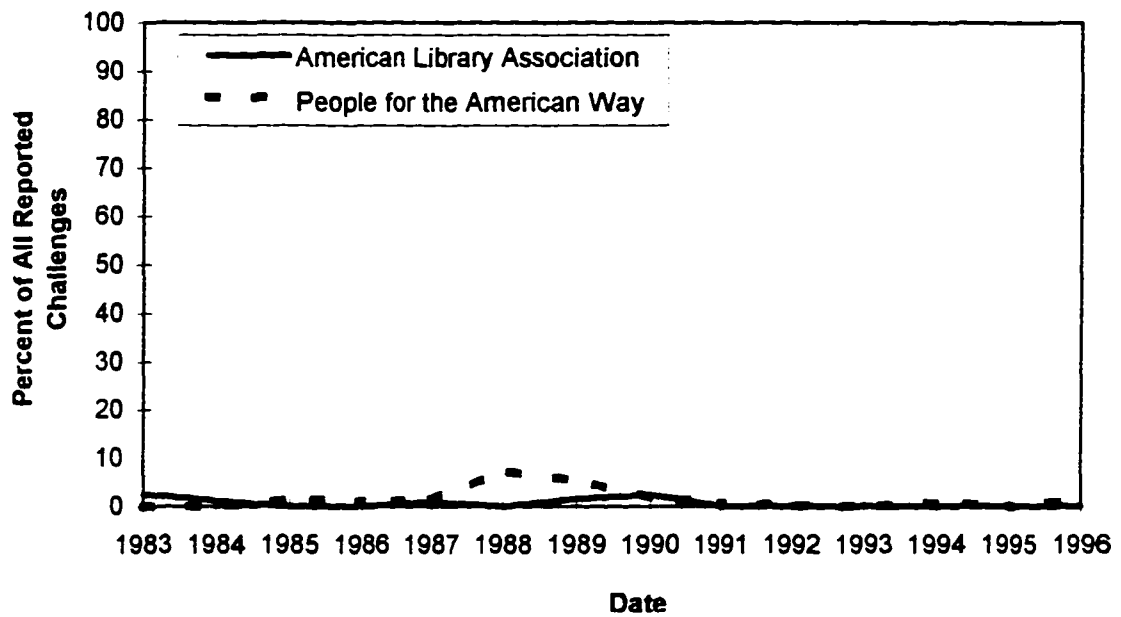


Figure A.3. Reported Challenges on the Grounds That Public School Materials or Instructional Activities Contain Evolution or Fail to Include Creation Science, on a 20 Percent Scale

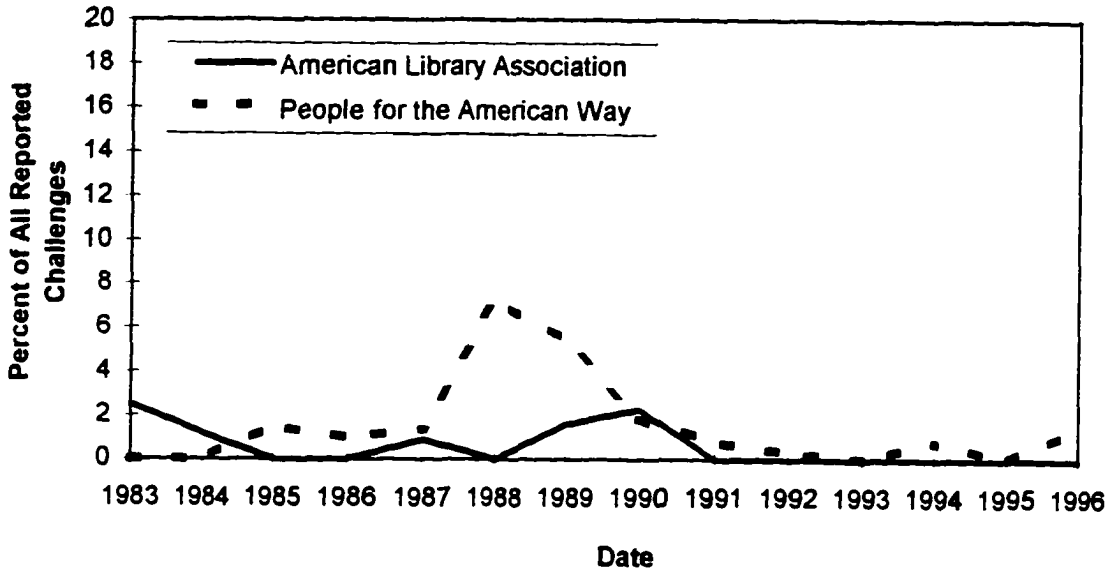


Figure A.4. Reported Challenges on the Grounds that Materials or Activities Promote Human or Secular Humanism

