## INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

**The quality of this reproduction is dependent upon the quality of the copy submitted.** Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

U·M·I

University Microfilms International
A Bell & Howell Information Company
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
313/761-4700 800/521-0600

Order Number 9204467

# An analysis of Smith v. Board of School Commissioners of Mobile County: The impact on home economics curriculum

Tippett, Deborah Tunstall, Ph.D.

The University of North Carolina at Greensboro, 1991

Copyright ©1991 by Tippett, Deborah Tunstall. All rights reserved.

U·M·I
300 N. Zeeb Rd.
Ann Arbor, MI 48106

# AN ANALYSIS OF SMITH V. BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY: THE IMPACT ON HOME ECONOMICS CURRICULUM

by

Deborah Tunstall Tippett

A Dissertation Submitted to
the Faculty of the Graduate School at
The University of North Carolina at Greensboro
in Partial Fulfillment
for the Degree
Doctor of Philosophy

Greensboro
1991

Approved by

Barbara Clawson

Dissertation Adviser

APPROVAL PAGE

This dissertation has been approved by the following committee of the Faculty of the Graduate School at The University of North Carolina at Greensboro.

Dissertation Advisor Barbara Clawson

Committee Members Mary Y. Morgan
Rebecca M. Smith
William N. Punkey

April 20, 1990
Date of Acceptance by Committee

April 8, 1991
Date of Final Oral Examination

© 1991 by Deborah Tunstall Tippett

TIPPETT, DEBORAH TUNSTALL, Ph.D. An Analysis of Smith v. Board of School Commissioners of Mobile County: The Impact on Home Economics Curriculum. (1991) Directed by Dr. Barbara Clawson. 427 pp.

An in-depth analysis of Smith v. Board of School Commissioners of Mobile County was conducted to ascertain the conditions which precipitated Smith, the underlying themes of the trial, and the impact on secondary home economics curriculum. A triangulation approach was used to collect data from document analysis, content analysis, interviews, and a questionnaire. The trial transcript and court decisions were analyzed and interviews were conducted with the three attorneys who represented the three parties in the trial, the Alabama Home Economics State Supervisor, the two home economics witnesses, and the five authors of the challenged home economics textbooks. A questionnaire was sent to a random sample of Alabama home economics teachers, with a 58% return. A content analysis of the home economics textbooks, which were revised after Smith, was conducted to determine the extent of change of the challenged passages in the textbooks.

Smith was a federal court trial in which 44 textbooks were banned in Alabama in March of 1987. This study focused on the five challenged home economics textbooks which were charged with establishing the religion of secular humanism and were found by the district court to be unconstitutional. The appellate court found that the books promoted values such

as tolerance for diverse views and logical decision making and reversed the ban in August of 1987.

Major findings include:

1. Conditions which precipitated Smith included an active ultraconservative religious influence in Alabama.

2. The underlying theme was a clash of beliefs over diverse views of secular humanism and different interpretations of home economics. The clash was fought in a federal district court at the instigation of the judge.

3. The censorship of the home economics textbooks in Alabama did impact on the secondary home economics curriculum as evidenced by: change in content of the state curriculum guide, change of attitudes of home economics teachers, and change of content in the challenged home economics textbooks.

ACKNOWLEDGEMENTS

This study would not have been possible without the support and participation of many people. I am especially grateful to my advisor, Barbara Clawson, whose high scholarly standards and insistence that issues be critically examined gave focus for this research. She has demonstrated scholastic integrity, genuine concern, and unlimited patience during my entire graduate study. She will always be a mentor and valued friend.

Appreciation is given to my doctoral committee, Mary Morgan, Rebecca Smith, and William Purkey, for their constructive suggestions and guidance. Special thanks is extended to H.C. Hudgins, professor at East Carolina University, formerly of UNCG, whose challenging school law course gave me the skills to do the legal research required of this study. I am also grateful for his critique of the dissertation and his continued support.

The Naomi G. Albanese Doctoral Fellowship was instrumental in my decision to begin graduate study. I will always be appreciative of this honor. I am also thankful for the Small Research Grant provided for this study by the School of Human Environmental Sciences at UNCG.

The financial support of Meredith College through the efforts of Allen Burris, Dean of the College; Marilyn Stuber, Chair of the Home Economics Department; and the

Faculty Development Committee are gratefully acknowledged. The faculty at Meredith were quick to offer assistance throughout this study. I am appreciative of Marilyn Stuber, Renee Prillaman and Kathryn Clark, who taught classes for me so this study could be completed. The editing efforts of Ellen Goode and the assistance with the mailings by Bettina Taylor and Alyce Townsend are appreciated.

Current and former students volunteered their efforts and energy to assist at many points. Special thanks to Sylvia Boles, Robyn Thomas, and Leslie Van Hoy Matthews. I am especially grateful to my student assistant, Anne Cutler, who tabulated the results of the questionnaire and proofed the entire study. Her efficiency and organization skills in running my office enabled this study to be completed while I was teaching at Meredith. The tedious job of typing the transcripts of the interviews was accurately completed by Susan Parrott and Barbara Mercer.

The Home Economics Education staff of the North Carolina Department of Public Instruction was most cooperative in loaning textbooks and answering questions. Rebecca Payne, lead consultant, arranged the interviews with the State Supervisor of Alabama.

Recognition is given to all those who participated as subjects in this study. All of the persons interviewed were generous with their time and knowledge. The attorneys whose

legal expertise and willingness to openly discuss the issues is appreciated. I also recognize the courage and interest of the authors and teachers who shared their reflections on the case. The author who testified in Smith provided much support and encouragement throughout this study. The State Department of Education of Alabama was most helpful in answering questions and providing copies of any materials requested. I am especially grateful to the Home Economics State Supervisor and the Textbook Coordinator of Alabama and their secretarial staff.

I have been fortunate to have family members who have supported me throughout this entire graduate study. I have appreciated their patience, encouragement, and support. A special thanks is extended to my mother, Ann S. Tunstall, who proofed the study with all the rules of grammar, and to my husband, Jim, whose encouragement and support of this endeavor have made it all worthwhile.

TABLE OF CONTENTS

Page

APPROVAL PAGE . . . . . ii

ACKNOWLEDGMENTS . . . . . iii

LIST OF TABLES . . . . . x

CHAPTER

I. INTRODUCTION . . . . . 1

Purpose of the Study . . . . . 8
Significance of the Study . . . . . 9
Definitions . . . . . 17
Scope of the Study . . . . . 18
Organization of the Study . . . . . 18

II. REVIEW OF THE LITERATURE . . . . . 19

Introduction . . . . . 19
Textbook Censorship . . . . . 21
The Ultraconservative Textbook Protesters. 26
Educational Research Analysts . . . . 30
Moral Majority . . . . . 32
Eagle Forum . . . . . 35
Recently Formed Groups . . . . . 38
Influence on Textbooks . . . . . 40
Review of Court Decisions . . . . . 41
Todd v. Rochester . . . . . 43
Williams v. Board of Education . . . 43
Minarcini v. Strongsville . . . . . 44
Cary v. Board of Education . . . . . 45
Loewen v. Turnipseed . . . . . 46
Zykan v. Warsaw . . . . . 47
McLean v. Arkansas . . . . . 48
Grove v. Mead . . . . . 49
Aquillard v. Edwards . . . . . 50
Mozert v. Hawkins . . . . . 51
Summary of Cases . . . . . 53
Secular Humanism . . . . . 56
Home Economics Curriculum . . . . . 65
Historical Basis . . . . . 65
Curriculum Directions . . . . . 68
Curriculum Decisions . . . . . 76
Summary . . . . . 78

CHAPTER


III. METHODOLOGY . . . . . 83

Research Subjects . . . . . 85
Instrumentation . . . . . 87
Data Collection . . . . . 89
Treatment of Data . . . . . 92

IV. ANALYSIS OF SMITH . . . . . 94

Involvement of Attorneys . . . . . 95
Legal Beginnings - Jaffree . . . . . 101
Smith: The Textbook Trial . . . . . 109
Opening Statements . . . . . 111
The Charges Against the Textbooks . . . . 113
The Court's Expert Witness . . . . . 135
The Defense of the Textbooks . . . . . 142
Testimony for the State . . . . . 147
Testimony for the Defendant-Intervenors . . . . . 153
State Testimony Resumes . . . . . 162
Testimony for the Defendant-Intervenors Resumes . . . . . 168
Home Economics Teacher Testifies . . 170
Home Economics Author Testifies . . . 179
Rebuttal Testimony . . . . . 195
Judge Hand's Decision to Ban Textbooks . . . . 199
Reactions and Actions of Attorneys . . . . 206
Appellate Court Reverses Ban . . . . . 209
Reactions of Attorneys . . . . . 213
Legal Impact on Home Economics Curriculum . . . 216
Summary of Trial and Decisions . . . . . 220

V. CONDITIONS PRECIPITATING AND THEMES OF SMITH . . 233

Conditions Which Precipitated Smith . . . . . 233
Findings from the Literature . . . . . 233
View of State Supervisor . . . . . 236
Views of the Attorneys . . . . . 239
Views of the Home Economics Witnesses . . 243
From the Trial . . . . . 244
Summary . . . . . 246
Underlying Themes of Smith . . . . . 248
Diverse Views on Secular Humanism . . . . 249
The Attorneys . . . . . 249
Home Economics Teachers . . . . . 252
Home Economics State Supervisor . . . 257
Home Economics Textbook Authors . . . 258

CHAPTER


Different Interpretations of Home Economics . . . . . 264
Home Economics State Supervisor . . . 265
Home Economics Teachers . . . . . 266
Plaintiffs . . . . . 266
Defense . . . . . 268
Home Economics Witnesses . . . . . 270
Testimony of Expert Witnesses . . . . 272
Response of the Home Economics Profession . . . . . 275
Factors Contributing to Significance of Case . . . . . 280
Judge Hand's Views . . . . . 280
Involvement of Special Interest Groups . . . . . 283
Publicity Surrounding Smith . . . . . 288
Summary . . . . . 295

VI. IMPACT OF SMITH ON SECONDARY HOME ECONOMICS . . 299

Home Economics Curriculum in Alabama . . . . . 300
Home Economics State Supervisor . . . . . 300
Reaction to Smith . . . . . 301
Changes in Home Economics Curriculum 302
Changes in Textbook Adoption Criteria 305
Summary . . . . . 306
Home Economics Teachers in Alabama . . . . . 307
Awareness of Smith . . . . . 310
Impact of Trial . . . . . 313
Impact of Ban . . . . . 314
Reaction to Charges . . . . . 315
Awareness of Appellate Decision . . . 319
Changes in Home Economics Curriculum . . . 319
Attitude Toward Home Economics . . . . . 321
Summary from Home Economics Teachers . . . 324
Home Economics Authors . . . . . 328
Author A . . . . . 328
Awareness and Reaction to Smith . . . 329
Impact of Smith . . . . . 330
Changes in Book A . . . . . 333
Author B . . . . . 334
Awareness and Reaction to Smith . . . 336
Impact of Smith . . . . . 337
Changes in Book B . . . . . 339

CHAPTER


Author C . . . . . 341
Awareness and Reaction to Smith . . 343
Impact of Smith . . . . . 344
Changes in Book C . . . . . 347
Author D . . . . . 349
Awareness and Reaction to Smith . . 350
Impact of Smith . . . . . 351
Content in Book D . . . . . 355
Author E . . . . . 357
Awareness and Reaction to Smith . . 358
Impact of Smith . . . . . 359
Changes in Book E . . . . . 362
Summary From Authors . . . . . 367
Summary of Changes in Textbooks . . . . . 370

VII. SUMMARY AND RECOMMENDATIONS . . . . . 374

Summary of Findings . . . . . 375
Summary of Smith . . . . . 375
Summary of Research Questions . . . . . 376
Conditions Precipitating Smith . . . 377
Underlying Themes of Smith . . . . . 380
Impact on Home Economics Curriculum. 381
Implications and Recommendations . . . . . 385
For Home Economics Educators . . . . . 385
For Home Economics Professional Associations . . . . . 388
For Educators . . . . . 388
For Future Research . . . . . 390

BIBLIOGRAPHY . . . . . 392

TABLE OF CASES . . . . . 400

APPENDIX A. LETTERS . . . . . 401

APPENDIX B. CONSENT TO ACT AS HUMAN SUBJECT . . . . . 409

APPENDIX C. QUESTIONNAIRE & INTERVIEW SCHEDULE . . . . 411

LIST OF TABLES

TABLE Page

1. Bases for Curriculum Decisions of Alabama Teachers . . . . . 309

2. Level of Awareness of Trial as Reported by Home Economics Teachers . . . . . 312.

3. Number of Objections to Home Economics Textbooks in Smith by Category . . . . . 372

# CHAPTER 1

## INTRODUCTION

For the past 30 years, public schools have been under attack from religious ultraconservative groups. These groups, often labeled the New Right or fundamentalists, have expressed outrage at schools for promoting secular humanism. On March 4, 1987, there was more than an outcry of protest. Decisive action occurred when Judge Brevard Hand banned 44 books from all the public schools in Alabama. This federal court decision affected social studies, history, civics, and home economics books.

The case resulted from earlier action by Judge Hand. In May of 1982, Ishmael Jaffree charged that the religious observations and prayers in the Alabama schools violated the constitutional rights of his three children. He argued that the Alabama statue which allowed prayer and religious observations was unconstitutional because it established a religion. The establishment clause of the First Amendment to the Constitution prohibits public schools from promoting a religion. Douglas T. Smith, a teacher, and other Alabama teachers, parents, and students filed a motion to intervene. They charged that an injunction against religious action in the public schools would violate their right to free exercise of religion. Judge Hand gave Smith and more than 600

parents, teachers, and students the status of defendant-intervenors. If Jaffree obtained an injunction, this group requested that the injunction be expanded to include "the religions of secularism, humanism, evolution, materialism, agnosticism, atheism, and others" (Smith v. Board of School Commissioners of Mobile County, 655 F.Supp 939, p. 942). The group asked the court to give them the opportunity to provide examples of these other religions in the public schools.

At the district level, Judge Hand upheld the Alabama law allowing prayer in the schools. He wrote that the Constitution does not prohibit the state from establishing a religion. In a footnote to this 1983 ruling, Hand indicated that if his decision were overturned he would look at whether secular humanism was unconstitutionally promoted in the schools. His decision was overturned by the Supreme Court in 1985 (Wallace v. Jaffree, 105 S.Ct. 2479, 1985).

As Judge Hand wrote in his footnote, he reopened the case in 1985 and gave the intervenors (Smith and others) the status of plaintiff. The 624 plaintiffs charged that the school system "unconstitutionally advanced the religion of humanism..." (Smith, p. 946). They asked for a court hearing in order to bring evidence before the court.

The bench trial was held from October 6 through 22, 1986. Testimony focused on the elementary and secondary textbooks in the areas of history, social studies, and home

economics. The plaintiffs were given financial and legal support from local and national ultraconservative religious groups. The national groups included the Heritage Foundation and the National Legal Foundation. The defendants included the school commissioners of Mobile County, Governor George Wallace, and the Alabama Board of Education. Judge Hand permitted 12 parents to join the defense as defendant-intervenors. Financial and legal support for the defendant-intervenors was supplemented by the People for the American Way and the American Civil Liberties Union (McFadyen, 1987).

Much of the trial focused on five state adopted home economics textbooks because the plaintiffs charged these books directly promoted secular humanism. Evidence was given to establish secular humanism as a religion. Therefore, the plaintiffs argued that the home economics books were unconstitutional due to the Establishment Clause of the First Amendment of the United States Constitution, which prohibits schools from establishing a religion. According to the plaintiffs, the social studies and history textbooks indirectly promoted secular humanism by omission of religion of any kind (Smith v. Board of School Commissioners of Mobile County, 1987).

Expert witnesses from all over the United States were brought to Mobile to testify. A review of the official court documents and publicity surrounding the trial revealed that

much of the court discussion centered around the home economics curriculum as supported by the textbooks. Yet, only two professionals from the field of home economics were asked to testify. A home economics teacher who used one of the challenged textbooks and the author of that textbook were asked to testify about the use and intent of that book. No curriculum specialists in the area of home economics gave testimony. Issues such as teacher training of the authors and teachers, content of the books, and philosophies of the educators were examined.

On March 4, 1987, Hand ruled that the challenged textbooks violated the Establishment Clause of the First Amendment of the United States Constitution. He wrote that the home economics books directly promoted humanism, and the history and social studies books indirectly promoted humanism by neglecting the discussion of religion in the role of history. Secular humanism, as defined by Hand, is a "man-centered belief system" (p. 975). He ordered immediate removal of 44 textbooks from all Alabama schools (Smith v. Board of School Commissioners, 655 F.Supp. 939).

In Mobile County, the removal of books began immediately. Other school systems varied in the removal process. On March 12, 1987, the Alabama School Board voted to appeal the decision. On March 27, 1987, the United States Court of Appeals for the 11th Circuit issued a temporary injunction against Hand's ruling. The court ordered that the

school systems return the books to the classrooms ("Alabama Judge Bans," 1987).

An appeal was heard in June of 1987 at the United States Court of Appeals for the 11th Circuit. This three-judge court of appeals panel reversed Hand's order on August 26, 1987. The panel found that the message of the 44 books did not endorse secular humanism or any other religion (Smith v. Board of School Commissioners of Mobile County, 827 F.2nd 684). This decision was not appealed to the Supreme Court.

