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THE ISLAND TREES SCHOOL LIBRARY CASE

Should local schools be administered by elected school boards responsible to the communities they serve? Or should they be administered by teenage pupils and federal judges? That is the real issue in the Island Trees Union School case recently decided by the Supreme Court.

The liberals have been gleefully reporting this decision as a victory over "censorship" because the facts of the case involved nine books (none of them a classic) which the School Board deemed to be vulgar and unsuitable on the shelves of the school library.

In truth, the decision would bring the Supreme Court "perilously close to becoming a 'super censor' of school board library decisions." Those are the words of Chief Justice Warren Burger in his strong dissent.

Burger spoke out strongly against the way that the Court's decision invented a new constitutional right. The Supreme Court decided that the First Amendment "requires school boards to justify to teenage pupils the decision to remove a particular book from a school library." (The emphasis is Burger's.)

The result of this outrageous grab for power by the Imperial Judiciary is to put the matter of the removal of books from public school libraries (serving minor children) in the hands of the federal courts. The result is also to give federal judges the power to peer into the motives of school board members and decide whether they are pure or suspect.

There are so many issues involved in the several opinions filed by the Justices in this Supreme Court case that commentators will be discussing it for months, if not years. The major issues, including court-control vs. local-control, were brought out by Justice Burger and also by Justice Lewis Powell (who once served as president of his city's school board), who expressed his "genuine dismay" at the decision.

One of the liberal spokesmen who gloated over the "marvelous" victory for the nine vulgar books said that the decision "sends a very important message to school boards: "Act carefully."

That message amounts to a threat. It means that school board members (even though they are elected by the people, responsible to the community, and can be voted out of office) had better stay out of the area of public school libraries, or they will be sued by litigating liberal lawyers using students as pawns in the suit; and that in those suits, the motives and thoughts and values of the school board members will be publicized, attacked and riduculed in court (and in the press), and finally passed on by federal judges.

But how did the books get into the school libraries in the first place? Nobody asks that question. The anonymous librarian or school administrator who put the vulgar books in the school library will never be sued, never called upon in court to explain his motives for placing a vulgar book on the shelves instead of a decent, inspiring book.

Librarians and school administrators engage all the time in what might be called "preemptive censorship." They select the books with the ideas, values and language they want to impose on the pupils, and they do this without accountability to anyone.

They even resent it when parents, taxpayers, or elected school board officials dare to express an opinion about arbitrary book-selection decisions. Librarians know they can count on the entire liberal establishment to back up their assertion of total and final authority to select some books and censor others.

If school board officials are going to be hauled into court and forced to defend their motives in removing vulgar books, then librarians and school administrators should also be hauled into court to defend their motives in selecting vulgar books in the first place.

Isn't the best solution for the courts to stay out of public school libraries altogether?

The Civil Liberties Union in the Island Trees case asserted that the high school students not only had a right to read the vulgar books, but a right to get them from the public school library. A few months ~~later~~ earlier, in a high school in Girard, Pennsylvania, the liberals carried on a public campaign of ridicule and harassment against pupils who asserted their right <u>not</u> to read a vulgar book (by Studs Terkel).

The dogmatic liberals even tried to deny the students their high school diplomas unless they read the particular vulgar book, which the students and their parents believed was contrary to their religious conviction. Only after the parents engaged a lawyer to defend the students were they allowed to graduate.