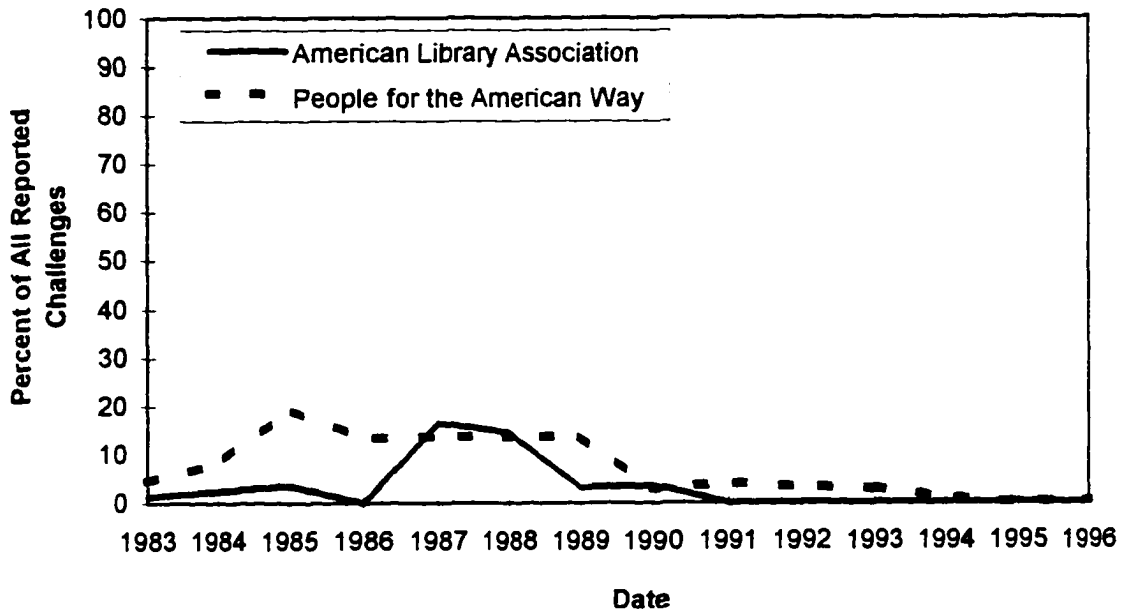


Figure A.5. Reported Challenges on the Grounds that Materials or Activities Denigrate Religion

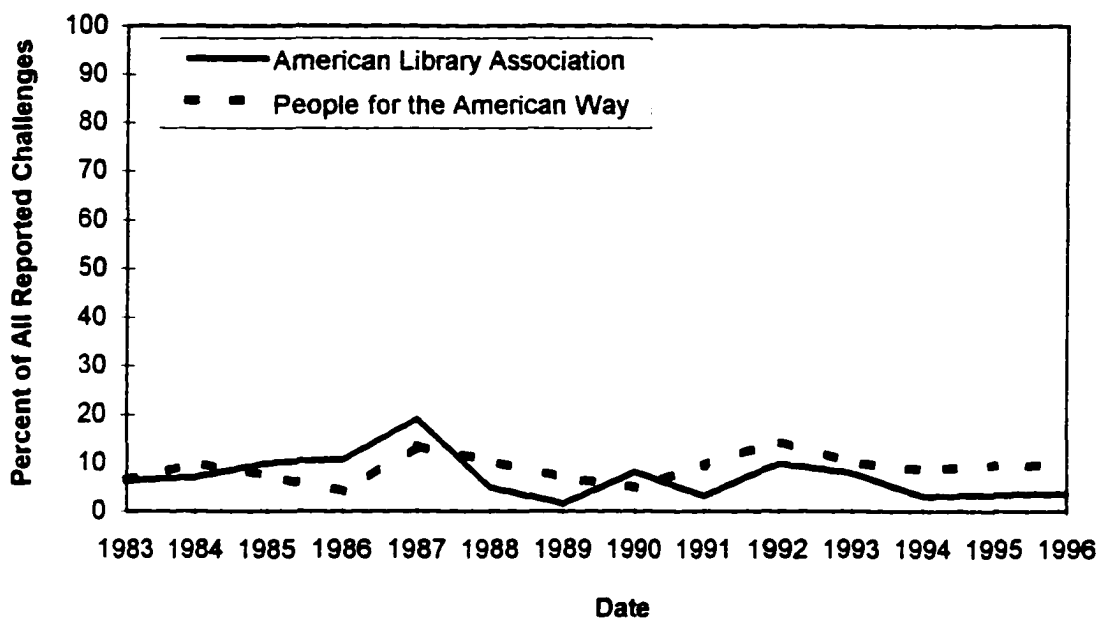


Figure A.6. Explicitly Religious Challenges Reported by the American Library Association

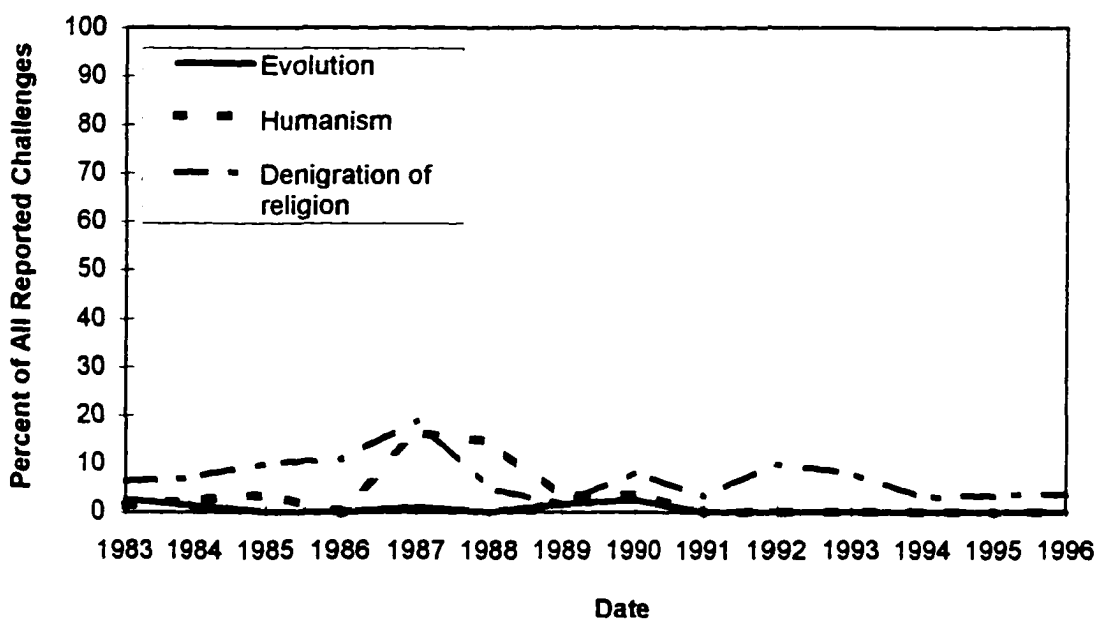


Figure A.7. Explicitly Religious Challenges Reported by People for the American Way