This court case was not an isolated legal incident. The plaintiffs were organized and funded by ultraconservative religious groups. A major focus of the fundamentalist "new right" groups has been to influence the public schools through the selection and removal of textbooks (Pincus, 1984). "Censorship of textbooks and school library materials has increased dramatically in recent years" (Quade, 1984). Educators have cited the ultraconservative fundamentalist groups in the United States as a major force behind the objections of public school textbooks. Pincus wrote: "Many of the national press have agreed with most educational associations that right-wing censorship now constitutes a major threat to the schools" (Pincus, 1984, p. 7).

Textbooks are selected for school systems in a variety of ways. School boards are given the authority to select textbooks and prescribe curriculum through state statutes (Bryson & Detty, 1982). Twenty-two states adopt textbooks on

a statewide basis (Tulley, 1983). Of these states, most textbook commissions establish a multiple list of books from which the individual school board can select. Other states delegate the authority for textbook selection to the local school boards. Ultraconservative groups such as the Educational Research Analysts, the Moral Majority, and the Eagle Forum have been vocal in their objections over textbooks since the early 1970's (Pierard, 1987).

Parents who have experienced dissatisfaction with the public schools have been influenced by the fundamentalist groups. This problem has been explained by Bryson and Detty (1982).

> Dissatisfaction with falling Scholastic Aptitude Test scores, student discipline, moral decline, lack of patriotism, lack of respect for adults, and belief that American children cannot read and compute as well as their parents did in school, has caused a general lack of confidence in current educational programs. (p.6)

This lack of confidence in the public schools has influenced parents to be more receptive to special interest groups and more active in the removal of books (Bryson & Detty, 1982).

Parents who have been influenced by the fundamentalist groups have been active through the courts in objecting to textbooks which have been adopted. Parents, citing the First and Fourteenth Amendments to the U.S. Constitution, have brought complaints against school boards through the courts to remove certain texts. In a reaction to the

fundamentalist pressures, educators, parents, and concerned citizens have also reacted through the courts to object to the removal of certain texts. Hudgins and Vacca (1985) wrote, "Much of the litigation in the area of censorship has dealt with the removal of materials currently in use" (p. 225).

Secular humanism has been the primary objection of the fundamentalist groups (Falwell, 1980; Gabler 1987; Schlafly 1985). Although there are many definitions and interpretations of this term, much debate has been centered around the question of whether or not secular humanism is a religion. This question has been discussed in articles, books, legal briefs, and in the courts.

Home economics has recently come under attack by the fundamentalist groups. The first court case involving home economics textbooks and curriculum was Smith v. Board of School Commissioners of Mobile County. Yet, fundamentalist groups such as the Eagle Forum and Educational Research Analysts had openly questioned the content and methodology presented in home economics classrooms prior to Smith. Major points can be summarized in relation to the Smith case. It was representative of an active fundamentalist religious movement in the United States. Organized New Right groups have been active in protesting public school textbooks in schools and in the courts. There have been court cases prior to Smith which looked at similar issues. However, this case

was the first court case to directly affect home economics textbooks. It was also the first case which involved censorship of books by a federal court for an entire state.

## Purpose of the Study

Therefore, the researcher conducted an in-depth analysis of Smith v. the Board of School Commissioners of Mobile County to ascertain the impact this case had on secondary home economics curriculum. Questions which guided the research were:

1. What were the conditions that precipitated Smith?
2. What were the underlying themes of Smith?
3. What impact did Smith have on secondary home economics curriculum as evidenced by:
   a. changes in home economics curriculum in Alabama,
   b. changes in Alabama textbook criteria for adoption of home economics textbooks,
   c. changes in treatment of subject matter by home economics teachers in Alabama due to Smith,
   d. changes of home economics teachers' attitudes toward home economics after Smith,
   e. attitudes of home economics authors toward subject matter after Smith,
   f. changes made in home economics textbooks due to Smith?

## Significance of the Study

Although Hand's March 4, 1987, decision was reversed, there were many consequences, precedents, and implications of this decision for the legal and school community. Books were removed at a cost to the school systems, teachers, and students ("Alabama Judge Bans," 1987). Schwartz (1987) reported that the ban on books caused disarray and injury in the Alabama schools. He quoted Jim Ippolito, attorney for the Alabama School Board, as saying that this ruling would cause permanent injury to thousands of people in Alabama. Ippolito said, "We saw injury to the governmental process in determining school curriculum; we saw injury to the students for being denied access to educational materials; and we saw injury to teachers" (Schwartz, 1987, p. 31). Ippolito reported that 114 of the states' 130 school systems used one or more of the banned books. Poor school systems, according to Ippolito, were left with no books for certain courses.

Hulsizer (1987) discussed the effect of Hand's decision on teachers and students and wrote that this ruling:

> (It) is an unprecedented intrusion into the curriculum by a federal court. In an act that amounts to judicial book burning, he has left students and teachers with a gutted curriculum in the middle of the school year. (p. 15)

She described the case as an attack by fundamentalist parents on the methods, content, and basic purposes of public education. The case affected all Alabama schools and placed

textbook selection under the supervision of the federal court. Hulsizer wrote that Hand had "given the country its first judicially created religion to be defined by its opponents" (p. 15) and predicted that this would open the court door to other objections on religious grounds.

The view of the ruling as an unprecedented intrusion (Hulsizer, 1987) was supported by former United States Representative, John Buchanan, who was quoted as saying, "Never before has a federal court so injected itself into the curriculum of the public schools" (Mitchell, 1987, p. A6). Buchanan, who was the Chairman of the People for the American Way, analyzed Hand's ruling by saying that the judge had erred and the decision was government censorship of textbooks (Mitchell, 1987).

Alabama's director of the American Civil Liberties Union, Mary Weilder, was quoted as saying, " The decision confirms our worst fears of federal censorship over public school matters" (Mitchell, 1987, p. A6). That decision was the first time, according to Weilder, that a federal judge had declared ideas unconstitutional.

As one might expect, the ultraconservative groups were pleased with Judge Hand's decision. The May 1987 issue of Newsletter on Intellectual Freedom presented quotes from leading fundamentalists who supported the plaintiffs. Robert Skolrood, chief council for the plaintiffs and executive

director of the National Legal Foundation, was quoted: "This is one of the most significant decisions on religious freedom in the last forty years. Humanism is now out of the closet for the first time" ("Alabama Judge Bans," 1987, p. 106). The day after Hand's decision, Pat Robertson addressed the convention of the National Association of Evangelicals. He described the ruling as "a landmark case in American in the freedom of religion and the return of traditional values that make this country great. It is a victory for every school in America" ("Alabama Judge Bans," 1987, p. 106).

When Hand's decision was reversed, the appellate court did not discuss the issue of secular humanism as a religion. Judge Frank Johnson, in writing the opinion of the court, determined that secular humanism or any other religion was not unconstitutionally advanced by the banned books. The group of parents who objected to the books claimed this statement as a victory. After the reversal, one of the parents and a representative of the plaintiff group, Judith Whorton, was quoted as saying that her group had "brought to the attention the issues of humanism and lack of religion in the schools" ("Secular Humanism Suit Ends," p. 40). She said "her group achieved its objective of convincing the court that secular humanism is a religion" (p. 40).

William Siniard, a superintendent of Russell County Schools in Alabama expressed concern over the removal and return of books to the students. He was quoted in a July

1987 issue of Newsletter on Intellectual Freedom as saying that this action would be confusing to students. "Here's something that has been banned as an evil and, all of a sudden, it's not evil any longer. It's acceptable. People don't change that fast," Siniard noted (p. 118).

The legal and school communities have continued to discuss the impact of this case on public education. Writers have cited the threat to American education (Beall, 1987; Hulsizer, 1987). Others have discussed the impact this case could have on the textbook publishers (Yen, 1987) and libraries ("Alabama Textbooks Banning Threatens," 1987). Some writers predicted that the reversal of Hand's decision would make the fundamentalists more active at the local level ("Alabama, Tennessee Textbooks," 1987). Others discussed the unresolved question of whether secular humanism is a religion (Bjorklun, 1988; Heady, 1988; Ingber, 1989; Rogers, 1988). It was predicted that school officials would want to avoid books with sensitive topics to avert controversy ("Alabama, Tennessee Textbooks," 1987).

The review of more than 150 books, articles, legal briefs, speeches, and other documents dealing with Smith found only one paper presented by a home economist. Laster (1987), in a speech made at a conference at the University of Illinois, identified philosophical questions which resulted from the court case. Yet, much of the trial dealt with the home economics textbooks. Although expert witnesses from all

over the United States were called to testify as to the preparation of home economics teachers in areas such as philosophical base, teacher training, methodology, and curriculum, only two home economists testified. Publicity about the banning of the home economics books appeared throughout the United States.

The author who testified in the trial was contacted by the local, national, and international press. Excerpts from the banned home economics books appeared in newspapers all over the United States. Local newspapers in other states carried articles which indicated that local school boards were meeting to discuss the appropriateness of the banned home economics books (Barkley, 1987). A state supervisor of home economics in a state other than Alabama reported to the researcher that she was contacted by the press, concerned parents, a publisher of one of the banned books, and school officials concerning the banned books which were adopted in her state (Personal Communication, October 10, 1989).

There has been a change of focus in home economics curriculum in the last 30 years (Baldwin, 1985; Bobbitt, 1986; Laster & Dohner, 1986; Thomas, 1986). Curriculum specialists in home economics are urging teachers to move beyond presenting technical knowledge to helping students learn to think critically and make decisions about life situations (Baldwin, 1985; Brown, 1980; Hultgren & Wilkosz, 1986; Thomas, 1986). The passages of the home economics

textbooks to which objections were raised in Alabama reflected concern with this curriculum direction.

An attorney for the plaintiffs, Thomas Parker, in a speech to the St. Louis University School of Law on April 7, 1987, described the changes in home economics curriculum in the following manner:

> The facts about religion claims were related to history and social studies textbooks, the tenets of faith claims were based on home economics books. You may be saying, "Home Economic (sic) books! How can sewing and cooking and child care advance Humanism?" Well, surprisingly, home economic (sic) books are not limited to those subjects anymore. They are a casualty of the women's movement of the last decade. As it became increasingly unpopular for girls to study home economics and aspire to homemaking roles, the population in the home economic (sic) classes began to decrease. In typical bureaucratic form the home economic (sic) teachers began to scramble to figure out how they could keep the student enrollment up. So they began adding new subjects to the home economics curriculum in hopes of keeping it attractive, in maintaining the enrollment. In so doing, they reached out and picked up humanistic psychology which is atrocious. Typically, one-third of the home economics books today is devoted to values and decision-making, whereas only two-thirds of it, if at all, will cover the traditional home economic (sic) subject matters of child care, cooking, sewing, etc. (p.375)

John Flanagan, president of Goodheart-Willcox, who published two of the five challenged home economics books responded to questions about changes in home economics curriculum in a telephone interview to Yen (1987). He said that home economics has been "undergoing deep changes in recent years and no longer teaches only cooking and sewing.

Both boys and girls study it and it teaches life skills" (p. 14).

According to Bowers (1985), education has been under attack by the fundamentalist groups since desegregation in the early 1960's. The first national controversy which charged that textbooks were promoting secular humanism was in Kanawha County, West Virginia in 1974. Candor (1976) completed an in-depth case study of the events surrounding this controversy. Other scholarly works have examined the interrelationship between the fundamentalist movement and education (Bowers, 1985; Larson, 1988; Mobley, 1987). Researchers have studied the legal aspect of censorship (Detty, 1981; Stephens, 1978). Moore (1988) analyzed the influence of fundamentalist censorship challenges on state textbook adoption criteria. Other censorship studies have analyzed literature books in Tennessee (Weathersby, 1975) and in Illinois (Borowiak, 1983). The fundamentalist objections in the Texas state book adoption for a literature series were critiqued by Last (1984). State adoption criteria also have been studied (Tulley, 1983; Moore, 1988). Herzog (1988) conducted a qualitative study on teachers' experiences with censorship.

Three studies were found which briefly describe Smith as an example of textbook censorship in the courts due to ultraconservative objections (Herzog, 1988; Larson, 1988; Mobley, 1987). However, the review of literature has not

revealed an in-depth study of Smith. Analyses have come primarily from the legal community in the form of briefs and reviews (Heady, 1988; Ingber, 1989; Lee, 1988; & McHenry, 1987).

Because of the focus of Smith on home economics and the lack of scholarly research related to this case, it seems important to provide information about this case in the field of home economics. An analysis of the case would unravel themes which may reoccur as cases of censorship continue to rise. Due to the secular nature of home economics and the recent curriculum trends, home economics is a likely area to be attacked by ultraconservative religious groups in the future.

An analysis of Smith would also provide information about the censorship of textbooks in the public schools. There is a lack of scholarly research in this area. Few studies have provided more than a description. This observation is consistent with the findings of Herzog (1988) who noted a lack of rigorous and systematic research in the area of textbook censorship. Many writers have projected what would happen if censorship by the courts were allowed to happen. Rogers (1988) expressed this fear:

> But what disturbs all citizens concerned about quality education is the extent of self-censorship in American education today. Defending challenged publications takes time, trouble, and money. So there seem to be more words that writers fear to write, more ideas that teachers fear to teach, and more books that publishers fear to publish. (pp. 103-104)

From March 4, 1987 till March 27, 1987 censorship by a federal court did take place, affecting an entire state. This study gives voice to some of the people most closely affected - the teachers and the authors.

## Definitions

For the purpose of this paper, the following definitions apply:

Censor - "A process which limits access to books and materials based on value judgments or prejudices of individuals or groups. The act of censorship may be accomplished by (1) suppression of use, (2) removal of books or materials from the library or classroom, or, (3) limiting access of library and instructional materials. Censorship withholds or limits the students' right to read, to learn, and to be informed and the teachers' right to academic freedom " (Bryson & Detty 1982, p. 10).

Curriculum - "...plans made for guiding learning in schools, usually represented in retrievable documents of several levels of generality, and the implementation of those plans in the classroom; those experiences take place in a learning environment that also influences what is learned" (Glatthorn 1987, p. 1).

First Amendment - "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances" (Constitution of the United States).

Secondary Home Economics - Home Economics courses offered at the seventh through twelfth grade of school.

Textbook - "A book designed by publishers to provide the base of instruction in a given subject" (Muther 1985, p. 7).

## Scope of the Study

This study will focus on the home economics textbooks in the case of Smith v. Board of School Commissioners of Mobile County. The impact of curriculum on secondary home economics will be limited to Alabama. Although this is a study of a legal case, it is not from a legal perspective.

## Organization of the Study

This study will include both an in-depth analysis of Smith and a collection of empirical data. Chapter 1 introduces the problem and presents the purpose and significance of the study. A review of literature relating to the major themes of the case is presented in Chapter 2. Chapter 3 explains the methodology, subjects, instruments, and treatment of data. Chapter 4 presents an in-depth analysis of Smith from court transcripts, decisions of the courts, interviews with key attorneys and with the home economists who testified. Conditions precipitating Smith and the underlying themes of Smith are examined in Chapter 5 from literature review; interviews with attorneys, State Supervisor of Home Economics, witnesses, and authors; trial documents; and teacher questionnaires. A discussion of the impact on home economics curriculum is presented in Chapter 6 with findings from the teacher questionnaires, interviews with the Alabama State Supervisor and the five home economics authors, and a content analysis of the home economics textbooks. The summary, implications, and recommendations are included in Chapter 7.

# CHAPTER 2

# REVIEW OF LITERATURE

## Introduction

Ultraconservative religious groups have used textbooks as a means to express displeasure with the public schools in the United States. A primary objection with public schools has been the teaching of secular humanism. Therefore, the case of Smith v. Board of School Commissioners of Mobile County has been linked to a national fundamentalist movement which objects to textbooks in the public schools (Burress, 1989; Moore, 1988; Rogers, 1988). This movement raises many questions. How have the ultraconservative religious groups contributed to the rise of censorship? Who are the ultraconservative religious groups? What influence do these groups have on the publication, selection, and censorship of textbooks? How successful have they been in removing textbooks from the curriculum? How do the courts interpret the constitutional rights of students, parents, teachers, and school boards in regard to textbooks? How is secular humanism defined? What are the curriculum trends of home economics? What relationship does home economics have with secular humanism? The purpose of this review of literature is to address these questions in an effort to lay the foundation for an analysis of Smith v. Board of School Commissioners of Mobile County.

This review is primarily concerned with the major ultraconservative religious groups, established in the last 30 years, who have objected to public school textbooks. Major court decisions involving public school textbooks from 1972 to December 1988 are discussed. For the purpose of this study, only books which have been adopted by a duly appointed board for classroom instruction are covered. The review of literature will also examine definitions of secular humanism by several groups. The overview of home economics curriculum focuses on the last 30 years.

This review of literature was begun by using the index to legal periodicals and the education index. A computer search was conducted using the Legaltrac Database, Wilson Library Database, and the ERIC Database. A search for court cases which involved the censorship of textbooks was conducted using Corpus Juris Secundum and American Jurisprudence. Significant cases were reviewed using the National Reporter System. Black's Law Dictionary was consulted for the definitions of major terms used in the paper. A search for dissertations was conducted using Dissertation Abstracts International and Dissertations Database. The researcher used resources from the following libraries:

Duke University Law School Library

Manning Library of Library Science, University of North Carolina at Chapel Hill

Jackson Library, University of North Carolina at Greensboro

Carlyle Campbell Library, Meredith College

Dissertations and other major works were secured through interlibrary loan. Publications written by leaders in the ultraconservative religious movement were requested through the mail and purchased at Bible book stores.

## Textbook Censorship

Cases of book censorship have been documented since the history of humankind began (Weathersby, 1975; Bryson & Detty, 1982). In a summary of the history of censorship in American Education, Borowiak (1983) noted that censors have held the belief that their views are correct and that their children would be harmed if exposed to different views. He dated the first textbook controversy in the United States to the time following the Civil War. Both the North and the South wanted their views reflected in the textbooks.

