



Lessons in Censorship: How Schools and Courts Subvert Students' First Amendment Rights

By Catherine J. Ross

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American public schools often censor controversial student speech that the Constitution protects. *Lessons in Censorship* brings clarity to a bewildering array of court rulings that define the speech rights of young citizens in the school setting. Catherine J. Ross examines disputes that have erupted in our schools and courts over the civil rights movement, war and peace, rights for LGBTs, abortion, immigration, evangelical proselytizing, and the Confederate flag. She argues that the failure of schools to respect civil liberties betrays their educational mission and threatens democracy.

From the 1940s through the Warren years, the Supreme Court celebrated free expression and emphasized the role of schools in cultivating liberty. But the Burger, Rehnquist, and Roberts courts retreated from that vision, curtailing certain categories of student speech in the name of order and authority. Drawing on hundreds of lower court decisions, Ross shows how some judges either misunderstand the law or decline to rein in censorship that is clearly unconstitutional, and she powerfully demonstrates the continuing vitality of the Supreme Court's initial affirmation of students' expressive rights. Placing these battles in their social and historical context, Ross introduces us to the young protesters, journalists, and artists at the center of these stories.

Lessons in Censorship highlights the troubling and growing tendency of schools to clamp down on off-campus speech such as texting and sexting and reveals how well-intentioned measures to counter verbal bullying and hate speech may impinge on free speech. Throughout, Ross proposes ways to protect free expression without disrupting education.

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Editorial Review

Review

Ross...makes a compelling case in *Lessons in Censorship* for the importance of according students free speech not only as a constitutional right, but also as a vital democratic practice. (Joan Wallach Scott *The Nation* 2016-02-11)

It is a revealing book about judicially sanctioned censorship... Well-argued and well-researched... Turn the pages of *Lessons in Censorship* and you will discover what it means for students to think freely and how courts have fashioned baseless arguments designed to squelch such thinking... *Lessons in Censorship* is a book that should be read and discussed by school officials at all levels of education. It is a work that should be pored over by school board officials and lawyers who represent school districts and college campuses. And its message should carry over into the memoranda and briefs that lawyers file to inform judges. (Ronald K. L. Collins *Concurring Opinions* 2015-12-07)

We teach our children to celebrate freedom of speech but what freedom do they have when their schools too often punish them for exercising it? Catherine Ross's powerful and lucid exposé of the increasingly routine censorship of student speech is well worth our attention and concern. (Floyd Abrams, Cahill Gordon & Reindel, LLP)

A magnificent book. Catherine Ross has given us a beautifully written and original contribution to our understanding of the nexus of constitutional law, lower courts, and everyday life in our public schools. She persuasively demonstrates that schools and judges too often teach 'lessons in censorship' that threaten the First Amendment and our vital culture of democracy. (Erwin Chemerinsky, University of California, Irvine School of Law)

Every student, parent, teacher, and principal should read and heed the lessons about the First Amendment rights of students in this terrific and timely book. (Glenn Altschuler, Cornell University)

An extraordinary book. Ross offers the best account I have read about why we have free speech and why we value it so much?insightful and accessible. Beyond explaining what students can say, and how they can say it, and how limits have developed over the last ninety years, *Lessons in Censorship* powerfully argues that speech rights in public school are essential to the health of democratic governance?every concerned citizen must read this book. (Gene Policinski, author of the weekly column Inside the First Amendment)

In a new era of heightened demands for trigger warnings on collegiate syllabi and in campus 'safe spaces' about potentially disturbing speech, the book could not be more timely. (S. B. Lichtman *Choice* 2016-05-01)

[Ross] provides a convincing critique of the state of the law, an urgent warning about what students experience in school, and concrete suggestions for protecting student speech...Her book is an important reminder that censorship of students begins long before they get to college. (David Moshman *Huffington Post* 2016-05-24)

About the Author

Catherine J. Ross is Professor of Law at the George Washington University Law School.

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