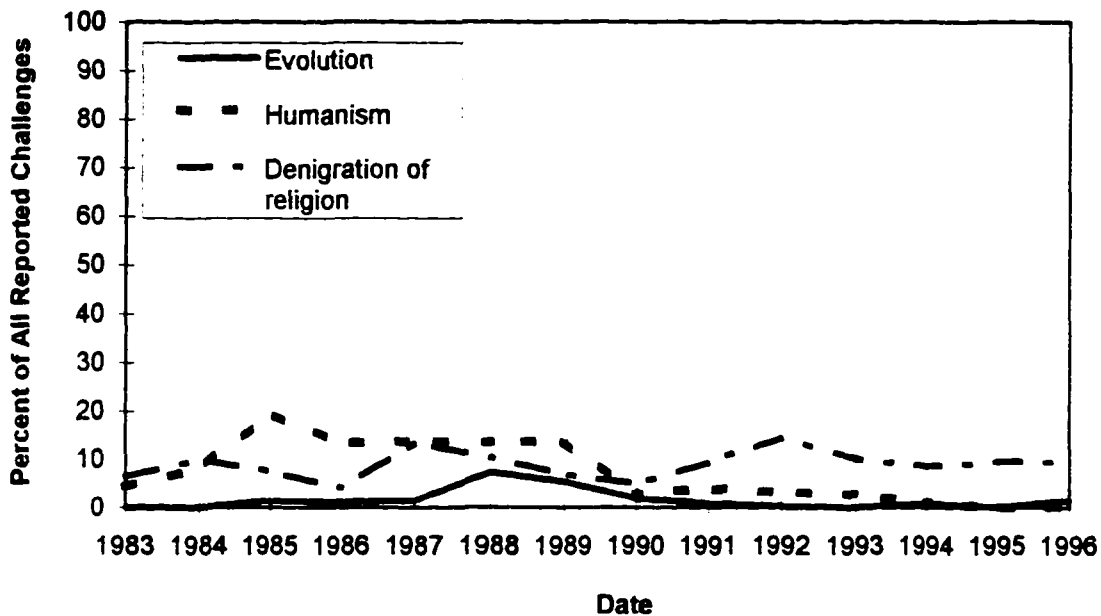


Figure A.8. Reported Challenges on the Explicitly Religious Grounds, Excluding Those Related to Occult Content

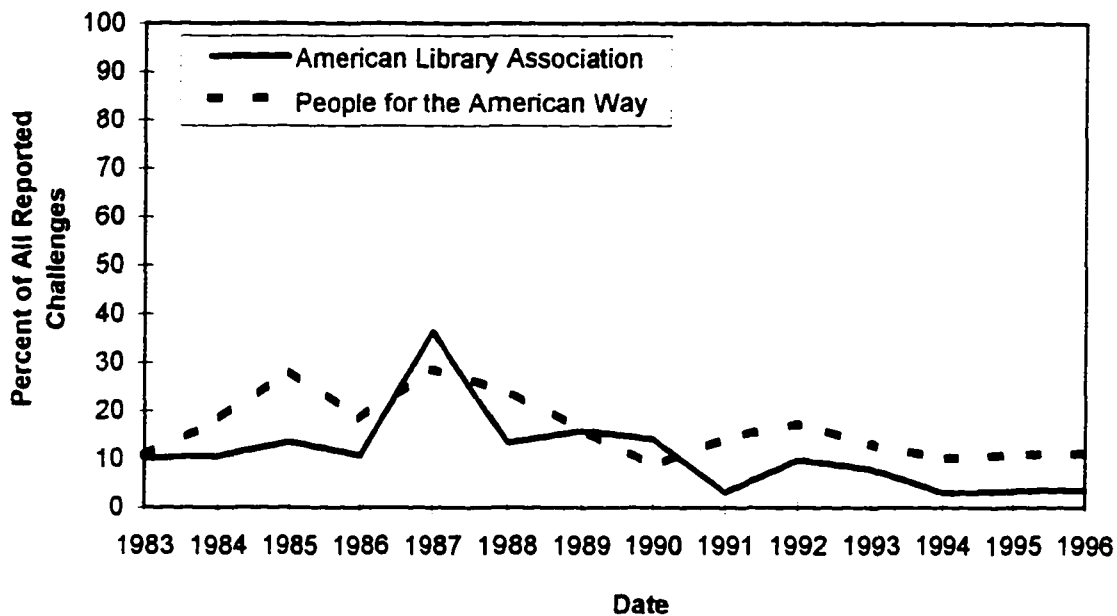


Figure A.9. Explicitly Religious Challenges Reported by the American Library Association, Excluding Those Related to Occult Content