Although censorship has a long history, this review focuses on the last 30 years. Weathersby (1975) described objections to textbooks by conservative groups in Texas in 1961. These groups, using materials from the Daughters of the American Revolution, Sons of the American Revolution, American Legion, and others, objected to certain texts that included words and pictures of subversive writers and printed

faults of the founding fathers. The groups were successful in banning the work of Langston Hughes from the textbooks (Weathersby, 1975).

The case most discussed by censorship scholars was the Kanawha County controversy in West Virginia in 1974 and 1975 (Candor, 1976; Weathersby, 1975). The protest of textbooks by conservative groups led to coal mining strikes, firebombs in schools, death threats, and the closing of schools.

Candor's (1976) dissertation provides an in-depth historical analysis of this controversy. At the beginning of the school term in 1974, groups protested against the use of 325 textbooks stating they were anti-Christian, dirty, and anti-American. National conservative groups such as the John Birch Society, Heritage Foundation, Educational Research Analysts, and Klu Klux Klan participated in the protest. Candor wrote:

> The textbook controversy was but a single manifestation of the larger, widespread attack on the values and policies of our public institutions as well as an attempt to determine who should control these institutions. (p. 7)

Candor vividly described the resulting violence and involvement of outside groups. A minister prayed for the death of three of the school board members. Schools, businesses, and public transportation closed in Kanawha County. Candor found that the intervention by conservative

right-wing groups contributed to the controversy. She also found that the large extent of media attention gave fuel to the unrest (Candor, 1976).

This case gave national attention to the Gablers of Texas and other fundamentalist groups. The violence and media attention put textbooks in the limelight. Many have identified this case as the beginning of the battle over books in the public schools (Candor, 1976; Demac, 1988; Pincus, 1984). The controversy did lead to Williams v. Board of Education of the County of Kanawha and is discussed later in this chapter.

Many writers have documented the rise of censorship in public schools (Bryson & Detty, 1982; Burress, 1989; Burress & Jenkinson, 1982; Rogers, 1988). Various groups have published survey results illustrating a rise in censorship. Mobley (1987) concluded that the increase of censorship was due to the conservative political organizations associated with the New Right.

In a recent study by the People for the American Way, there were 244 reported attempts to remove books from public schools or libraries in 39 states during the 1989-1990 academic year. This represented a 40% increase over 1988-89, with the largest number of censorship reports occurring in California with 69 attempts. Other states with the most reported incidents of textbook censorship were Oregon, Washington, New York, Michigan, Florida, and Texas,

respectively. Arthur Kropp, president of People for the American Way, was quoted:

> The censorship movement in America is flourishing ... From novels to television programs to fine arts to music to movies to textbooks, we are witnessing an explosion of censorship, an explosion sparked by the march of far right and religious right intolerance. The plain truth is that these extremists are frightened by ideas and unimpressed by facts. ("School Censorship On Rise," pp. 201-202)

Burress and Jenkinson (1982) offered reasons why the number of attempts to censor school material has increased.

> 1. People tend to examine the schools critically during times of economic, political, and moral tension.
> 2. Desegregation has led to some parents being upset with almost anything the schools do.
> 3. The removal of prayer from the schools has disturbed thousands of Americans.
> 4. Critics of education who believe that the schools are teaching the religion of secular humanism point to evolution, situation ethics, values clarification, and sex education as proof that the schools are preaching a religion.
> 5. Contemporary authors of adolescent novels have ignored the taboos of the forties and fifties and have begun writing books about the problems of teenagers and have been using language that some parents do not believe should be included in books.
> 6. Parents sometimes become frustrated when they do not recognize the subject matter their children are studying and cannot help them with homework.
> 7. Teachers have not always chosen materials wisely and well and sometimes used methods that have caused parental concern.
> 8. Teachers and administrators have not always welcomed parental complaints.
> 9. Local and national organizations of concerned citizens have been formed to protest school books and/or establish private schools if the members feel there is little hope for the public schools. (pp. 23-24)

Bruwelheide (1987) discussed the rise in censorship cases in the 1980's. He found that the majority of cases involved the New Right and listed the following reasons for the successful attempts by the New Right:

> The groups are now better organized, better funded, and aided in part by new legislation. Another reason is the apathy of many educators who apparently feel such efforts will never be made in their districts. Most surveys indicated that less than 50% of public school systems have policies to deal with selection, complaints, or controversial methods and material. Many educators also seem to be unaware of support groups to help fight challenges. (p. 416)

Stephens (1978) found similar results in a study of Supreme Court decisions from 1970-77. He concluded that inadequate rules and regulations in the area of dealing with censorship by the school system give rise to litigation.

Herzog (1988) conducted in-depth interviews with 13 teachers in the Southern Appalachian Mountains who had experiences with censorship. She found that censorship made it difficult for teachers to fulfill their roles as teachers and "censorship experiences were accompanied by a myriad of emotional responses including anger, anxiety, frustration, isolation and defeat" (pp. 120-121). She also reported that teachers felt threatened and vulnerable. Herzog concluded that censorship experiences led teachers to practice self-censorship to avoid "potentially controversial topics, methods and ideas" (p. 121). She explained that these

experiences:

> resulted in a pattern of cumulative, often imperceptible experiences which gradually and subtly altered teachers' thoughts, feelings and acts. This phenomenon has often been referred to as the "chilling effects of censorship." (p. 121)

According to Herzog in her 1988 dissertation, school censorship is a symptom of social conflict. The conflicts which were reported in her study were primarily from religious values or by administrators who were protecting their jobs. Another theme which she identified was that conflict occurred "when the teacher overstepped the bounds of the information giving role."

## The Ultraconservative Textbook Protesters

Researchers have sought to identify the censors of books. White (1986) reported on four polls of 1,500 Americans conducted from 1976 until 1982. He found that censorship forces were higher in the South among the relatively uneducated and the aged. He also found that the procensorship forces tend to be fundamentalist Christians. However, he reported that the majority of Christians nationally do not share their views.

Poppel and Ashley (1986) explained that "there are two types of censors: the individual and representatives of an organized group or crusade" (p. 39). They explained that the individual could be characterized as more genuine and less threatening. The organized group, however, is perceived to be more threatening because of the power in numbers.

Who are the groups who exert the major influence today in censoring textbooks? Many researchers (Bowers, 1985; Larson, 1988; and Mobley, 1987) attribute the increase in censorship to the fundamentalist movement. Arons (1981) concluded, "The involvement of national right-wing groups in censorship appears repeatedly" (p. 19).

In a 1986 report by the People for the American Way, 43% of the censorship efforts were from the political and religious right. Groups such as Eagle Forum, Concerned Women for America, National Legal Foundation, and the National Association of Christian Educators were cited as groups which are active in censorship activities. Their efforts "are increasingly accompanied by more sophisticated tactics of litigation, regulation, and legislation" ("Report Finds Censorship On Rise," 1986, p. 203).

In writing the opinion of the court in McLean v. Arkansas (1982), Judge Overton traced the history of the fundamentalist religious movement. He explained that the beginning of the movement occurred "in nineteenth century America as part of evangelical Protestantism's response to social changes, to religious thought and Darwinism" (p. 1258). He added that the movement became strong again after World War I because of a perceived decline in traditional morality. The fundamentalists attributed this decline to the focus on evolution. A resurgence of concern from the fundamentalists occurred a third time in the early 1960's due to a fear of growing secularism in

society. He added that the movement has become more active and has strongly grown in numbers.

Bowers (1985) traced the renewed interest in the fundamentalist movement in religion to the early 1960s. He cited the Supreme Court decisions which enforced desegregation and prohibited school prayer as galvanizing forces. He suggested that this social change left many lower class, white people with a fear that they had lost their privileged place in society. He wrote:

> The social unrest of the 1960s and its culminating changes that it wrought in the 1970s provided a platform upon which the fundamentalists have built their program. The civil rights movement, women's movement, gay's movement, the Vietnam war, busing, unrest on college campuses, and numerous other items that emanated from this period, all traceable back to the schools and its "humanist" concerns laid the foundation for the modern fundamentalist resurgence that grips present-day American. (pp. 45-46)

The review of literature revealed that there have been many fundamentalist groups active in the censoring of textbooks since the early 1960's. Jenkinson (1990) reported that he had been studying the school textbook protest movement for 17 years. When he started his study, he could name 200 organizations which were devoted to textbook censorship. By 1985, Jenkinson reported that he could name more than 2,000 organizations at the state, local, and national levels that attack public school textbooks, courses,

and teaching methods. The large numbers were due to local affiliates which have a network to communicate successes in removing books, courses, or teaching methods. Jenkinson noted that the same objections and tactics are used by different chapters of the same organization.

In 1982, Burress and Jenkinson wrote that the textbook protesters warned parents of the dangers of secular humanism and offered advice to parents on reviewing textbooks. In 1990, Jenkinson reported that the evils of sociology and psychology have been added to the dangers of secular humanism. Jenkinson advised that teachers and administrators be prepared for the attacks by knowing the major objections of the groups.

Although it is acknowledged from the review of literature that there are many national ultraconservative religious groups which have focused on removing textbooks from the schools, there have been three national groups which have been repeatedly cited in the literature as major ultraconservative groups who have been instrumental in censorship activities. The Educational Research Analysts, the Moral Majority, and the Eagle Forum have had a major impact on the objections of United States textbooks. Each group will be discussed in the following sections. Other groups which are gaining influence will be briefly discussed following this section.

Educational Research Analysts

Norma and Mel Gabler wrote the following quotation which appeared in an article by Jenkinson (1985):

> UNTIL TEXTBOOKS ARE CHANGED, there is no possibility that crime, violence, VD, and abortion rates will do anything but continue to climb.
> TEXTBOOKS largely determine HOW a nation votes, WHAT it becomes and WHERE it goes! (p. 31).

This is the creed of their organization, Education Research Analysts. Since 1961, they have "dedicated themselves to cleaning up the nation's textbooks because they are convinced that textbooks exert tremendous influence on children," (Jenkinson, 1985, p. 30). The main target of the Gablers has been ridding the textbooks of secular humanism.

The Gablers operate from their home in Longview, Texas. Their organization is a non-profit, tax-exempt organization whose main purpose is to assist parents in the evaluation of textbooks, library books, and instructional materials used in the schools. Mrs. Gabler describes herself as a housewife and mother and Mr. Gabler is a retired Exxon clerk (Bryson & Detty, 1982).

The Gablers also provide book reviews with quotations and page references which they send to parents and interested individuals. This, according to Arons (1981), makes it possible for local citizens to condemn books without having to read the entire book. Targeted content includes a

portrayal of conflict between parents and children, an invasion of privacy, books or stores which do not portray the family unit as the basis of American life, assignments which lead the students to self-awareness and self-understanding, critical thinking skills, the use of masculine pronouns to refer to both males and females, and Black literature (Jenkinson, 1985).

The Gablers have appeared on the scene of major censorship court cases. Jenkinson (1985) described the violent public protests over the English textbooks in Kanawha County, West Virginia. The Gablers flew to Charleston to speak against the English textbooks and received much media attention. Candor (1976) discussed the influence of the Gablers on the parents who led the protest.

The Gablers have been active in the adoption of textbooks in their home state of Texas. "For more than 20 years, the Gablers have been appearing before the (Texas) State Committee and have reveled in the news media limelight," (Schomberg 1986, p. 60). Not only have the Gablers influenced the textbook selection process in Texas, but Schomberg reported that in a national censorship survey over half of all the states responded that the activities of the Gablers had affected the textbook adoption proceedings in their states.

The influence of the Gablers, according to a 1989 article, "Gablers Still At Work," may be decreasing. This

article cited activities of groups opposing the Gablers as being more active at the Texas textbook hearings. Michael Hudson, Texas director of People for the American Way, was reported to have said the following about the Gablers:

> Our general disagreement with them has been that they want content that is only reflective of their political and religious view points ... Since 1983, they have not succeeded in knocking one book off the adoptions list nor change any content ... Prior to 1982, they would get a lot of press, but they don't any more. (p. 123)

However, Jenkinson (1990) explained that the Gablers are still influential in that they have "devoted followers who frequently act alone or in concert with other organizations at the local level" (p. 14).

Moral Majority

The Moral Majority was founded in 1979 by the Reverend Jerry Falwell and the Reverend Tim LaHaye and was dissolved by Falwell in 1989 (Niebuhr, 1989). This organization claimed that secular humanism and liberals "are the root of all evil in America" (Lamont 1981, p. 21).

The attacks on secular humanism have come in the form of books, sermons, speeches, letters, and television appearances. The members of this group have charged that humanists have invaded public classrooms to brainwash children with ideas about evolution, sex, death, socialism, internationalism, and situation ethics (Jenkinson, 1985).

Pincus (1984) wrote that Falwell was able to reach millions of new people with his attacks on textbooks during the 1980 election campaigns. In a book published during the campaign, Falwell wrote, "many textbooks are actually perverting the minds of literally millions of students" (Falwell 1980, p. 207).

In August of 1989, Falwell dismantled the Moral Majority. Niebuhr (1989) cited falling revenues, embarrassing outbursts of extremist members, and competition of right-wing, highly focused splinter groups as causes for the dissolution. He quoted Falwell who said, "we have raised up a generation of fighters and leaders and activists" (p. A1).

Shribman (1989) described the change of tactics of the right-wing groups as moving from high-profile to smaller more focused local groups. He wrote, "These foot soldiers of the religious right are behind many of the attacks in school curricula, school library books, and sex education courses..." (p. A1). He said that these new groups are less flamboyant and more acceptable to large numbers of people. Both Niebuhr and Shribman acknowledged the Moral Majority as setting the groundwork for these new mainstream groups.

An example of a splinter group can be seen in the Concerned Women for America. This organization has connections with the Moral Majority and has had an influence on a textbook censorship court case. In Tennessee, one of

the lawyers for the plaintiffs in Mozert v. Hawkins was Michael Ferris. He received his training for this case by working for the Moral Majority in a similar (but unsuccessful) case in Washington State. Ferris was hired by Beverly LaHaye's Concerned Women for America to represent the plaintiffs ("Schools Sued Over," 1986). Beverly LaHaye is the wife of Tim LaHaye (co-founder of the Moral Majority). Her organization was started in the late 1970's to speak out for "moral minded women" (LaHaye 1980, p. 204). Jordan Lorence, another attorney for the plaintiffs in Mozert, was the assistant general legal counsel for Concerned Women for American. Lorence (1987) reported that this organization has over 500,000 members. He said that these women objected to the books in Tennessee because women in traditional homemaking roles were not represented.

Noble (1990) reported that Concerned Women for America is the largest women's organization in the country with claims of half a million members. The organization, according to Noble, is dedicated to "preserve, protect, and promote traditional and Judeo-Christian values through education, legal defense, legislative programs and humanitarian aid" (p. 185). He cited a television appearance which Beverly LaHaye made during the 10 year celebration of the organization in which she said, "We're facing the American Civil Liberties Union ... and we are standing against the Godless views of those like Norman Lear and the People for the American Way" (p. 188).

Eagle Forum

Values and views similar to the Gablers and the Moral Majority have been espoused by Phyllis Schlafly through the Eagle Forum. In the December 1980 issue of the Eagle Forum, Schlafly created the "Anti-textbook Textbook Censorship Committee." The goal of this committee was to protest the censoring of textbooks by liberals and feminists. She accused feminists of censoring textbooks which encouraged the traditional family, the role of motherhood, and ladylike behavior (Schomberg, 1986).

The liberals, according to Schlafly had censored:

> creationism, prayer, all reference of God, to be sure, and words, pictures, and concepts that could influence young women to be homemakers instead of careerists, as well as the dangers and disadvantages of sexual promiscuity. (Noble, 1990, p. 183)

Schlafly has made use of computerized mailings, newsletters, media, and press conferences to direct the anger of parents against schools (Arons, 1981). Her tactics have been compared to the Moral Majority and the Educational Research Analysts.

Schlafly's attempt to influence the curriculum of schools was evident in a massive letter-writing campaign concerning the Hatch Amendment. The Hatch Amendment

requires:

> parental consent before students take part in federally funded psychiatric or psychological experimentation, testing, or treatment. In the letter-writing campaign, Schlafly has informed parents that classroom activities can fall within the definition of "psychiatric or psychological exam or test." They are demanding that teachers get written permission before teaching their children any of 34 "sensitive topics," such as death, nuclear war, drug and alcohol abuse or premarital sex. (Krug 1986, p. 14)

However, Krug (1986) reported that the (former) Secretary of Education, William Bennett, stated that most classroom activities do not meet the stringent requirements under the Hatch Amendment. Jenkinson (1986) wrote that many parents are misinterpreting the Amendment as a result of Schlafly's letter. He cited the list of objectionable courses and activities (which are included in the letter) to include:

> autobiography assignments (log books, diaries, and personal journals), values clarification, use of moral dilemmas, discussion of religious or moral standards, role playing or open-ended discussions of situations involving moral issues, questionnaires on personal and family life and attitude, and human sexuality, to name but a small sample. (p. 40)

According to Pierard (1987), Schlafly "persuaded a sympathetic Department of Education to hold hearings in seven cities around the country" to allow parents to testify about incidents of experimental programs and psychological abuse in

the classroom which violated the provisions of the Hatch Amendment. Her edited version of the hearings, Child Abuse in the Classroom was published in 1985.