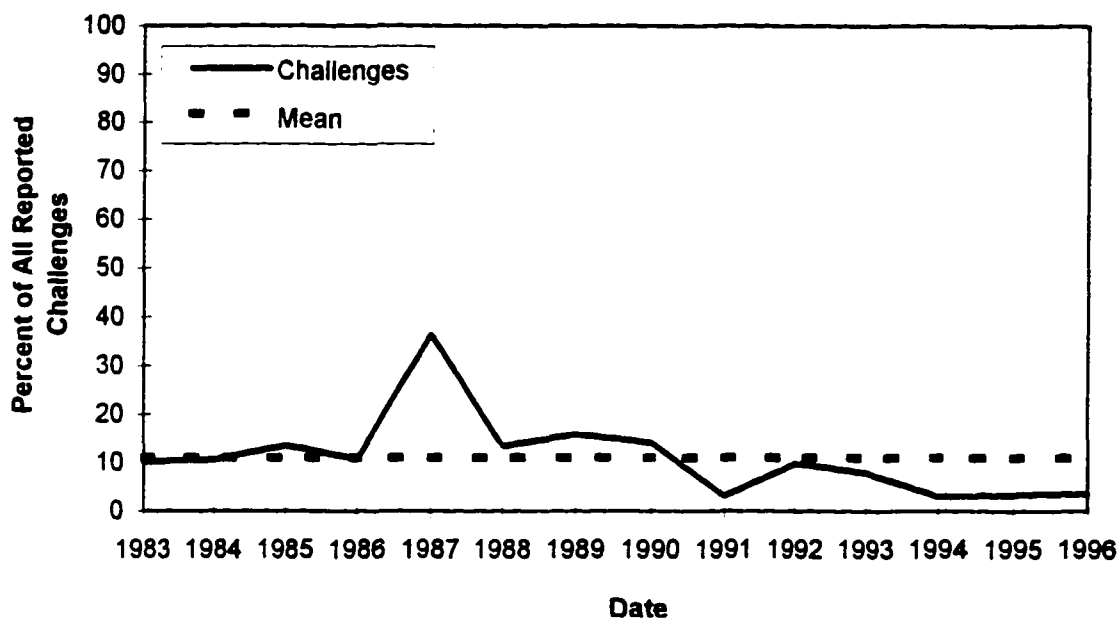


Figure A.10. Explicitly Religious Challenges Reported by People for the American Way, Excluding Those Related to Occult Content

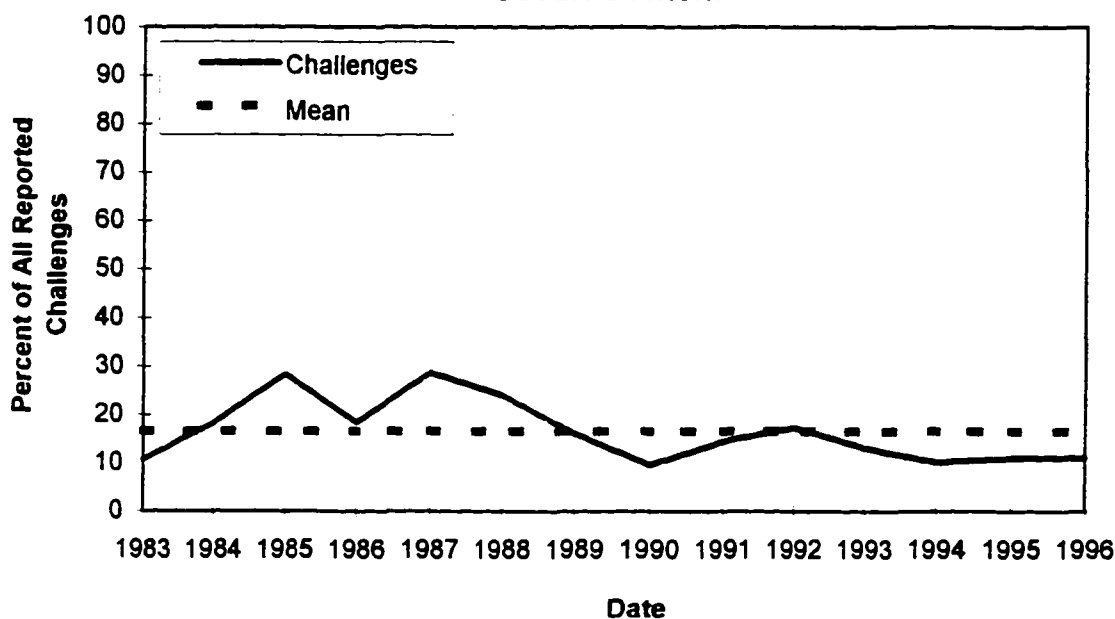


Figure A.11. Reported Challenges Alleging Occult Content

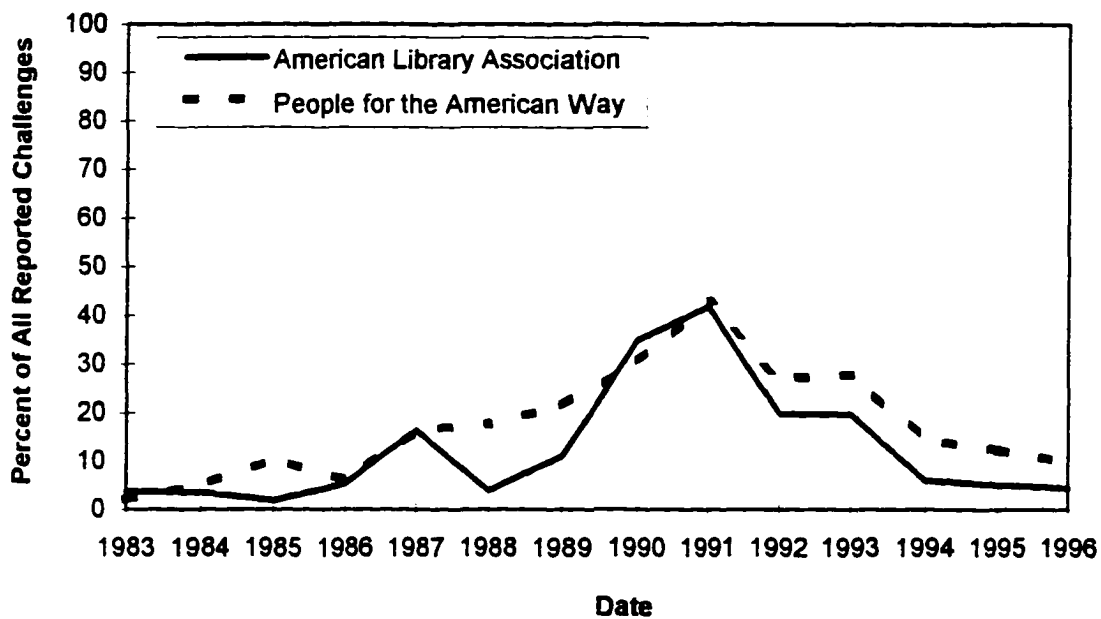


Figure A.12. American Library Association Challenges on the Grounds of Occult Content

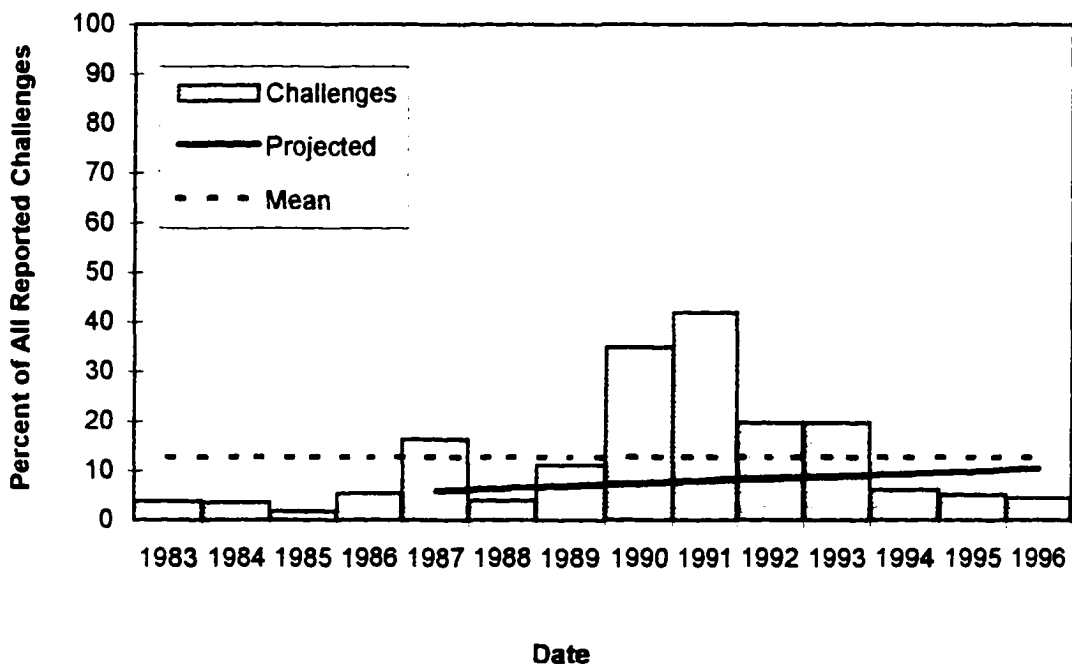


Figure A.13. People for the American Way Challenges on the Grounds of Occult Content

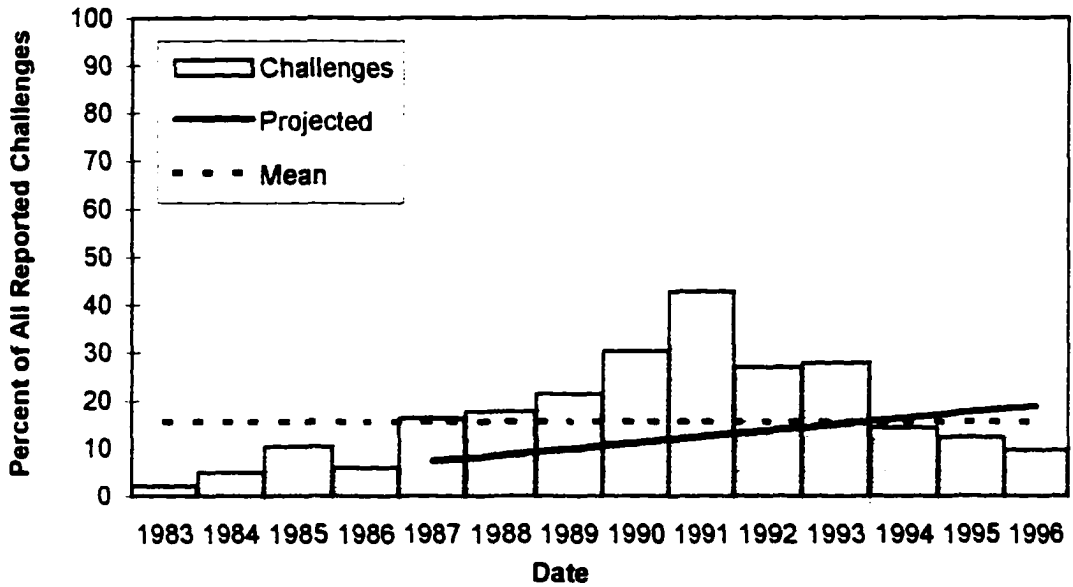


Figure A.14. Reported Challenges Based on Occult Content, Excluding Impressions Challenges