Schlafly had also been active in textbook ban of home economics textbooks in Alabama prior to Smith. In 1984, her Eagle Forum pressured the Alabama State Textbook Committee to ban health and home economics books. Pierard (1987) reported that the textbook committee:

> decided to reject 16 titles for use in Alabama classrooms, 11 of which had been opposed by the Eagle Forum. The organization's coordinator boasted to the press that the committee had rejected almost every book that they had opposed. (p. 136)

The books were objectionable because of such topics as abortion, alternative life-styles, working wives, house husbands, and the questioning of parental authority. Pierard (1987) quoted a spokesperson of the Eagle Forum who called one of the home economics books:

> 'a tool for the feminist movement to influence young women to reject marriage and motherhood' because it supposedly presented them as 'unrewarding jobs.' (p. 136)

The Eagle Forum, according to the March 1985 issue of Newsletter on Intellectual Freedom, was successful in removing 11 home economics textbooks. Members presented written and oral arguments before the State Textbook Adoption Committee. The books were rejected by the textbook committee

on October 31, 1984. At the December 1984 State Board of Education meeting, home economics teachers in the state appeared on behalf of the books. They argued that some of the rejected books were among the best for teaching students "how to deal with everyday problems" (p. 42). The board did not approve the books. During this same time, a member of the Eagle Forum initiated a resolution to the Alabama Baptist Convention which unanimously passed. The resolution was to:

> oppose the use of school texts which are "detrimental to the individual or the biblical institution of marriage." The resolution also asked the state Board of Education to choose textbooks which "uphold the value and sanctity of the family". (p. 42)

Recently Formed Groups

Other conservative groups have been active in recent years in protesting secular humanism in textbooks. Concerned Women of America, as discussed earlier, was instrumental in the Mozert trial. Other groups such as the National Association of Christian Educators and the Citizens for Excellence in Education have goals to control the public schools. These groups urge parents and teachers to take over school boards, textbook selection committees, and to be vocal in the selection of school personnel (Park, 1987).

The wealth of these fundamentalist groups has been generated through extensive computerized direct mailing systems (Bowers, 1985; Park, 1987). Park (1987) described Pat Robertson as the wealthiest of the conservative groups.

He reported:

> But by far the wealthiest network is Pat Robertson's, estimated to control over $233 million a year; his 700 Club logs 4 million prayer calls using 4,500 volunteers manning telephone banks in 60 counseling centers. (p. 6)

Robertson started the National Legal Foundation which, according to Noble (1990), was made up of 700 lawyers working to fight humanism in the public schools. Noble quoted Robertson as saying that the primary purpose of the National Legal Foundation was to "oppose the American Civil Liberties Union" (pp. 137-138).

Bower's (1985) dissertation, Religion and Education: A Study of the Interrelationship Between Fundamentalism and Education in Contemporary America described the influence of wealthy, organized fundamentalist groups on American education. He carefully presented threads which connected the groups to each other. Paul Weyrick, according to Bowers, has been the organizer behind the fundamentalist movement. He credited Weyrick with organizing the Preachers Into Politics Movement (PACS), the Heritage Foundation, and the Moral Majority. Bowers wrote:

> The fundamentalist attack has been focused through the use of propaganda disseminated through a propaganda network that centralizes the use of the mass media to achieve its end. (p. 156)

Bowers found that the computerized direct mailing systems of these fundamentalist groups allowed unlimited

finances. The computer also allowed the groups to connect with each other. This money and networking allowed the groups to be an important force politically. Conservative groups could influence politicians through contributions to campaigns. For example, the Heritage Foundation served as a political advisor to President Ronald Reagan. Other groups have influenced legislation. And, the conservative groups have influenced the censorship of textbooks in the public schools (Bowers, 1985).

## The Influence on Textbooks

The objections by ultraconservative religious groups to the adoption and use of certain textbooks have caused a controversy in the textbook publishing business. Publishers have been charged with providing textbooks that are bland and do not meet the needs of the students. The publishers respond by saying that they produce what the adopters demand (Hawke & Davis, 1986).

The largest market for textbooks is in Texas. In 1983-84, Texas spent 50.1 million dollars on textbooks. Many educators feel that publishers produce books for this "big-ticket" state. Schomberg (1986) reported that an earning of three to four million dollars could be made if the books were adopted in Texas.

Quade (1984) argued that the Gablers have exerted a powerful influence on the adoption of textbooks in Texas. For 20 years, the Gablers have been attending and testifying

at the annual Texas textbook hearing (Moyer, 1985). Kline (1984) wrote that the Gablers have been referred to as the committee's 16th member. In 1978, Kline reported that "over half of the twenty-six textbooks challenged by Mrs. Gabler were not recommended for adoption," (p. 229). More recent articles suggest that the influence of the Gablers is decreasing in Texas ("Gablers Still At Work," 1989).

The charge that the textbooks have become bland has been supported by a 1985 study by Paul Vitz. A grant from the Secretary of Education enabled Vitz to examine the treatment of religion in U.S. textbooks. His conclusion that religion has been excluded from current textbooks was based on a study of ninety elementary and secondary state adopted textbooks from California and Texas (Vitz, 1986).

In an interview with a spokesperson for (former) Secretary Bennett, Goldberg (1986) reported, "Secretary Bennett agrees with the central point of the study: that the attempt to avoid controversy has caused textbooks to be bland," (p. 6).

## Review of Court Decisions

There are two principal issues in which the federal courts may intervene in the school system. The first issue is the alleged violation of a constitutional right and the second is the legality of state and federal statutes under the U.S. Constitution. These two issues have led to the involvement of the federal courts in school censorship cases

(Bryson & Detty, 1982).

Bryson and Detty (1982) asserted that the constitutional questions fall into five major categories regarding censorship of school textbooks and materials:

1. academic freedom of teachers;
2. right of students to read and receive information;
3. right of school boards to make educational decisions;
4. right of parents to oversee the education of their children; and
5. religious freedom of individuals. (p. 82)

Plaintiffs who have brought action against school boards have frequently cited the establishment clause and the free exercise clause of the First Amendment. Bilger (NOLPE, 1979) explained the meaning of these two clauses:

> It is the Establishment Clause of the First Amendment that prohibits the fusion of governmental and religious functions or dependency of one upon the other. The Free Exercise Clause further provides for neutrality by guaranteeing every person the freedom to choose his or her own religion and to define his or her own relationship between these two clauses in several well known school prayer cases. (p. 166)

The Fourteenth Amendment is also cited in textbook censorship cases. The Fourteenth Amendment requires that states assure all students equal protection under the compulsory education laws (Bryson and Detty, 1982).

The next section presents a review of major court decisions regarding the removal of adopted textbooks from the curriculum since 1972. The cases will be presented in chronological order.

Todd v. Rochester Community Schools (1972)

Facts The parents of a high school student brought action against the Rochester Community Schools stating that the use of the novel SLAUGHTERHOUSE-FIVE in an elective current literature course violated the First and Fourteenth Amendments.

Decisions The Michigan trial court ruled in favor of the parents and instructed the school board to remove the book from the school library and to discontinue its use and recommendation in the course. The case was appealed to the Michigan Appeals Court and the decision was reversed.

Discussion In the Michigan Appeals Court, Justice Bronson found that the use of the novel did not violate the First Amendment Establishment Clause. In the opinion, he wrote that schools may teach about religion but may not teach religion. He also found that the school board had the legal right to determine the curriculum.

Williams v. Board of Education of the County of Kanawha (1975)

Facts Parents brought action against the Kanawha County Board of Education in an effort to restrain the board from using certain textbooks and supplemental materials. They charged that the textbooks violated their constitutional rights of religious freedom and privacy.

Decision District Court Judge K.K. Hall dismissed the action.

Discussion The parents argued that their religion required them to place their children in a private school because the controversial textbooks and supplemental materials used in the public school system impaired and undermined " their religious beliefs and invaded their personal and familial privacy," (p. 94). In the opinion of the court, Judge Hall held that the school board's action in placing the textbooks and supplemental materials in the county's schools did not constitute an establishment of religion contrary to the First Amendment. He wrote:

> These rights are guaranteed by the First Amendment, but the Amendment does not guarantee that nothing about religion will be taught in the schools nor that nothing offensive to any religion will be taught in the schools. (p. 96)

He also cited the Supreme Court decision of Epperson v. Arkansas (1968) which found that the government must be neutral in matters of religion.

Minarcini v. Strongsville (1976)

Facts Students through their parents brought action against the Strongsville City School District in Cleveland, Ohio complaining that their First and Fourteenth Amendments were violated in that the school board refused to approve certain books as texts and that the board had ordered the removal of certain books from the library.

Decisions The U.S. District Court found that the defendants had not violated any rights of the plaintiffs. Appeal was made to the Sixth Circuit Court of Appeals. Circuit Judge Edwards held that the board's exercise of curriculum and textbook control was constitutional. However, he found the action of the board in removing books from the library unconstitutional. He affirmed in part, vacated and reversed in part, and remanded with directions.

Discussion Judge Edwards agreed with the lower court that the school board as elected representatives of the people had the right to select textbooks. He found the board's decision to be neither arbitrary nor capricious. Judge Edwards determined that the removal of the books from the library violated the students' First Amendment rights to receive information.

Cary v. Board of Education of Adams-Arapahoe School District (1977, 1979)

Facts High school English teachers brought action against the Adams-Arapahoe School Board charging that the board had violated the teachers' professional constitutional rights to academic freedom by refusing to purchase ten books and by denying the teachers the right to make assignments in the books and by not allowing high school credit for reading the books.

Decisions The District Court ruled in favor of the board. The case was appealed to the Tenth Circuit Court of Appeals and the decision was affirmed by Justice Logan.

Discussion The five teachers were members of the Aurora Education Association which had a collective bargaining contract stating that the right of selecting teaching materials belonged to the School Board. The District Court held that the teachers had bargained away their rights to select the teaching materials. When the case was appealed, Circuit Court Judge Logan affirmed the lower court decision but found the lower court in error in the judgment used. He disagreed with the lower court in that the collective bargaining contract was the determining issue. He found that the school board's action was consistent with the federal and Colorado constitutions which granted the board the power to select textbooks.

Loewen v. Turnipseed (1980)

Facts The plaintiffs were the editors (and authors) of Mississippi: Conflict And Change, a Mississippi history book. They brought action challenging the action of state officials in refusing to recommend a specified textbook in a state history course.

Decision The court ruled in favor of the plaintiffs and ordered the book to be placed on the state-adopted list for purchase and distribution to the students in eligible schools.

Discussion District Court Judge Smith found that the textbook was not rejected for any justifiable reason. He found the motives for the rejection of the book to be

racially discriminatory. Judge Smith concluded that the:

> defendants deprived the plaintiffs, under color or state law, of their constitutionally protected rights of freedom of speech and of the press, and of their rights of due process of law under the Fourteenth Amendment. (p. 1154)

Zykan v. Warsaw Community School Corporation (1980)

Facts High school students and former high school students brought action against the Warsaw School Board alleging that the board had violated their First and Fourteenth Amendments by removing certain books, eliminating certain courses from the curriculum, and by failing to rehire a certain English teacher.

Decision The case was dismissed in the District Court for lack of subject matter. An appeal was made to the Seventh Circuit Court of Appeals. Circuit Court Judge Cummings vacated the lower court's decision and remanded with instructions.

Discussion Judge Cummings, in the opinion, wrote that the lower court's decision would stand because the board had changed the curriculum. He wrote that every judicial body had acknowledged the need for broad discretionary powers for local school boards. However, he wrote that the "plaintiffs complaint is not moot" (p. 1304). He suggested that the plaintiffs amend their complaints and try again.

McLean v. Arkansas Board of Education (1982)

Facts Civil rights action was brought against the Arkansas Board of Education, the Director of the Department of Education, and the State Textbooks and Instructional Materials Selection Committee to prohibit the implementation of State Statute 590 which required public schools to give balanced treatment to creation science and to evolution science. The plaintiffs included church officials from various churches and religions, various organizations, and individuals.

Decision District Court Overton held that the statute was unconstitutional and ordered an injunction on the Statute.

Discussion In the opinion, Judge Overton wrote that teaching creation was a religion, which is prohibited by the First Amendment. He explained that case law had established that evolution was not a religion and that it did not violate the Establishment Clause of the First Amendment. He addressed the issue of a poll, cited by a witness, which indicated that a significant number of Americans thought creation should be taught if evolution was taught, by writing:

> The application and content of First Amendment principles are not determined by public opinion polls or by a majority vote. Whether the proponents of Act 590 constitute the majority or the minority is quite irrelevant under a constitutional system of government. No group, how large or small, may use the organs of

> government, of which the public schools are the most conspicuous and influential, to foist its religious beliefs on others. (p. 1274)

Grove v. Mead School District (1985)

Facts Taxpayers and parents of a student brought civil rights actions against the Mead School District complaining that the board's refusal to remove The Learning Tree from the sophomore English literature curriculum, based on the plaintiff's religious objections, violated the religious clauses of the First Amendment.

Decision The District Court granted summary judgment to the defendants and denied the defendants' request for attorney's fees. The case was appealed to the Ninth Circuit Court of Appeals. Circuit Court Judge White affirmed the lower court's decision.

Discussion Cassie Grove was assigned The Learning Tree to read in her sophomore English literature class. After reading parts of it, she found the book offensive. She showed the book to her mother. Her mother read the entire book and agreed. The Groves objected to the book and the teacher assigned Carrie another book and gave her permission to leave the room during the discussion. Mrs. Grove filed a formal complaint with the school board. An evaluation committee concluded that the book was appropriate and a local hearing was held. The board denied the request to remove the book. Mrs. Grove and other taxpayers joined together and brought suit against the school district. Both courts found

that the school board had not violated the Free Exercise Clause or the Establishment Clause by using the book.

The court also considered the fact that the girl was given an alternative reading assignment. Judge Canby, in a concurring opinion, wrote:

> that the allegation of the plaintiffs would probably be sufficient to present a free exercise question if Cassie Grove had been compelled to read the book or be present while it was discussed in class. She was not. (p. 1542)

Aguillard v. Edwards (1985, 1987)

Facts A group of Louisiana educators, religious leaders, and parents of children in the public schools brought action challenging the constitutionality of a state statute which required the teaching of creation science along with evolution.

Decisions The U.S. District Court of the Eastern District of Louisiana held that the statute violated the State Constitution. On appeal, the 5th Circuit Court of Appeals found no violation of the State Constitution and remanded with instructions to address the federal constitutional questions. The case was brought to the Federal District Court, where Judge Duplantier found the statute to be unconstitutional. An appeal was made to the Fifth Circuit Court, and Judge Jolly affirmed the decision. The decision was appealed to the Supreme Court. This court upheld the federal district court and circuit court decisions. The

Supreme Court struck down the state statue which required equal time for creation science.

Discussion Judge Jolly in writing the opinion of the court said that the statute was unconstitutional because its purpose was the promotion of a religious belief. This violated the Establishment Clause of the First Amendment.

Mozert v. Hawkins Public Schools (1985, 1987)

Facts The plaintiffs (Fundamentalist Christian school children and their parents) brought civil action against the Hawkins Public Schools complaining of a violation of their First Amendment Rights due to compulsory reading in a basic reading series.

Decisions The case was filed in the Eastern District Tennessee Federal Court. The court found that the books appeared neutral on the subject of religion and did not violate the plaintiffs' constitutional rights. On appeal, the Sixth Circuit reversed the lower court's decision and remanded the case back to the district court with instructions. District Court Judge Hull in writing the opinion of the court found that the action of the Hawkins School Board did infringe upon the plaintiffs' Free Exercise Rights established in the First Amendment. He stated that they were entitled to both injunctive relief and money damages. However, Hull wrote:

> the defendants could not accommodate the plaintiff's needs within the context of the school without risk of violating the Establishment Clause of the First Amendment. The plaintiffs are therefore entitled to opt

> out of the Hawkins public school reading program while still enjoying the benefit of the rest of the curriculum (with appropriate provisions for home instruction according to state law). (1985, p. 68)

The appellate court found that the books appeared neutral on the subject of religion and did not violate the plaintiff's constitutional rights. An appeal was filed with the U.S. Court of Appeals for the Sixth Circuit (1987). This court overturned Judge Hull's decision and said that the First Amendment did not require schools to allow optional attendance in classes using books that promote anti-Christian themes. An appeal was made to the Supreme Court. On February 22, 1988, the U.S. Supreme Court declined to consider the appeal. The denial of certiorari left the appellate decision standing.

Discussion In 1983, Mrs. Frost, a parent in Hawkins County School System found a newly adopted reading series objectionable. She found the sixth grade reading text to contain material that offended her family's religious beliefs. She organized a meeting at the school to raise objections to the reading series. An organization, named Citizens Organized for Better Schools (COBS) was formed. Members of COBS spoke at four regularly scheduled school board meetings objecting to the series. During the fall, parents at four separate schools contacted the principals and requested alternative reading assignments. All of the

principals with the exception of one complied. In November of 1983, the school board adopted a resolution requiring teachers to use only textbooks which were adopted by the board. In compliance with this resolution, school officials informed students that no alternative reading assignment would be given. Students objected on religious grounds and were suspended on two occasions. After this rigorous enforcement, many of the students were withdrawn from the school and enrolled in a private Christian school.

When the case was first heard in the district court, the court found the plaintiffs' religion to be sincere but did not rule in their favor because the books appeared to be neutral on the subject of religion. When the case was returned with instructions, the issue of the sincerity of the religious beliefs became a critical one. Judge Hull wrote that in deciding whether plaintiffs' free exercise rights have been impermissibly burdened by the state, "the court must first determine whether the beliefs are religious and whether they are sincerely held by the individual asserting them," (p. 8). The plaintiffs objected to such themes as feminism, pacifism, vegetarianism, and an advocacy of a one-world government in the Holt series. The plaintiffs argued that these themes were repulsive to their religious faith. Judge Hull found that the Plaintiffs were burdened by the state.

Summary of Cases

Of the ten cases reviewed, two cases involved the constitutionality of state statutes. In McLean, the court ruled that an Arkansas state statute which required the public schools to give balanced treatment to creation science and to evolution science was unconstitutional. The same allegation was made in Louisiana in the decision of Aquillard. Both courts found the statutes unconstitutional because they violated the Establishment Clause of the First Amendment.

In most of the cases reviewed, the courts have held that the power to select textbooks belongs to the school boards. The courts have appeared to be reluctant to interfere with the day-to-day operations of the school except where infringement upon rights are shown or discriminatory decisions are made regarding the textbook adoption.

The courts have ruled that the school boards have the power to select textbooks in the following cases:

Todd v. Rochester

Williams v. Board of Education

Minarcini v. Strongsville

Cary v. Board of Education

Zykan v. Warsaw

Grove v. Mead

Mozert v. Hawkins

In three of the cases listed above, the parents brought suit to remove certain books. The other three cases involved

allegations that constitutional rights were denied because certain books were not selected or were removed. These cases were filed either by students, parents, or teachers.

In Loewen v. Turnipseed, the court ruled that the textbook commission had violated the constitutional rights of the plaintiffs in refusing to select their textbook. The court held the decision was unjustifiable due to racial discrimination.

The courts have listened carefully to plaintiffs who allege that their constitutional rights have been violated. In Mozert v. Hawkins, the court ruled that the religious freedoms of the plaintiffs had been burdened by the school board policy in the strict enforcement of the Holt reading series. However, Judge Hull did not order the offensive books removed. In writing the court opinion, he stipulated that the students could be excused from the reading lesson and be taught at home for the reading lesson. The court also refused to substitute a book which adhered to the parents' religious beliefs because that would violate the Establishment Clause of the First Amendment.

There were similarities between the cases of Mozert and Grove. Both cases involved objections by parents to reading material in required classes. Both parents stated that the material was offensive to their religious beliefs.

However, the objections were handled differently by the school systems. In Grove the student was given an

alternative reading assignment and was allowed to leave the class during the discussion. The judges indicated in the writing of the court opinion that the child being given an alternative reading assignment was considered. The children in Mozert were suspended when they refused to participate in the reading assignment. Teachers were bound by a board resolution not to give the children alternative reading assignments.

Other differences were evident in reading the decisions of both courts. In Grove, there appeared to be a well organized procedure for receiving and reviewing complaints. The parents wishes were carefully considered. The Hawkins school system, however, was more unyielding to the concerns of the parents. Yet, the district court in Mozert agreed with the decision of Grove. Three of the cases involved secular humanism. The plaintiffs in Williams, Grove, and Mozert all argued that the textbooks promoted secular humanism. In Williams, the judge dismissed the charges. In Grove, the district and appellate courts allowed the schools to use the books charged of secular humanism. In Mozert, the lower court decision was in favor of the plaintiffs. The appellate court reversed this decision and the Supreme Court declined to hear the appeal.

## Secular Humanism

The major target by the fundamentalist book protestors is secular humanism (Bowers, 1985; Burress, 1989; Jenkinson,

1985). According to leading fundamentalists (Falwell, 1980; Gabler, 1987; LaHaye, 1980; Schlafly, 1985), the ills of society are due to the teachings of secular humanism. The definitions distributed by ultraconservative religious groups have been instrumental in the organized protest of books. Mobley (1987) concluded that "secular humanism has become a catch phrase encompassing all of the New Right complaints against public education" (p. 267).

The first uproar over secular humanism was started in California by Max Rafferty, the California Superintendent of Public Instruction, in the 1960's. In a report sponsored by Rafferty in 1969, "humanists were blamed for progressive education, promoting birth control, materialism, abandoning absolute ethical and moral standards, infiltrating the U.S. Supreme Court, replacing religion with science, and sexual promiscuity," (Downs & McCoy, 1984). The definition written by the Gablers is often quoted in the literature by both supporters and opponents of the fundamentalists' attack on books. This definition was printed by Jenkinson (1985):

> Humanism is faith in man instead of faith in God. Humanism was officially ruled a religion by the U.S. Supreme Court. Humanism promotes: (1) situation ethics, (2) evolution, (3) sexual freedom, including public sex education courses, and (4) internationalism. Humanism centers on "self" because it recognizes no higher being to which man is responsible. Thus there is much emphasis in public education on each child having a 'positive self-concept.' The child must see a good picture of himself. This eliminates coming to Christ for forgiveness of sin. It eliminates the Christian attributes of meekness and humility. Where does self-esteem and arrogance begin?

LaHaye (1980) in The Battle for the Mind described humanism as "man's attempt to solve his problems independently of God," (p. 26). Most of his book is devoted to explaining the basic tenets of humanism and warning readers of the dangers of this belief system. Below are listed the five basic tenets of secular humanism, according to LaHaye, with excerpts from the Battle for the Mind:

1. Atheism "The foundation stone of all humanistic thought is atheism: the belief that there is no God" (p. 59).

2. Evolution "Since humanists reject a belief in God, they must next explain man's existence independent of God" (p. 60). "The controversy raging over the prospect of teaching creation alongside evolution in the public schools springs from the humanists' fear that if the theory of evolution is discredited, as they are apprehensive it may be, their entire humanist philosophy will collapse" (p. 62).

3. Amorality "This country's leading humanistic educators, lawmakers, and judges have consistently liberalized our statutes in these areas. They're committed to doing away with every vestige of the responsible, moral behavior that distinguishes man from animals" (p. 65).

4. Autonomous Man "Humanists view man as an autonomous, self-centered, godlike person with unlimited goodness and potential - if his environment is controlled to let his free spirit develop" (p. 69). "We have more selfish people living in our country today than at any other time of our

history - and do you know why? There are two basic reasons: the self-centered philosophy of humanism and the humanistic ideas of psychology, which have taught permissiveness in child training, instead of parental discipline" (pp. 71-72).

5. Socialist One-World View "All committed humanists are one-worlders first and Americans second" (p. 76). The major problems of our society are traced by LaHaye (1980) to humanism. His book promised doom to the United States if humanists continued to be in leadership positions. He wrote that the moral, educational, economical, and governmental problems are caused by the "fact that over 50 percent of our legislators are either committed humanists or are severely influenced in their thinking by the false theories of humanism" (p. 78).

LaHaye (1980) impelled readers to become active to save America from the humanist onslaught. He urged readers to act when he wrote:

> You are only one person, but you are one! You cannot make the decision for 60 million, but you can decide, with God's help, to use whatever talent and effort you possess in the time we have left to turn this country around. (pp. 225-226)

LaHaye (1980) suggested that concerned Christians do the following: pray; share their faith; show concern and compassion for the victims of humanism; promote the national drive to register Christians; volunteer to help Pro-Moral

candidates; work vigorously to expose amoral candidates and incumbents; become informed (with suggested reading list) and enlighten others; run for office; join pro-moral organizations; speak out and write on moral issues; contribute to good causes; and assist other organizations.

Another writer on secular humanism is Onalee McGraw, an educational consultant for the Heritage Foundation. She was attributed by Park (1987) as having a great impact on the right-wing school critics. Her pamphlet, "Secular Humanism and the Schools: The Issue Whose Time Has Come," published in 1976 by the Heritage Foundation, was freely distributed to parents and conservative groups. Park wrote that McGraw assisted in creating new conservative parents' groups and provided the groups with information.

Paul Kurtz (1989), professor of philosophy at the State University of New York at Buffalo and editor of the Free Inquiry magazine, differed from the Gablers and LaHaye in his definition of humanism. Kurtz wrote:

> Humanists believe that we need to summon our own resources to develop critical intelligence to solve our problems. Accordingly, the key humanist virtue is courage, the courage to become, in spite of the sometimes tragic character of human existence. (p. 12)

Kurtz (1989) argued that humanism is a philosophy and not a religion. He wrote that religion differs from humanism because "religion involves some belief in a divine or sacred reality and some binding relationship of worship or devotion to it" (p. 54).

Writers have traced the development of humanism back to the Renaissance movement of the 14th century (Burress, 1989; Downs & McCoy, 1984). Deborah McHenry, an attorney, wrote that humanism can be traced to a number of historical and contemporary movements and beliefs. She commented on the difficulty of defining secular humanism by quoting Norman Lear, founder of People for the American Way, "Trying to define secular humanism is 'like trying to nail jello to a tree" (p. 186).

Park (1987) wrote that the confusion over the term is an important issue for the fundamentalist groups. He wrote that the term "has strength in its confusion" (p. 5). It can be a label for everything that the religious right finds evil or godless. He suggested another issue in the debate over the term. He wrote that private schools are using secular humanism as an argument for tax credits. The groups argue that if the public schools receive money for the religion of humanism, then religious schools should also be funded. It is important, cautions Park, that educators understand the secular humanism debate.

In Battle of the Books, Burress (1989) devoted a chapter to providing an in-depth definition of the term, secular humanism. He discussed each word of the term separately. Secular was described as non-religious. The American public school system is secular because of the separation of church and state guaranteed by the First Amendment of the

Constitution. He described the schools as neutral toward religion. He wrote, "The public schools are not guilty of hostility toward traditional Christianity, nor have they adopted secular humanism as an alternate faith which they are attempting to impose on society" (p. 138).

Humanism is described by various definitions. The definition most relevant to public schools, according to Burress, is a description of a historical movement originating in the Renaissance in the 14th century. The theological basis is described in the ideas of St. Thomas Aquinas, who found that reason is compatible with grace (Burress, 1989).

Burress carefully documented the history of humanism from the Renaissance through literature. He concluded:

> The critics are right that humanism is present in the American educational system, but they are wrong in their assertion that the educational philosophy of humanism is atheistic. As demonstrated above, the origins of humanistic education lie in Christian thought and may correctly be described as a philosophy of education that is essentially compatible with theism." (p. 167)

Proponents of the fundamentalist objections to textbooks often cite connections of the Humanist Manifesto I and II to education. John Dewey and 33 other liberal humanists signed the Humanist Manifesto I in 1933. In 1973, Humanist Manifesto II was published with the signature of B.F. Skinner. Many conservative groups connect these two

prominent educators to all public school educators (Jenkinson, 1985).

The Gablers (1987) in an article entitled, "Humanism in Textbooks," cited principles from the Humanist Manifesto II. Under each principle, they excerpted quotations from public school textbooks which they believe illustrate each principle.

The connection to education and secular humanism has been traced to John Dewey, a founder of the American public education system and a signer of the first Humanist Manifesto (McHenry, 1987; Gabler, 1987). The Gablers (1987) illustrated this connection with a pyramid chart which has John Dewey at the top. The chart illustrates the spread of secular humanism. The major components of the chart are listed below:

John Dewey

Dewey's Disciples
Teach at Teacher Colleges

Teacher's Colleges Graduate
Humanistic Teachers

Educational Establishments Become Humanistic

Public Schools Graduate Students With Humanistic
Philosophies

Humanists in Media, Education, Government, and Law
Bombard Society With Humanistic Philosophies (p. 362)

Fundamentalist groups write that secular humanism is a religion. Major writers (Falwell, 1980; LaHaye, 1980) claim that the Supreme Court of the United States has declared that secular humanism is a religion. They quote a footnote in Torcaso v. Watkins (1961) which read:

> Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taosim, Ethical Culture, Secular Humanism, and others.... (p. 495)

A later case, United States v. Seeger (1965), had another footnote which cited the Torcaso footnote. Jenkinson (1985) argues that two footnotes do not constitute a declaration by the Supreme Court.

Legal opinion varies. Most of the legal reviews and briefs studied in this review of literature argue that secular humanism is not a religion. Ingber (1989), professor of law at the University of Florida, wrote a lengthy 100-page discussion titled "Secular Humanism: Religion or Ideology," in the Stanford Law Review. He concluded that secular humanism is an ideology. McHenry's (1987) discussion in the West Virginia Law Review was in agreement with Ingber's interpretation. However, the researcher did find a case note written by Lee (1988), a law student from the University of Notre Dame, who surmised that secular humanism could be described as a religion.

There have been two court cases which have been appealed to the United States Supreme Court involving the issue of secular humanism. The high court declined to hear the cases of Grove and Mozert. Bjorklum (1988) stated that the issue of secular humanism as a religion has not been clearly addressed by the courts.

It would appear that few people agree on the meaning of secular humanism. It is a term that has been used by the fundamentalists to attack public education. In the case of Smith v. Board of School Commissioners of Mobile County, Judge Hand found that the home economics books promote the religion of secular humanism. At the appellate level, Judge Johnson overturned this decision and wrote that the books did not promote secular humanism or any other religion.

## Home Economics Curriculum

### Historical Basis

Since the founding of home economics, the focus has been on the family. There is some debate about when home economics was founded. Two women over fifty years apart have been credited with founding home economics. In 1841, Catherine Beecher wrote A Treatise On Domestic Economy. This was the first home economics textbook recognized by a state department of education. Courses which used Beecher's work were usually called domestic science. Ellen H. Richards who led ten conferences at Lake Placid, NY begining in 1899 has been cited by many as the founder of the professional field of home economics. The national organization, the

American Home Economics Association, was created in 1909 at the last conference (Blankenship & Moerchen, 1979).

The creed for home economics, written by Ellen Richards in 1904, is still widely quoted today. In the preface to Home Economics: An Introduction to a Dynamic Profession, Parker (1987) included this creed:

> Home Economics
> ideal home life for today
> unhampered by the traditions of the past.
> utilization of all resources of modern science
> to improve the home life.
> freedom of the home from the domination of things
> and their due subordination to ideals.
> simplicity in material surroundings
> which will most free the spirit
> for the more important and permanent interests
> of the home and of society.

In 1917, the Smith-Hughes Act established home economics as a part of vocational education in the public schools. Federal legislation from the Smith-Hughes Act to the Carl Perkins Act of 1984 has determined the direction of the vocational home economics programs in the United States and has reflected concerns of society. Hughes, et al. (1980) explained some of the purposes stipulated for vocational consumer and homemaking programs by the 1976 legislation:

> 1. to encourage participation of both males and females to prepare for combining the dual role of the homemaker and wage earner,
> 2. to prepare males and females to enter the work of the home,
> 3. to give greater consideration to economic, social and cultural conditions, and
> 4. to emphasize consumer education, management of resources, promotion of parenthood education in order to meet current societal needs. (p.1)

The Carl Perkins Act of 1984 continued federal authorization of home economics programs. It set aside funds for handicapped and disadvantaged students and addressed sex equity and adult students. According to Jorgenson (Vocational Home Economics Curriculum: State of the Field, 1986), the broad vocational goals in the Carl Perkins act were identified as "strengthening the economic base of the nation, developing human resources, and increasing productivity" (p. 123).

The content of home economics was first identified by Beecher in 1841. Her treatise, which was reprinted in 1977, identified the content areas as: family economics and home management, family relations and child development, foods and nutrition, housing, equipment and home furnishing, health, clothing and textiles, and related areas.

The National Census Study of Secondary Vocational Consumer and Homemaking Programs was directed by Ruth Hughes in 1980 to provide a description of the vocational home economics programs in public schools across the nation. The study examined subject matter in 1,147 participating schools which were randomly selected from across the United States. Hughes et al. (1980) found:

> By subject matter areas, foods and nutrition topics were included most frequently followed in descending order by the topics in family relations, clothing and textiles, child developing/parenting, consumer education and management, and housing/home furnishing/equipment. (p. 55)

## Curriculum Directions

In the past 30 years, curriculum in home economics has experienced many changes. Changes have reflected changing legislative mandates, societal changes, and changes directed from within the various professional organizations in home economics.

Home economics as a reflection of the changing society is supported by legislation and by many home economics educators (Jorgenson, 1986; Thomas, 1986). Jorgenson (1986) wrote that today's trends in society should provide the framework for curriculum. She suggested that developing thinking skills will help students prepare for a changing society. Identification of the need for the development of critical thinking skills is in agreement with the work of Laster (1985).

Societal trends and educational and developmental needs of K-12 students were outlined by Thomas (1986). The skills of critical thinking, problem-solving, and decision-making were needs identified in all ten of the trends she discussed. Thomas in 1987 edited a publication for the Home Economics Education Association, entitled Higher Order Thinking: Definition, Meaning, and Instructional Approaches. In the foreword, Thomas wrote:

> The area of thinking skills is an especially significant one for home economics education to address. Unfortunately, vocational and academic areas of education are being increasingly differentiated and separated, with academic areas being most often

> identified as the major contributors to the development of thinking processes. Home economics educators have long claimed to teach problem solving, decision making, critical thinking, and practical reasoning skills in relation to the home and family and employment contexts. Current knowledge about higher order thinking skills suggest that it is important for home economics to teach these intellectual process skills because the context in which thinking skills are learned is related to students' ability to use their thinking skills. (p.ii)

Blankenship and Moerchen's (1979) book Home Economics Education, is frequently used by college methods courses (Stout & Smith, 1986). In the chapter on home economics curriculum, Blankenship and Moerchen suggested that teachers use Tyler's Curriculum Model to plan their teaching experiences. According to Tyler, there are three sources for curriculum. The teacher should identify the student characteristics, needs, and experiences; the societal conditions; and the expectations of the content of the field. The authors suggested that teachers consult their professional organizations for the content of the field.

There are three major professional organizations for home economics teachers. The American Home Economics Association (AHEA) and the American Vocational Association (AVA) have subject matter sections for home economics teachers and teacher educators. The Home Economics Education Association (HEEA) is comprised of home economics teachers, home economics teacher educators, and home economics supervisors. Major actions and publications of these three groups have been summarized in chronological order for the past thirty years.