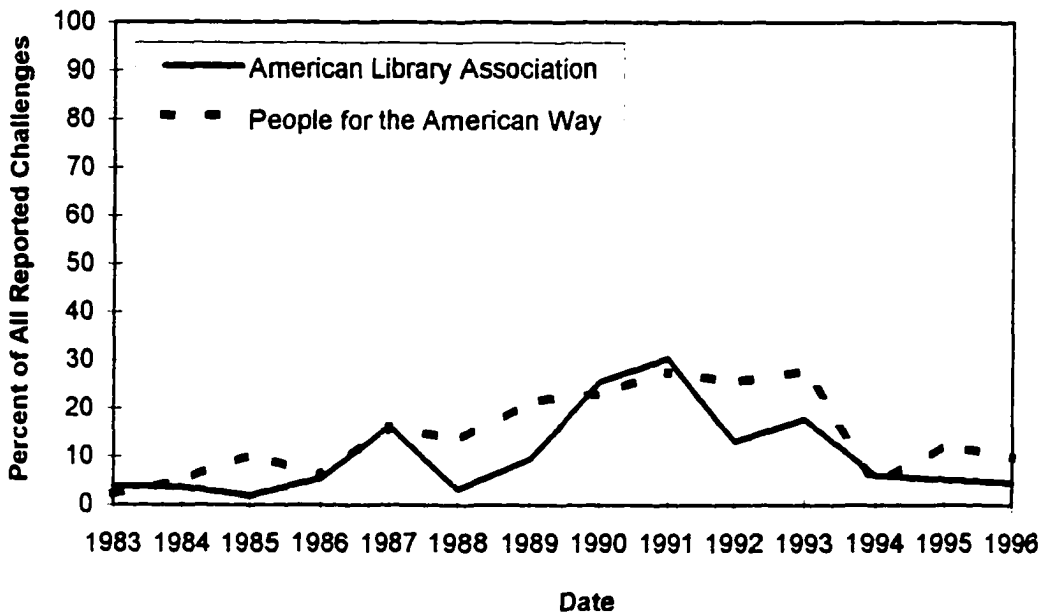


Figure A.15. Impressions Challenges as Percentage of Challenges Reported by the American Library Association and People for the American Way

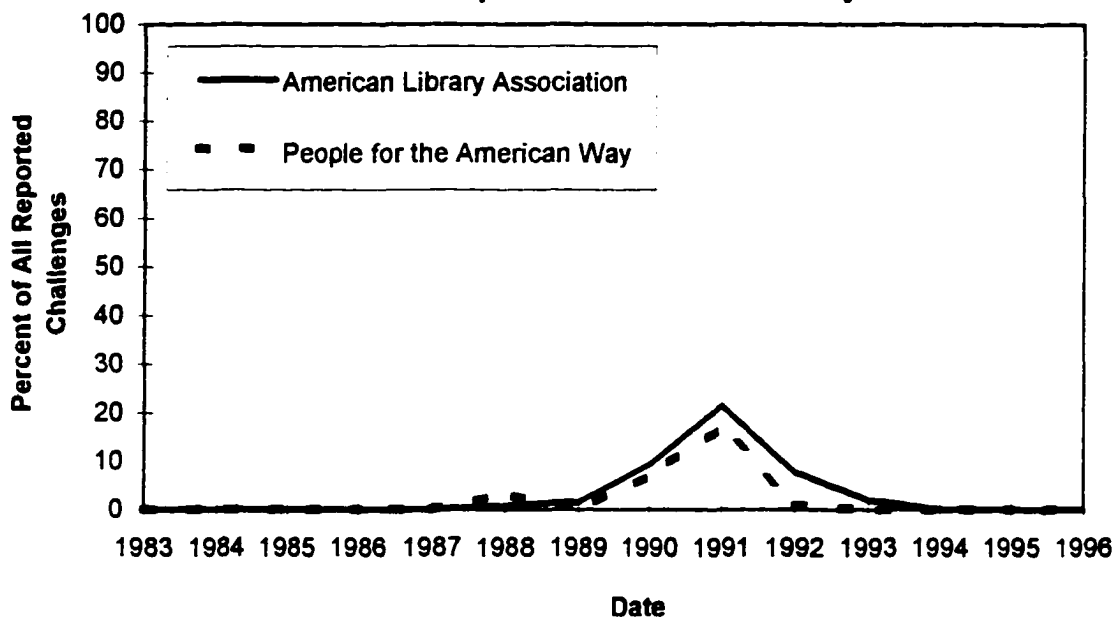


Figure A.16. Challenges Based on Occult Content Reported by the American Library Association