1959 - The American Home Economics Association published New Directions. Parker (1987) described these three goals from this publication:

> 1. To serve more individuals and families and serve them more effectively.
> 2. To expand research and focus it on the needs of individuals and families.
> 3. To strengthen education for the profession. (p. 21)

1961 - In 1961, a national group was formed by the home economics branch of the U.S. Office of Education. As a result of their work, Concepts and Generalizations: Their Place in Home Economics Curriculum Development was published by the AHEA in 1967. Hughes (1986) wrote that after its publication, "the work had a great influence on home economics curricula at all educational levels," (p.ii).

1975 - New Directions II was published by AHEA. This publication identified the family as the focus of home economics. It established five priorities for home economics:

> 1. Futuristic Thinking and Planning,
> 2. Public Policy Formation,
> 3. Creative Adaptation to Uncertainty and Change,
> 4. Redistribution of Resources,
> 5. Interrelatedness of the Professional and the Paraprofessional. (p. 3)

1979 - Marjorie Brown and Beatrice Paolucci philosophically wrote a position paper describing the field of home

economics. Professional home economists met all over the United states to validate their work. Their publication, Home Economics: A Definition, is considered by many to have shaped the future direction of home economics. They wrote:

> The mission of home economics is to enable families, both as individual units and generally as a social institution, to build and maintain systems of action which lead (1) to maturing in individual self-formation and (2) to enlightened, cooperative participation in the critique and formulation of social goals and means of accomplishing them. (pp. 8, 12)

1980 - Marjorie Brown, in What is Home Economics Education? wrote that the aims of home economics education should be "directed toward solving problems of the family as a family" (p.110). She suggested that home economics uses three types of action: technical, communicative, and emancipative. Technical action comes from knowledge of facts and principles. Communicative action is derived from shared meaning, and emancipative action comes from recognizing the sources of ideological beliefs and understanding the consequences of one's action. The goal is to lead to political-moral action where students are able to change social structures and processes.

This work would later shape the direction of curriculum in many states. Hultgren & Wilkosz (1986) attributed the philosophical base of the practical problems based curriculum to Brown.

1984 - Representatives from the three major organizations, AHEA, HEEA, and AVA were appointed to serve on a "Coalition for Vocational Home Economics Education." Their statement resulted in a publication A Quest for Quality: Consumer and Homemaking Education in the 1980's which was first published by HEEA in 1984. This coalition described home economics education as:

> ... the unique component of education which strengthens and improves the quality of life for individuals and families. This is achieved by helping youth and adults gain a better understanding of self and others, especially for a sense of personal worth, so the individual may develop realistic goals and make responsible decisions. ("A Quest for Quality," p. 40)

1986 - The teacher education section of AHEA published its annual yearbook. Vocational Home Economics Curriculum: State of the Field was comprised of 31 chapters which examined various aspects of the curriculum. Curriculum goals, theories, models, alternatives, and designs were presented. Various curriculum models from various states were outlined. States such as Pennsylvania, Ohio, and Wisconsin had curriculums based on values reasoning.

1989 The Task Force for Reconceptualizing the Home Economics Curriculum wrote Home Economics Concepts: A Base for Curriculum Development which was published by AHEA. This task force was formed from the three major organizations to meet and discuss the home economics curriculum currently being implemented in the United States. This group had

representatives from home economics teachers, teacher educators, and home economics supervisors. Their work was first published in the Fall 1986 issue of Journal of Vocational Home Economics Education and later in 1989 by AHEA.

Their publication identified three major curriculum approaches to home economics. A mission statement for home economics as well as a rationale for studying home and family life education were included. The rationale included the following statements:

> The family fosters physical, social, moral, aesthetic, and spiritual conditions of the home and family in order to nurture optimum development of each family member. Home economics education helps student be critically reflective of social forces influencing families. In addition, students are prepared to be proactive in economic, social, political, and technological change. Perennial problems of nurturing human development, feeding, clothing, housing people, and managing finite resources are faced by each generation across cultures and over time. Home economics enables individuals to solve problems in satisfying ways. (p. 1)

A detailed conceptual framework for the content area of consumer and resource management, housing and living environments, individual, child, and family development, nutrition and food, and textiles and clothing was outlined. A rationale for each area prefaced the outline. For example, under the area of consumer and resource management this was

included:

> Home economics education can equip students with an understanding of how to manage resources in the multiple roles they face throughout life. By being more aware of their own wants and decision-making skill, students may be empowered to make informed decisions which will ultimately influence the quality of their personal and family lives. Collectively, these decisions will then also influence their community and society. (p. 8)

In the area of individual, child, and family development, this paragraph was part of the rationale:

> Basic to the establishment and maintenance of effective well-functioning families is the creation of environments that promote self-understanding and foster the development of the individual's potential. Significant values are formed and transmitted. Interpersonal relationships within and outside the family are enhanced by the development of communication and conflict resolution skills and by stress and crisis management. (p. 23)

The three approaches to home economics curriculum were also identified and summarized. This summary by Bobbitt was excerpted from the Fall 1986 issue of the Journal for Vocational Home Economics Education. These approaches are concept based, competency based, and practical problems based. In an outline form, Bobbitt summarized the assumptions, content selection, format, time orientation, source of emergence of the curriculum, and system of action of the three approaches.

The first approach developed was concept based. It is based on content that should be covered in a field of study.

This approach was first used in 1967 with the Concepts and Generalizations publication. Smith and Morgan (1986) suggested that this approach is still meaningful today in home economics. Concept based curriculum focuses on cognitive learning with a predetermined format. The teachers determine the needs of the students and examine the needs of society. Bobbitt (1986) described the primary action as interpretive. Meanings and information are shared. "The focus is on generalizations which are statements that express underlying truth, have universality and show relationship between concepts" (Bobbitt 1986, p. 158).

Stout and Smith (1986) reported that a 1985 survey revealed that two-thirds of the states in America use the competency based curriculum. This approach identifies competencies (knowledge, skills, and actions) in given areas which are to be demonstrated by the learner. The level of mastery is predetermined. Progress is determined by the achievement of goals. The focus, according to Bobbitt (1986) is "on competency development which is a continuously developing proficiency or behavior needed to carry out roles" (p. 158). This approach was developed in the 1970's and the primary system of action is technical. It is a reactive system in that "skills/knowledge deals with what is needed to cope in life" (Bobbitt 1986, p.161).

The most recent approach to curriculum was described by Hultgren and Wilkosz (1986) as practical problems based. The

authors summarized this approach:

> The framework addressed here is that of critical science, as conceptualized from a practical problem orientation, where discrepancies between basic human goals and existing human conditions become the basis for the selection of practical problems. This conception of curriculum involves the development of practical reasoning through the deliberation about what should be done in regard to the solution of practical problems. (p. 135)

Bobbitt (1986) wrote that the focus of this approach was to find solutions "for response in the near future to perennial problems" (p. 159). The system of action is proactive in that independence is the goal.

## Curriculum Decisions

How do teachers select the curriculum for home economics? In the introduction to the 1986 Yearbook Vocational Home Economics Curriculum: State of the Field, Laster reported that the Vocational Education Curriculum Materials database in 1986 included 324 current home economics curriculum materials. She advised educators:

> In order to make morally defensible judgments about what is taught, home economics educators at all educational levels for all programs need to critically evaluate the values guiding their judgements and consider the probable consequences of acting on those values and dominate philosophical position. (p. 19)

This reflects an emerging emphasis in home economics education - morals and ethics. Baldwin (1985) described the need for home economics educators to make intellectually and

morally justifiable curriculum decisions. A major home economics education conference, "Ethics in Today's World," was held in April of 1987 at the University of Illinois at Urbana-Champaign. One of the speakers, Janet Laster, raised questions about the textbook trial in Alabama. She suggested that home economics educators morally and ethically examine the values which are implicitly and explicitly taught. Her speech which was published in the proceedings suggested that conceptual and empirical research be conducted to :

> ... help us in the dialogue that will be necessary to decide what is best to do about values in home economics. For example:
> - What values <u>are</u> being taught through the textbooks we use?
> - What values are being taught, directly or indirectly, through our home economics curriculum?
> - Do we really espouse a 'religious belief system' through our curriculum?
> - Are private or group-specific meanings of value concepts and standards of conduct appropriate in a complex society? (Laster, 1987, p.26)

As summarized in this review, home economics is no longer the subject which is related to the first domestic science classes of the 1800's. Problem solving, responsibility for making decisions, and the discussion of families are components of most home economics curriculum. Jenkinson (1990) identified human development and family development curriculum taught in home economics as one of the targets of the schoolbook protesters. This was evidenced in the objections by the Eagle Forum to the home economics

textbooks in Alabama in 1984. From the review of literature, there appears to be a connection between what the ultraconservative religious groups oppose in public schools and what is found in most home economics curriculums. Smith, however, represented the first major federal litigation involving home economics textbooks.

## Summary

For the past 30 years, there has been a growing ultraconservative religious movement in the United States. Groups identified with this movement are identified in the literature as "fundamentalists" or "New Right." This movement has been instrumental in raising objections to United States textbooks in the public schools. There are two types of textbook protesters; the individual and the organized group. Of the two, the organized group is the more powerful one.

The most influential ultraconservative groups which seek to monitor and change the U.S. textbooks have been the Educational Research Analysts, the Moral Majority, and the Eagle Forum. The Educational Research Analysts was organized by the Gablers in 1961 for the express purpose of reviewing textbooks and informing the public of objectionable books. The Gablers have been instrumental in influencing the adoption and rejection of textbooks in Texas. The publishers of textbooks have become responsive to the Gablers, since Texas provides the largest revenue for textbooks in the

nation. Some researchers allege that the textbooks have become bland.

The Gablers object to secular humanism. In their review of textbooks, they target such issues as feminism, values clarification, Black literature and dialect, critical thinking, and any portrayal of a family that is nontraditional.

The Gablers appear to have influenced the work of the Moral Majority. This group was formed in 1979 by Jerry Falwell and Timothy LaHaye and disbanned by Falwell in 1989. The main evils of society, according to the Moral Majority, are secular humanism and liberals.

The Moral Majority used computerized mailings, speeches, media appearance, sermons, books, and press conferences to attack the public schools through the textbook issue. They have also provided the legal funds and lawyers for court cases involving the use of textbooks that are objectionable to fundamentalists.

The Eagle Forum was started by Phyllis Schlafly who formed an "anti-textbook censorship textbook" committee to object to the pressures of feminists and liberals on textbooks. She believes that feminists have forced the textbooks to portray women in nontraditional roles with unladylike behavior. Her efforts to influence the public schools are seen in a letter-writing campaign which informs parents how and why to use the legal language of the Hatch

Amendment. The Eagle Forum was instrumental in removing 11 home economics textbooks from the 1984 textbook adoption list in Alabama.

In the past ten years, new groups have been organized to combat secular humanism in the classrooms. Their philosophies, choice of leaders, tactics, and objections are similar. They also object to similar issues. They advocate the traditional American way of life. They want textbooks to portray the positive aspects of the nuclear family. Secular humanism is used as a scapegoat for the decline of values and the rise of crime. These groups have also influenced individuals to bring objections to textbooks in their local schools. Most protests do not result in litigation. However, there have been court cases involving censorship which have addressed the federal questions of the constitutionality of an individual's rights or the constitutionality of a state statute.

The courts have upheld the right of school boards to select and adopt textbooks and direct curriculum. The Supreme Court has declined to hear two recent cases which involve the issue of secular humanism. Since the courts have upheld the right of the duly elected board to select and adopt textbooks, newer groups such as the Citizens for Excellence in Education have as their goal to take control of local school boards.

These New Right groups indicate that the Supreme Court has declared secular humanism a religion. Others argue that two footnotes are not a declaration of the Court. The definitions of secular humanism are varied and are not in agreement by the conservative groups, humanist groups, educators, and the legal community. One law professor stated that the court has yet to settle the debate.

Home economics curriculum has changed since its inception. There have been definite changes in curriculum since New Directions was published in 1959. The most recent approach to curriculum advocates that students examine perennial problems of the family to make morally defensible decisions.

There is a relationship between the ultraconservative religious movement in the United States and the trial of Smith. The nature of the content of home economics which has been responsive to societal needs has resulted in a change of focus in the curriculum. This curriculum change has incurred objections from organized ultraconservative groups, such as the Eagle Forum. These objections were brought to international attention in Smith when the home economics textbooks were accused of promoting the religion of secular humanism. For the first time, a federal court declared that secular humanism is a religion and that the ideas presented in the home economics textbooks are unconstitutional. It was the first time that textbooks for an entire state were

censored by a federal court. Although this decision was overturned, censorship still occurred in Alabama from March 4, 1987 till March 27, 1987. In order to raise levels of awareness about this landmark case, this study focuses on analyzing the conditions which precipitated Smith, the underlying themes of Smith, and the impact on secondary home economics curriculum.

# CHAPTER 3

# METHODOLOGY

The overall purpose of the study was to conduct an in-depth analysis of Smith v. Board of School Commissioners of Mobile County. Further objectives of the study were to:

1. identify the conditions that precipitated Smith v. Board of School Commissioners of Mobile County;
2. determine the underlying themes of Smith; and
3. examine the impact this case had on secondary home economics curriculum.

Multiple sources of information were sought to provide a comprehensive perspective on the case. Document analysis, content analysis, interviews, and questionnaires were used to validate and cross-check findings. Patton (1980) describes this process as triangulation. Stake (1980) further described triangulation as a method of increasing validity:

> One of the primary ways of increasing validity is triangulation. The ideas come from sociology and further back from navigation at sea--one of trying to arrive at the same meaning by at least three different approaches. Naturally, a finding that has been triangulated with several independent data holdings is usually more credible than one that is not.

It was believed that two types of information were needed to answer the questions of the study: a review of the case documents related to Smith, and data from those involved

in and affected by the court case. The focus questions with a description of what was done to address each question are presented in the following section:

1. What were the conditions that precipitated Smith v.Board of School Commissioners of Mobile County?

Part of the answer to this question was provided in the review of literature in Chapter 2. Additional information was gathered from the people in Alabama who were directly affected by the case. The State Supervisor of Home Economics; the attorneys representing the plaintiffs, the defendants, the defendant-intervenors; and the home economics witnesses were interviewed to ascertain their interpretation of the conditions which precipitated this case.

2. What were the underlying themes of Smith?

The trial transcript and decisions of the court at the district and appellate level were studied. The court decisions were retrieved using the National Reporter System, and the attorney for the plaintiffs allowed the researcher to purchase a copy of the trial transcript from his firm. Interviews with the attorneys and home economics witnesses also provided information related to this question.

3. What impact did this case have on secondary home economics curriculum as evidenced by:

   a. changes in home economics curriculum in Alabama,

b. changes in Alabama textbook criteria for adoption of home economics textbooks,

c. changes in treatment of subject matter by home economics teachers in Alabama due to Smith,

d. changes of home economics teachers' attitudes toward home economics after Smith,

e. attitudes of home economics authors toward subject matter after Smith,

f. changes made in home economics textbooks due to Smith?

These questions were answered through interviews with the State Supervisor of Home Economics in Alabama and authors of the five banned home economics textbooks. A content analysis of the the five books and the revisions made after the trial was also conducted to ascertain the impact of Smith on the content of the books. The impact on teachers was analyzed through a questionnaire sent to Alabama home economics teachers.

## Research Subjects

To analyze Smith from different perspectives, attorneys for the three parties represented in the suit were interviewed. The Alabama State Supervisor of Home Economics arranged the interview with the school board attorney. The attorney for the plaintiffs was identified through the review of literature. His firm was listed and the researcher located him by telephone using directory assistance. The

school board attorney indicated in the interview that his office did not focus on defending the home economics books and there were questions in the study which he could not answer. At that point, the researcher asked the home economics author who testified to identify the attorney for the defendant-intervenors who worked with her. She provided the researcher with the attorney's telephone number and address.

To examine the impact of Smith on home economics curriculum, the home economists most affected were identified. Each state has a person responsible for overseeing the home economics program of the state, usually identified as the state supervisor. The Home Economics State Supervisor of North Carolina identified the Alabama State Supervisor and made the initial contact requesting that she assist the researcher with this study.

The Alabama State Supervisor agreed to be interviewed and provided the researcher with a list of all home economics teachers in Alabama for the school year 1989-90. A random sample of 177 home economics teachers was drawn from the state list of 750 teachers, arranged alphabetically by school district. Since the researcher wanted to question only those who were teaching in Alabama during the 1986-87 school term, subjects were asked to return the questionnaires if they did not meet this criteria.

A response rate of 58% was obtained, with 103 of the 177 teachers responding. Of those, 18 (17.4%) indicated on the

first question that they had not been teaching during the 1986-87 school term. Three additional teachers returned their questionnaires unanswered, stating that they were teaching occupational home economics classes during that year and did not feel qualified to answer the questions. Therefore, a total of 82 questionnaires was available for analysis from home economics teachers in Alabama during the 1986-87 school term.

A home economics teacher and author were identified in the review of literature as witnesses in Smith. The home economics teacher from Mobile was on the teacher list provided by the State Supervisor. The author was contacted by the researcher at the annual meeting of the American Home Economics Association in Cincinnati, Ohio in 1989 and agreed to participate in the study. The five authors of the challenged textbooks were located by telephone through the American Home Economics Association (AHEA) directory.