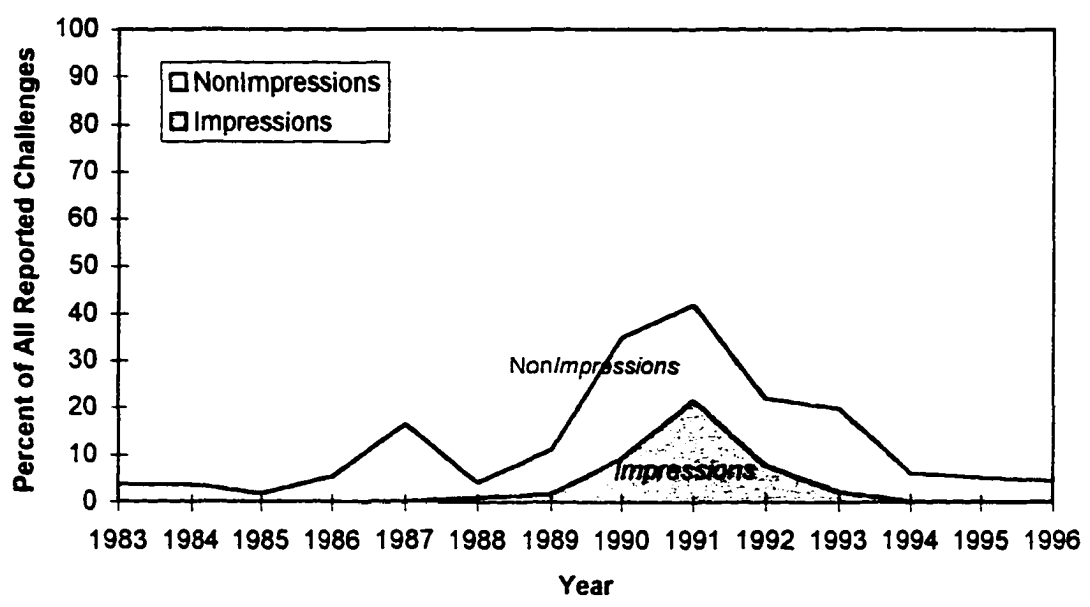


Figure A.17. Occult Challenges Reported by People for the American Way

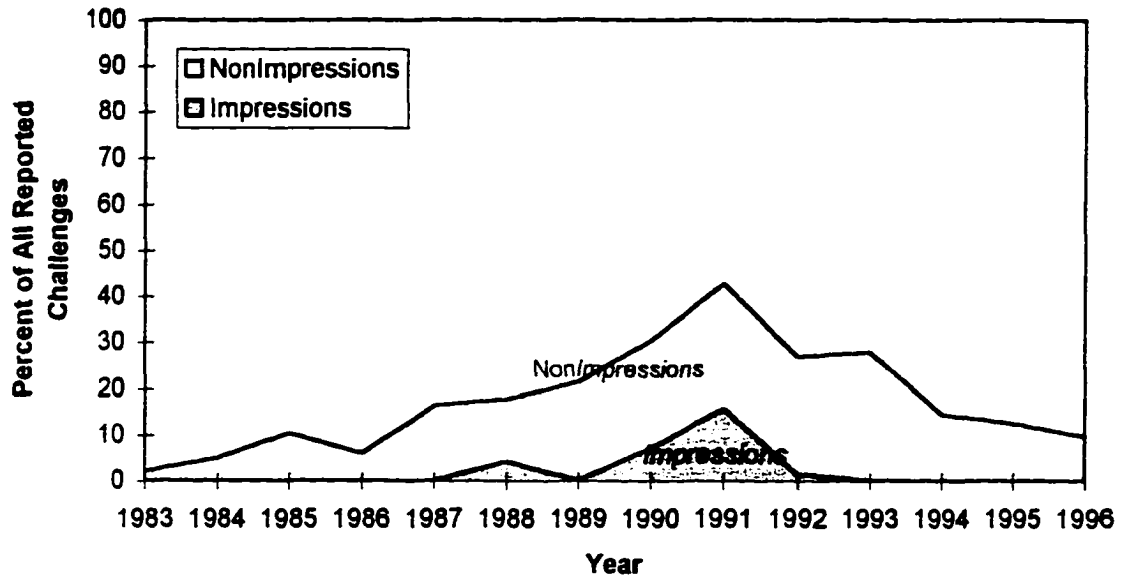
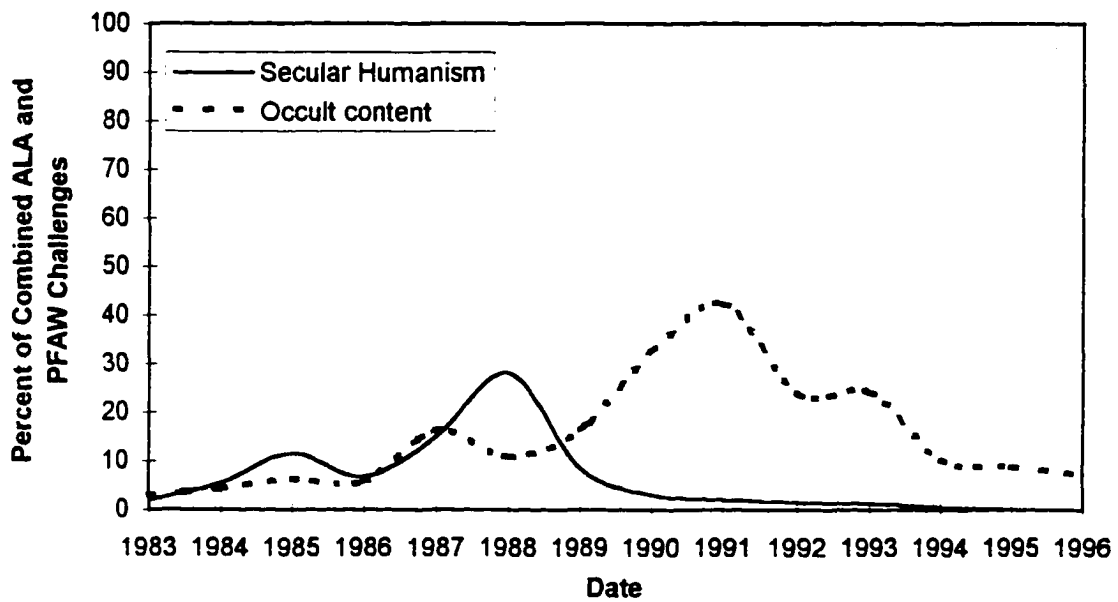


Figure A.18. Challenges Reported by the American Library Association and People for the American Way



APPENDIX B

Table B.1. Challenges to *Impressions*

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE	
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O		
1987	OREGON																
	Phoenix-Talent	X	X						X				X	X			PFAW; NIF (1-89)
1988	OREGON																
	North Marion	X											X	X			PFAW; NIF (1-92)
	Troutdale	X		X		X	X					X					PFAW

Note.

YEAR-Year first reported..

GROUNDS:

- S-Satanism, witchcraft, the occult.
- R-denigration of religion, anti-Christian.
- V-violence and/or frightening.
- M-morbid, dark, depressing, despair.
- C-Canadian content, anti/unAmerican.
- D-disrespect for parents/authority.
- P-lack of phonics.

GROUP:

- N-national organization involvement.
- M-national group materials.
- L-local group formed and/or involved.

STATUS

- P/P-preview or pilot (before adoption).
- USE-series selected or in use.

ACTION-Action requested.

- R-removal of series if adopted or from pilot program (if preselection challenge and removal from pilot program not requested, this block will be empty).
- O-Opt-out provision for objectors.

SOURCE: source of information

- PFAW and ALA refer to annual reports for date first reported.
- ADLER indicates Adler, *Institutional Responses*
- NIF denotes ALA's *Newsletter for Intellectual Freedom*.

Table B.1.-Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O	
1988	WASHINGTON															
	Gig Harbor	X	X				X				X		X		X	PFAW
	Oak Harbor	X				X		X					X			PFAW
1989	CALIFORNIA												X	X		ALA; NIF (11-90) ^b
	North Monterey County ^a												X			ADLER
	Pacheco ^a												X			ADLER
1990	CALIFORNIA															
	Amador County	X			X		X					X		X		PFAW
	Black Butte	X		X												PFAW; NIF (11-90)
	Calaveras	X		X								X				PFAW; NIF (3-90, 9-90)
	Castro Valley	X		X	X								X	X		PFAW
	Dixon	X					X						X	X		PFAW

^a Additional information not available. Adler's study indicates dispute began in 1989. ^b Information also obtained from PFAW 1991 report.