## Instrumentation

A questionnaire was developed by the researcher to ascertain the impact of Smith on home economics teachers and curriculum in Alabama. The teachers were asked questions about their reaction to the trial, Hand's decision, and the appellate decision. Questions were also asked in order to analyze the impact of Smith on their teaching of home economics and to determine the reaction of their students, administrators, and of their communities. Two home economics teachers in North Carolina were asked to read the

questionnaire for clarity, and a faculty member at the University of North Carolina at Greensboro with expertise in questionnaire development reviewed it. The questionnaire had both closed-ended and open-ended questions. (See Appendix C.)

The interview schedules for the attorneys, witnesses, authors, and state supervisor were also developed by the researcher after a careful review of the literature surrounding this case. (See Appendix C.) The attorneys and state supervisor were asked to identify conditions which they perceived influenced this case. The two witnesses in home economics were asked to describe their participation in the trial in order to provide information about the themes of the case. The attorneys were also asked to describe their role in the trial.

The authors, attorneys, and State Supervisor were asked about their reaction to the trial and court decisions of Smith. Questions were directly asked of teachers, authors, and the State Supervisor to determine if any changes in home economics content were made as a result of the case. All subjects were asked to explain the meaning of the term secular humanism and their perception of the publicity surrounding Smith.

The plan for the study, the questionnaire, and the interview schedules were submitted to a departmental Human Subjects Review Committee at the University of North Carolina

at Greensboro prior to implementation of the study. This committee, as well as the doctoral committee of the researcher, gave approval for the study.

## Data Collection

The trial transcript of Smith and the decisions of Jaffree and Smith were analyzed. As with most dissertations of legal cases, the original intent of this study was to analyze the case from the written decisions of the courts. However, after numerous readings of Hand's decision in Smith, it was not clear to the researcher who was testifying for whom. Some witnesses were clearly identified and others were not. For this reason, the 2,589-page transcript of the trial was studied in its entirety to fully analyze the themes in Smith.

Face-to-face interviews were conducted with the State Supervisor of Home Economics in Alabama, the three attorneys, and four of the five authors; the fifth author was interviewed by telephone. Requests for interviews were made by telephone with a follow-up letter explaining the purpose of the study. Letters thanking the subjects for their participation were sent after the interviews. Sample copies of both letters are included in Appendix A.

The researcher traveled to Montgomery and Mobile, Alabama from May 30 to June 3, 1990 to interview the home economics teacher who testified, the home economics state supervisor, the Alabama school board attorney, and the

attorney for the plaintiffs. While in Alabama, the researcher spoke with the Textbook Coordinator for the Alabama Department of Education regarding the textbook adoption criteria.

After the interview with the School Board attorney, it was evident that the questions concerning the home economics books and expert witness could not be answered. He explained that his role was to defend the right of the state to adopt books and that the attorneys for the defendant intervenors worked with the aspect of the case concerning the home economics textbooks. After returning from Alabama, the researcher contacted one of the attorneys who represented the defendant intervenors and requested an interview. In July, 1990 the researcher traveled to Washington, D.C. for this interview.

The researcher met with three of the five authors at the Annual Meeting of the American Home Economics Association (AHEA) in June, 1990 in San Antonio, Texas. While at this meeting, the researcher also met with a staff member of AHEA and discussed the Association's involvement with this trial. This staff member later sent files regarding the Association's involvement. After the AHEA meeting, a letter was sent to the Executive Directors of AHEA and HEEA (Home Economics Education Association) requesting information about positions taken by the professional organizations regarding Smith.

In June of 1990, the researcher interviewed one of the authors who did not attend the AHEA meeting at her high school. The fifth author, who did not attend the AHEA meeting and with whom a personal interview was not possible, was interviewed by telephone. This interview was taped with the knowledge and permission of the author. Prior to the telephone interview, the researcher sent the subject a letter outlining the purpose of the study and "A Consent to Act as a Human Subject" form to sign.

All interviews were taped and transcribed resulting in over 500 pages of transcript. Each subject interviewed was sent a copy of the transcript of his or her interview and given the opportunity to make any additions or corrections. A sample cover letter sent with the transcribed interviews can be found in Appendix A.

All subjects who participated in the study were assured of confidentiality. Letters sent to the teachers with the questionnaires promised that all responses would be reported anonymously. Copies of the cover letters can be found in Appendix A. Each subject interviewed was asked to complete the "Consent to Act as a Human Subject" form which is included in Appendix B.

The questionnaire sent to each of the 177 teachers included a hand signed cover letter from the researcher on her college letterhead. The cover letter included an individualized inside address and salutation, the purposes of

the study, the benefits of the study, an offer to send a copy of the results, appreciation for participation, and a promise of confidentiality. This first cover letter with a questionnaire and a self-addressed stamped return envelope was mailed on May 10, 1990. Each questionnaire was coded with a number placed in the top right hand corner of the first page so that a follow-up letter and questionnaire could be sent to those who did not respond. One month later a second letter, questionnaire, and stamped self-addressed envelope were mailed to teachers who had not responded. Two months later, a follow-up post card was sent urging teachers to respond. Copies of the letters and post card are in Appendix A.

The challenged sections of the home economics identified in Appendix N of Hand's decision, textbooks, were checked against the actual textbooks. Four of the five books have been revised since this court case. A content analysis was completed to compare the challenged passages of the banned books to the next edition published.

## Treatment of Data

Four types of analyses--document analysis, content analysis, descriptive statistics, and summaries of the interviews--were used to answer the three questions of this study. Only data relevant to the questions are included in the reporting of the findings. Chapter 4 summarizes the case based on identified themes and conditions which are

reported in Chapter 5. It is the belief of the researcher that this triangulation approach provided the means to complete an in-depth evaluation of Smith v. Board of School Commissioners of Mobile County.

# CHAPTER 4

## ANALYSIS OF SMITH

An in-depth analysis of Smith was conducted, with an emphasis on the objections to the home economics textbooks, to determine the conditions which precipitated Smith, the underlying themes of the case, and the impact on secondary home economics curriculum. This analysis is based on interviews with key participants in the case and a review of the legal documents from the case.

Interviews with an attorney for the plaintiffs, an attorney for the defendant, and an attorney for the defendant-intervenors were conducted by the researcher in the summer of 1990. Each attorney allowed the researcher 3 to 6 hours of his time to ask questions and discuss the case. The attorneys requested a completed copy of the study in exchange for their time. Transcribed copies of each interview with the attorneys were sent to them so they could make additions or corrections. Each attorney was assured of confidentiality in the reporting of his remarks. For the purpose of this study, the following designations will be used:

Attorney for the Plaintiffs - Attorney P.

Attorney for the School Board of Alabama - Attorney SB.

Attorney for the Defendant-Intervenors - Attorney DI.

The attorneys were asked questions about their involvement in the case, and their perception of the legal issues involved, the conditions precipitating Smith, and the legal impact on home economics curriculum.

Since this study focused on the home economics textbooks and curriculum, the two witnesses from the home economics field were also interviewed by the researcher. The witnesses were a home economics teacher from Mobile County (Witness T) and an author (Author C) of one of the challenged home economics textbooks.

The primary legal documents pertaining to Smith were examined by the researcher. These documents include the court decisions from Jaffree and Smith written at all court levels and the trial transcript of Smith. The trial transcript was read several times to identify themes which determined the content in this chapter. Findings from the interviews and document analysis are presented.

## Involvement of Attorneys

Each attorney was asked to describe his involvement with Smith. All three concurred that the school prayer case of Jaffree v. Wallace was the beginning of Smith and their involvement with the case. Attorney SB's involvement with the case began shortly after his employment with the Alabama Department of Education in October of 1985. He described the

history of Jaffree v. Wallace:

> It started off with a challenge to the Alabama statutes on prayer in schools which Governor Fob James' son had written and which was passed by the Alabama legislature. That was challenged in Mobile as being violative of the First Amendment. And that was the beginnings of the case. It was a very simple case challenging the recitation of a state endorsed prayer in public schools; something that had come up in other states and had come up in federal courts before. During the course of that case, a group of interested parties intervened in that aspect of the case, contending that if this prayer was going to be overturned and not used, then there were other things that were going on in the schools that were prayer-related which should also be removed or balanced, for lack of a better word. And so, the seeds for the second half of the case were planted in the first case through this group of intervenors. As the case made its way up on the prayer issues, through the 11th Circuit and up to the Supreme Court, and back down to the 11th Circuit, what was left was a conclusion that you could not use state-endorsed prayers in public school. But the little seed had now grown to a very small plant and Judge Hand seized upon the language in his earlier opinions regarding these other materials and reconvened court and called the parties back to court to resolve that issue that had been originally raised by this group of intervenors.

According to Attorney SB, Judge Hand said there were "unresolved matters left that none of the courts had addressed and that he had not addressed in the first trial." The school board shifted from being the plaintiff in Jaffree to the defendant in Smith. The General Counsel argued for the Alabama School Board at all levels of Jaffree. When Attorney SB was hired in 1985, Jaffree was being resolved by the Supreme Court. When Judge Hand realigned the defendant-intervenors as plaintiffs in 1985 and the School Board became the defendants, Attorney SB assisted the General Counsel in preparing the defense for the Smith trial and in arguing the

defense at trial. After the trial, the General Counsel assumed a judgeship (federal magistrate position) and Attorney SB led in the defense at the appellate level. He explained, "the burden fell upon me to carry the case to the 11th Circuit." At trial, there were groups of attorneys for the defense. The defendant-intervenors, whom Hand allowed to participate, were represented by a firm from Washington, D.C. There were two main trial lawyers from this firm.

Attorney DI was first contacted about the Smith litigation in the late fall of 1985 by a representative from the People for the American Way (PFAW) organization. This group had been monitoring the earlier case of Jaffree v. Wallace because their "principal issue is one of sensitivity to censorship" and had contacted Attorney DI's firm to ask if they would work on the case as a community service. Attorney DI stated that Smith had started with Jaffree v. Wallace on the issue of prayer in the schools. He recalled that Ishmael Jaffree challenged the school prayer legislation that had been passed in Alabama. "The 600 or so parents who were, in effect, the plaintiffs when we were involved in the case back then intervened just like the parents we represented and intervened a year or so later," recalled Attorney DI. Attorney DI summarized their rationale:

> Those folks intervened on the side of the school system to defend the school prayer legislation and additionally, they argued that school prayer was necessary... I don't want to mistake their argument...by summarizing it, I will not be totally accurate, but

> their argument in a nutshell was that because the school curriculum was so rife with secular humanism which they considered a religion, that this brief prayer in the morning was necessary at a minimum to offset, or try to offset or stem the tide against those effects. But our argument was never addressed by Judge Hand. Judge Hand, instead, upheld the constitutionality of the school prayer statute on a constitutional basis that was one that was novel and was quickly objected by the appellate courts and the Supreme Court. When the case got up to the Supreme Court, the school prayer statute was declared unconstitutional and the case was remanded to the district court--entering an injunction--inhibiting it. And it was at that point that the judge realigned the parties. Ishmael Jaffree was dismissed from the case after his lawyers filed a petition for their fees - anybody who successfully brings constitutional litigation against a government authority normally is entitled to have their attorneys' fees paid and pay for the bail. His lawyer filed that motion and the court dismissed Jaffree from the case. This sounds more coercive than it was, but he said to Jaffree's lawyer basically, "If you want me to address your fees application now, it has to be the end of the case for you; otherwise, it's too early. Are you done with your participation in the case? (Yes.) Okay, here are your fees. You're dismissed." The parents, the 600 parents who had intervened to defend school prayer legislation were realigned as plaintiffs. The school system stayed as defendants and now the case became, these textbooks are teaching secular humanism.

Since this case was a Supreme Court case, contended Attorney DI, it had attracted a "fair amount of national attention." At that point, the People for the American Way asked his firm to represent a group of parents who wanted to intervene with the state as defendant-intervenors. His firm, Attorney DI explained, has a Community Services Department which does free legal (pro bono) work. This department is staffed by a partner, a senior associate, and "one or two beginning associates fresh out of law school," added Attorney DI. In 1985, Attorney DI was a senior associate with the

firm and was serving an "18-month stint" in this department. According to Attorney DI, in 1985 the firm was made up of approximately 225 lawyers and had at the time of the interview 307 lawyers. The partners of the firm vote on the cases they will accept as a community service. Some of their free legal work involves "front page news and little tiny cases for ladies who are getting kicked out of their apartments, and everything in between."

People for the American Way and the American Civil Liberties Union agreed to split the expenses "50-50" with each other if this firm would agree to do all the legal work free, reported Attorney DI. The expenses included "plane tickets to get us back and forth to Alabama, the court reporter's fees, deposition transcripts, xeroxing, the postage, and the long distance phone bills."

Attorney DI was instrumental in writing the description of the case and the "pitch" to convince the partners that it was a case they should do. When asked why his firm took the case, Attorney DI replied:

> It was a great case. This is the kind of case that comes along once in every 10 years. There's no question to take a case like this. It is so interesting, I mean, it implicates exciting, intellectually stimulating constitutional issues, colorful personalities, national media attention. I mean, you name it, it's got everything you could possibly want in a case from any perspective. I can't imagine a good reason to turn it down, frankly. Unless you just absolutely didn't have the time and the resources to work on it. But, it's a wonderfully, exciting case that generated tremendous enthusiasm. People were begging to work on it. Anytime we had research projects, people just wanted to touch it, wanted to have something to do with this case.

Four attorneys and one paralegal from his firm worked on this case. Attorney DI and the partner did the stand-up work at the trial.

Attorney P first became involved in the case when he went to work with his present law firm in 1983. He worked on the appeal of Wallace v. Jaffree because his partner was an attorney for the defendant-intervenors. The defendant-intervenors were the 624 parents, students, and teachers who had intervened with the state to support the use of school prayer.

The attorney for the plaintiffs recalled the beginnings of Smith:

> The case had already been tried in Mobile before Judge Brevard Hand under the name of Jaffree v. Wallace. It eventually went to the U.S. Supreme Court. The judge's decision wasn't issued, oh goodness, for quite some time, I think it was February, '83. And so, it went to the Supreme Court and he had retained jurisdiction over certain issues and opened the case back up to pursue those. If I recall correctly, the judge sent out a memorandum in August of 1985 to the attorneys saying that the Supreme Court said he had jurisdiction over the religious issues involved. He wanted to get involved in issues that he had reserved, which included the curriculum. We filed with the court in September '85.

Attorney P said that he was one of four attorneys for the plaintiffs in Smith. His partner in a firm in Montgomery, an attorney from Mobile who represented the original defendant-intervenors, and an attorney with the National Legal Foundation were the other three attorneys. According to Attorney P, the National Legal Foundation was

started by Pat Robertson, then spun off as a separate organization, based in Virginia Beach, Virginia. Financial support came from the National Legal Foundation through the efforts of Pat Robertson's television ministry.

Legal Beginnings - Jaffree

As the attorneys indicated, Smith had its legal beginnings in Jaffree (Jaffree v. Board of School Commissioners F.Supp 1104 (1983), Jaffree v. James F.Supp 1104 (1983), Jaffree v. Wallace 705 F.2d 1526, Wallace v. Jaffree 105 S.Ct. 2479 (1985)). This complex series of decisions, reversals, and appeals began on May 28, 1982, when Ishmael Jaffree brought charges against the Mobile County School Commissioners and the State of Alabama. In his first suit, he charged that the constitutional rights of his three children had been violated by the prayers and religious observations in the Mobile County Schools. In a second suit, he charged that the state's statues allowing prayer in the schools were unconstitutional because they established a religion. The establishment clause of the First Amendment to the Constitution prohibits public schools from promoting or establishing a religion. The defendants in the second suit were named as Governor Fob James, the Attorney General, and members of the Alabama State Board of Education. Both suits were brought before Judge Brevard Hand in the U.S. District Court in Mobile, Alabama. In Jaffree v. Board of School Commissioners of Mobile County, Jaffree brought charges

against certain teachers and principals of his three children in Mobile County as well as the School Commissioners and the Superintendent of Mobile County Schools. He charged that incidents in the Alabama schools made his children participate in prayers such as:

> God is great, God is good,
> Let us thank him for our food,
> Bow our heads we all are fed,
> Give us Lord our daily bread.
> Amen! (Jaffree v. Board of School Commissioners of Mobile County, 1107)

and the Lord's Prayer violated his children's constitutional rights. Jaffree had written letters of complaint to the teachers and principals prior to seeking action in the courts warning that he would seek judicial action if these actions were not stopped. Douglas T. Smith and other teachers, parents, and students filed a motion to intervene. They charged that not allowing prayers in the schools would violate their constitutional right to free exercise of religion. Judge Hand allowed the 624 parents, teachers, and students to enter the suit as defendant-intervenors. On January 14, 1983, Hand dismissed the suit. In his decision, he wrote that:

> (1) First Amendment in large part was guarantee to states which insured that states would be able to continue whatever church-state relationship existed in 1791, and (2) because establishment clause of First Amendment does not prohibit the state from establishing a religion, prayers offered by the teachers in the case were not unconstitutional. (p. 1105)

In Hand's written decision of January 14, 1983, he reviewed the history of the First Amendment and the Supreme Court interpretation of the establishment clause. He concluded that the Supreme Court had erred in its interpretation of school prayer. He wrote:

> What is past is prologue. The framers of our Constitution, fresh with recent history's teachings, knew full well the propriety of their decision to leave to the peoples of the several states the determination of matters religious. The wisdom of this decision becomes increasingly apparent as the courts wind their way through the maze they have created for themselves by amending the Constitution by judicial fiat to make the First Amendment applicable to the states. Consistency no longer exists. Where you cannot recite the Lord's Prayer, you may sing his praises in God Bless America. Where you cannot post the Ten Commandments on the wall for those to read if they do choose, you can require the Pledge of Allegiance. When you cannot acknowledge the authority of the Almighty in the Regent's prayer, you can acknowledge the existence of the Almighty in singing the verses of America and Battle Hymn of the Republic. It is no wonder that the people perceive that justice is myoptic, obtuse, and janus-like. (p. 1129)

In a lengthy footnote (41) to his concluding remarks, Hand wrote about the concerns of the the defendant-intervenors. The justification for Smith can be found in this segment of the footnote:

> It was pointed out in the testimony that the curriculum in the public schools of Mobile County is rife with efforts at teaching or encouraging secular humanism - all without opposition from any other ethic - to such extent that it becomes a brainwashing effort. If this Court is compelled to purge "God is great, God is good, we thank Him for our daily food" from the classroom, then this Court must also purge from the classroom those things that serve to teach that salvation is through one's self rather than through a deity.
> (p. 1129)

Later in this same footnote, Hand mentioned textbooks and secular humanism. He cited Torcaso v. Watkins as support for saying that secular humanism is a religion and wrote, "Textbooks which were admitted into evidence demonstrated many examples in the way this theory of religion is advanced" (p. 1130). Hand concluded that if the higher courts disagreed with his interpretation and reversed his decision, then "this Court will look again at the record in this case and reach conclusions which it is not now forced to reach" (p. 1129).