Table B.1. -Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O	
1990	East Whittier	X		X	X								X	X		PFAW; NIF (3-90)
	Hacienda La Puente	X			X				X		X		X	X		PFAW, NIF (1-30, 3-90)
	Hayward	X			X				X		X		X	X		PFAW
	Lake Elsinore ^c												X			ADLER
	Lawndale	X					X		X				X	X		PFAW
	Lincoln Unified	X				X					X		X	X		PFAW; NIF (5-90)
	Los Banos Unified ^d				X								X	X		PFAW; NIF (5-90)
	New Haven				X	X	X			X	X		X	X		PFAW
	Redondo Beach City		X	X			X						X	X		PFAW
	Ripon Unified	X								X			X	X		PFAW
	Willets	X								X			X	X		PFAW
	Winters	X	X	X	X	X							X			PFAW; NIF (9-90)
Woodland Jt. Unified	X		X		X	X				X		X	X		PFAW	

^c Additional information not available. Adler indicates dispute began in 1989. ^d Another edition requested.

Table B.1.-Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O	
1990	Yucaipa			X									X	X		PFAW
	IDAHO															
	Coeur d'Alene	X			X						X		X	X		PFAW; NIF (3-90)
	SOUTH DAKOTA															
	Douglas	X		X				X			X		X	X		PFAW; NIF (3-91) ^c
	TENNESSEE															
	Nashville	X			X											NIF (5-90)
	WASHINGTON															
	Ancortes	X									X		X	X		PFAW
Walla Walla		X	X				X ^c					X			PFAW	
1991	ALASKA															
	Fairbanks	X		X	X		X		X	X	X		X	X		PFAW; NIF (1-91, 7-91)
	Kodiak Island	X											X			NIF (7-91)

^c PFAW 1991 report.

Table B.1. -Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE	
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O		
1991	CALIFORNIA																
	Ballard				X					X	X		X	X		PFAW	
	Bella Vista	X					X		X				X	X		PFAW	
	Buckeye	X			X								X	X		PFAW	
	Campbell Union	X		X		X	X		X				X	X		PFAW; NIF (3-91, 9-91)	
	Enterprise	X		X									X	X		PFAW	
	French Gulch	X								X			X	X		PFAW	
	Grant	X		X									X	X		PFAW	
	Grass Valley		X		X		X					X		X	X		PFAW; NIF (7-91)
	Happy Valley	X											X	X		PFAW	
	Napa Valley Unified	X		X			X						X	X		PFAW	
	Nevada City	X		X	X		X			X	X		X	X		PFAW	
Pleasant Ridge	X	X				X					X		X	X		PFAW	

Table B.1. -Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE	
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O		
1991	Redding ^f	X		X			X					X	X			PFAW	
	Rio Dell ^f	X															
	Saratoga	X		X			X			X		X	X			PFAW	
	COLORADO																
	Boulder Valley ^g	X			X					X			X	X			PFAW
	Jefferson City	X					X						X	X			PFAW
	IDAHO																
	Bonner County	X											X	X			PFAW
	ILLINOIS																
	Arlington Heights (Dist. 25)	X			X					X	X		X	X			PFAW; NIF (3-91, 7-91, 3-92)
Barrington (Dist. 220)	X			X		X				X ^h		X	X			PFAW; NIF (3-91, 5-91)	

^f Action requested not described. ^g None of the protestors had children in the district. ^h None with children using the series.

Table B.1. -Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE	
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O		
1991	Palatine (Dist. 15)	X			X		X				X		X	X		PFAW; NIF (1-91, 5-91, 7-91, 11-91, 3-92, 7-92)	
	Wheaton (Dist. 200)	X	X	X	X		X						X	X		PFAW; NIF (5-91, 7-91, 11-91, 3-92, 7-92, 1-93)	
	MAINE																
	Dexter (Dist. 46)	X								X				X	X		PFAW
	East Holden	X			X									X	X		PFAW
	Gardiner (Dist. 11)	X		X		X				X	X			X	X		PFAW; NIF (7-91)
	NEVADA																
	Washoe County	X		X					X		X			X	X		PFAW
	NEW MEXICO																
	Las Cruces	X		X						X			X	X'			PFAW
NEW YORK																	
Dansville	X		X													PFAW	

' Approved for adoption and being piloted.

Table B.1. -Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE		
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O			
1991	Hilton	X							X ¹								PFAW	
	Southwestern	X		X	X							X					PFAW; NIF (5-91, 7-91)	
	OHIO																	
	Willard	X	X	X					X		X			X	X			PFAW; NIF (3-92)
	OREGON																	
	Klamath County	X		X						X				X	X			PFAW
	Lincoln County	X		X		X								X	X			PFAW; NIF (5-91, 9-91)
	North Marion	X		X				X										
	Redland	X		X	X									X	X			PFAW
	Reedville	X												X	X			PFAW
	SOUTH DAKOTA																	
	Sioux Falls	X		X				X		X		X		X	X			PFAW; NIF (7-91)

¹ Local affiliate of CEE.

Table B.1. -Continued

YEAR	DISTRICT	OBJECTION(S)							GROUP			STATUS		ACTION		SOURCE	
		S	R	V	M	C	D	P	N	M	L	P/P	USE	R	O		
1991	WASHINGTON																
	Finley	X			X								X	X			PFAW
	Pasco	X							X				X	X			PFAW
1992	HAWAII																
	Lahaina	X					X		X	X			X	X			PFAW
	MARYLAND																
	Frederick	X	X		X	X			X ^k	X			X	X			PFAW; NIF (7-92, 9-92)

^k Local affiliate of Concerned Women for America.