According to Attorney P, Judge Hand was influenced by the testimony of the defendant-intervenors. Judge Hand, according to Attorney P, initially ruled against the defendant-intervenors in Jaffree. "After hearing the testimony, he was educated in the process. He had one of those experiences where you could just see the lights going on," recalled Attorney P. The testimony, in which Attorney P perceived as changing Hand's mind about this case, was described:

> Then, when they had the trial - you could see that he was being educated during the course of the trial and did an about-face. I think that where he had his turnaround was when he heard an expert witness testify, who was a member of the Board of Directors of the American Humanists Association. He was one of these ministers who could perform marriages and the guy was taking the position that there were no absolute values. The question was put to him, "Sir, you are saying that there are no absolute values," and he said: "Definitely, there are not!" And, the judge at that point kind of leaned over and said, "That's an absolute statement if I ever heard one." And, from then on, you could see him start to change his thinking.

In the second suit (Jaffree v. James), Jaffree charged against state statutes which allowed school prayer. One of the statutes (16-1-20) provided that a teacher "may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or voluntary prayer, and during any such period no other activity shall be engaged in" (p. 1132). Another challenged statute (Senate Bill 8, later codified as Statute 16-120-.2) included this prayer that any teacher or professor in a public institution of Alabama could lead:

> Almighty God, You alone are our God. We acknowledge You as the Creator and Supreme Judge of the world. May Your justice, Your truth, and Your peace abound this day in the hearts of our countrymen, in the counsels of our government, in the sanctity of our homes and in the classrooms of our schools. In the name of our Lord. Amen. (p. 1131)

Hand dismissed the Jaffree's charges in Jaffree v. James and concluded that the "establishment clause of the First Amendment does not bar the states from establishing a religion" (p. 1132). Jaffree appealed Hand's decisions to the Eleventh Circuit Court of Appeals (Jaffree v. Wallace, 705 F.2d 1526 (11th Cir.) reh'g en banc denied). The Court of Appeals reversed Hand's decisions and remanded with instructions to prohibit these unconstitutional practices. The panel of judges in the Court of Appeals found that school prayers and the two statutes violated the establishment

clause of the First Amendment and stated that Hand's historical argument had already been rejected by the Supreme Court.

The defendants petitioned for a rehearing with the full Court of Appeals (en banc). This petition was denied. The defendants appealed to the Supreme Court. The Supreme Court denied the petition concerning the nonstatutory school practices and affirmed that Statute 16-2-20.2 was unconstitutional. This statute had the prayer which was cited earlier in this chapter. The Supreme Court agreed to hear the arguments on whether Statute 16-2-20.1 violated the establishment clause. This statute allowed for a minute of silence in voluntary prayer or meditation (Wallace v. Jaffree 105 S.Ct. 2479 (1985)).

On June 4, 1985, the Supreme Court found that "authorizing a daily period of silence in public school for meditation or voluntary prayer was an endorsement of religion lacking any clearly secular purpose, and thus was a law respecting the establishment of religion in violation of First Amendment" (p. 2479). Therefore the decision of the Court of Appeals was affirmed.

The vote was 6-3 to affirm the 11th Circuit decision. Justice Stevens wrote the decision of the Court with Justices Powell and O'Connor filing a concurring opinion. Justices Burger, White, and Rehnquist dissented and filed an opinion.

The Court used the Lemon test to determine the

constitutionality of the Alabama statute. The three-part test grew out of Lemon v. Kurtzman (403 U.S. 6202, 612-613, S.Ct. 2105, 2111, 29 L.Ed. 2d 745 (1971)). Hudgins and Vacca (1985) list three questions asked by the Lemon test to determine if legislation is legal:

> 1. Does the act have a secular legislative purpose?
> 2. Does the primary effect of the act either advance or inhibit religion?
> 3. Does the act excessively entangle government and religion? (p. 375)

The Supreme Court in Wallace v. Jaffree used only the first question or "prong" as referred to in the decision. It found that "the statute had no secular purpose" (p. 2490). Stevens wrote that having no purpose in mind when the statutes were passed was not "evidence of any secular purpose" (p. 2490).

Justices Powell and O'Connor in concurring opinions observed that the Alabama statutes for voluntary prayer were enacted after Jaffree's complaints were filed. Judge Rehnquist in writing a dissenting opinion, outlined the history of the First Amendment religious clauses and wrote:

> "the wall of separation between Church and State" is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned" (p. 2516).

When the Supreme Court sent the case back to Hand affirming the appellate court's decision, Hand realigned the

624 parents into plaintiffs and dismissed Jaffree so that his attorney's fees could be addressed, according to Attorney DI. The case became Smith v. Board of School Commissioners of Mobile County.

Smith was a class action suit challenging that the public schools through certain textbooks were establishing the religion of secular humanism. The Governor of Alabama, George Wallace, the Mobile County School Commissioners and the Alabama State Board of Education became the defendants. Governor Wallace and Mobile County Commissioners signed consent decrees indicating that they would not contest the charges. Judge Hand then permitted 12 citizens to join the case as defendant-intervenors with the School Board of Alabama as the defendant. In September of 1986, Hand allowed the suit to become a class action suit with the plaintiffs divided in two classes. The two classes included all "who are or will be" teachers or parents of children in Alabama schools who adhere "by belief or practice a theistic religion" (Smith, 1987, p. 995).

Attorney DI described how the defendant-intervenors became involved in the case. He reported that after his firm voted to accept the case, Attorney DI and a partner of the firm, who also worked on the defense, traveled to Mobile to meet with "50 or 60 people who wanted to be participants in the litigation." He recalled, "We talked to them about what it would be like to be a participant in litigation, both the

rigors of having your deposition taken, some of the social pressures that might play a role." The interested persons were warned that "it would not be a very popular position in Mobile at large," explained Attorney DI because they "just wanted people to enter this with their eyes open."

Shortly after this meeting, the attorneys moved to intervene on behalf of "about a dozen people who we thought had the prerequisite standing, the legal standing, to intervene," he reported. An example of having children in school was cited as giving the person legal standing. The move to intervene was heard by Judge Hand at the end of January of 1986. Shortly after this hearing, the motion was granted. Attorney P explained that early in 1986 they were informed by Judge Hand that the trial would take place in the fall of 1986, and that the six months prior to the trial in October would be spent in discovery.

Smith: The Textbook Trial

The bench trial of Smith v. Board of School Commissioners of Mobile County was held in Mobile, Alabama from October 6 to October 22, 1986. The case was heard by Judge Brevard Hand in the federal Southern District Court. There were three parties involved in this class action suit. The plaintiffs were the original 624 parents, teachers, and students who were the defendant-intervenors in Jaffree. The defendants were the State Board of Education and the State Superintendent of Education of Alabama. Joining the

defendants in the defense were twelve parents with the status of defendant-intervenors. Attorneys for each of the three parties brought evidence to the Court to support their positions.

Data from the interviews with the three attorneys of the different parties represented provides three different perspectives. An analysis of what actually occurred through the use of the trial transcript and a summary of Judge Hand's perception of the trial through his written decision provides two points of view. Because of the conflicting publicity which surrounded the trial, these sources were not used as a means to describe the trial in this section of the findings. The focus of the description is limited to the charges and defense of the home economics textbooks. Although 39 history, civics, and social studies books were also challenged, it is not within the scope of this study to examine those data.

Opening statements were presented by Attorney P, an attorney representing the defendants, and an attorney representing the defendant-intervenors. The plaintiffs presented witnesses and evidence such as expert reports, depositions, and other pertinent documentation from October 6 until October 15, 1986. The usual order of questioning was direct examination by the plaintiffs, cross examination by the State defendants, cross examination by the defendant-intervenors, and redirect examination by the plaintiffs.

On October 15, the judge presented a court-appointed expert to give testimony. After the testimony by the expert witness, the defendants and intervenors presented witnesses and evidence. The order of questioning generally followed was direct examination by the defendants and/or defendant-intervenors, cross examination by the plaintiffs, and redirect examination by the defendants and/or defendant-intervenors. Testimony concluded on Wednesday, October 22. Additional exhibits, depositions, and reports were entered. Rebuttal examinations of witnesses were held and the court adjourned on Wednesday, October 22, 1986. Judge Hand issued his decision March 4, 1987.

## Opening Statements

The basic issue addressed by the court was secular humanism. In one of his first statements to the attorneys, Judge Hand stated that he considered secular humanism a basic issue that must be addressed. He asked, "Is it a religion and is it being taught?" (Transcript, p. 27). He forewarned the attorneys that if it were not adequately covered he would call his own expert witness.

Attorney P opened his argument by stating that it was "wonderful to get away from all of the distortions about this case that are being passed around as these press packages before the proceedings of this day," and to be able to present the facts to the court (Transcript, p. 27). He reminded the judge of his clients' involvement in Jaffree and

asserted that over half of the 1982 trial was devoted to textbooks. He asked that the religion of humanism be excluded from the public schools because of the establishment clause of the First Amendment. He indicated that he would bring evidence that humanism is a religion and that textbooks are promoting the religion of humanism through advancing the tenets of humanism and censoring the role of religion in the presentation of history. He outlined the witnesses that would be presented to substantiate his charges.

The General Counsel for the State Board of Education argued that education in Alabama was controlled at the local level. He stated:

> I hope that by the end of this case that we do know if secular humanism is or is not a religion. But the very fact that we are here, the very fact that we are confronting what I think the Court recognizes as an exceptionally difficult task, to try to define something that may well be undefinable, shows the difficulty of the court trying to sit as a super textbook committee. Every year educators, parents, lay citizens come together in a committee and are given the unenviable task of reviewing 4,000 textbooks in different areas. They use their professional judgment, they use lay common sense, and they don't select all of them. And out of the selections made, it is remarkable that we come down to 45 books that the plaintiffs say that they goofed up on. And, yet, that shows this monolithic control. (Transcript, p. 43)

The attorney for the defendant-intervenors opened his remarks by saying that he was representing the 12 parents who joined the case to support the use of the books. He argued against the claims of the plaintiffs who stated that the

textbooks inhibited the religion of Christianity and espoused the religion of secular humanism. "Secular humanism is not a religion. It does not have the spiritual, or supernatural, or transcendental that the law requires of a religion," contended the attorney (Transcript, p. 44). This case, according to the defendant-intervenor's attorney, was about a clash of cultures and not an unconstitutional act. As he described his witnesses, he said that the author of the home economics textbooks most vilified by the plaintiffs is a "devout Christian grandmother who is going to come testify that her textbook has been used for years and years and years successfully in public schools around the country and without any challenge or without any question about it" (Transcript, p. 45).

The Charges Against the Home Economics Textbooks

In the interview with Attorney P, he was asked how he prepared for the case against the home economics books and how these books were connected to the charges. He explained that he believed that the case was connected to home economics textbooks because of changes in the field. He asserted:

> I also think that what happened particularly to home economic textbooks is that as enrollment figures started to drop, those who had a vested interest in the profession of home economic teaching had to reach out and grab things that they thought would attract more students back into the curriculum and they just grabbed something that they weren't competent to really

> understand; and that was the values clarification teaching methodology that has been abandoned everywhere else. But, yet, it continued to live in home economics. And that's what you find most of the expert witness reports critiquing.

When asked if Attorney P had enrollment figures to substantiate his claim, he did not. He indicated that there was a drop in home economics enrollment when he was in high school in the late 1960's. Attorney P said he would expect a drop in enrollment due to society "emphasizing that women should no longer be just homemakers."

When asked how he prepared for the case against the home economics books, he credited the Alabama Eagle Forum. This group, according to Attorney P, has been very active in a "citizen textbook review program." And, based on their involvement over the years, they "identified the problem of home economics textbooks," reported Attorney P. After the books were first brought to their attention by the Eagle Forum, other books were sent to reviewers as he explained:

> We sent textbooks from various different subject matters to expert reviewers around the country and they all agreed that the home economics were the worst. And, so, that's what we chose to focus on, rather than just do a scattering on a lot of different curriculum subject areas.

He was critical of the home economics textbooks and cited examples from the expert witness reports which he provided to the researcher. He presented a list of witnesses and described each person to the researcher. He was able to

cite from memory the religious preferences of each. During the interview, he asked the researcher's religious preference and when the attorney for the defendant-intervenors was interviewed, he reported that the same question had been asked of him by this attorney. In the transcript it was noted that most witnesses were asked their religious denominations.

At trial the primary charge against the home economics textbooks was that the books espoused the religion of secular humanism. To argue these charges, the plaintiffs presented academic experts in the areas of history, sociology, religion, philosophy, education, and psychology to present the two main themes. First, the witnesses reported that secular humanism is a religion, and second, the tenets of secular humanism are promoted in the home economics textbooks. At trial, evidence was presented against six home economics textbooks. One book was not mentioned in the final decision because it was not on the state adopted list. Another book was briefly mentioned by three witnesses as being reviewed, but not challenged. The plaintiffs indicated that this book had been dropped from the challenge before the trial began, because the reviewers determined that it was not as bad as the others.

Only the testimony of the witnesses who spoke directly to the two themes relating to the home economics books will

be summarized. Other witnesses for the plaintiffs included history professors who spoke on the role of religion in history and the exclusion of religious contributions in the history, civics, and social studies textbooks.

On Tuesday, October 7, 1986 the plaintiffs presented Dr. James Hunter as an expert witness in religion in the area of sociology of religion. He was a professor of sociology at the University of Virginia and prepared two reports for the court. One outlined the role of religion in American life and the second one was entitled "Humanism and Social Theory: Is Secular Humanism a Religion? In testimony, he read findings from his reports such as:

95% of American population believe in God or universal spirit.

72% believe Bible is Word of God.

40% believe Bible is to be taken literally.

90% say they pray to God.

Hunter described the religious population of America as: Jewish (2%), Catholic (28%), and Protestant (57%). He described the Protestant group as having two groups, mainline and conservative (evangelical). He stated that 22% of the American public is conservative Protestant. This group is growing, reported Hunter, and has experienced growth of schools, publishing, broadcasting, and political lobbying groups. Hunter discussed new religious movements and the Human Potential Movement.

On the stand, Hunter spoke from his report on secular humanism. He first discussed various interpretations of the meaning of religion. He stated, "Where all sociologists are in agreement is that religion is a meaning system which emanates from the sacred and it performs certain social functions, both individual and societal" (Transcript, p. 254). To connect secular humanism as a religion, he examined documents such as the Humanist Manifesto I, Humanist Manifesto II, and information from the American Humanist Association. He outlined the basic beliefs and declared that humanists had churches as found listed in the yellow pages of major U.S. cities. He cited Torcaso v. Watkins as evidence of the court's recognition of secular humanism as a religion.

On cross examination, Attorney DI asked if there were religious humanists as well as Christian humanists to which Hunter replied, "Yes" (Transcript, p. 333). Hunter stated that he believed the home economics books promoted the religion of secular humanism based on the reports of reviewers which he had received prior to the trial. Attorney DI asked him if he had read the home economics books. He replied, "I have not had time to read those. I did find their documents very compelling though," (p. 339).

While questioning Hunter about his definition of religion, Attorney DI gave an example about believing in vegetarianism very strongly and having a social network of support for this belief. According to Hunter's definition of religion, then he reasoned that vegetarianism would be a

religion, to which Hunter agreed. In the interview with Attorney DI, he recalled this testimony by stating, "My favorite moment of the trial was when I got him to admit under oath that if secular humanism was a religion, so was vegetarianism." He laughed and added, "And, the next thing we'd be facing is the people who objected to serving cheeseburgers at lunch because of an established religion in the cafeteria."

Two parents were called as witnesses on Wednesday, October 8, 1986. Both were concerned about the conflict of values in the public schools and their religious values. The first parent, Robert Whorton, indicated that his two children had attended both Christian private schools and public schools. His concern with the books was that people of all faiths be treated equally. Upon cross examination, he responded that neither of his sons had ever taken home economics. The second parent, Sue Webster, stated that she had two children, a 15-year-old son and a 13-year-old daughter. She recalled that when her son was in the second grade, his teacher in a gifted and talented class used the book Values Clarification. This book was disturbing to her because of the situational ethics. The plaintiffs connected this book to one of the home economics books because in the teacher's resource book, which accompanied the textbook, a reference was made to Values Clarification. Upon cross examination, she replied that neither of her children had ever taken home economics.

Douglas T. Smith, for whom the suit was named, testified following the testimony of the parents. The suit was named for him because his was the first name listed of the 624 names. He was an eighth grade science teacher in Mobile County. He gave examples of how his academic freedom had been limited in the public schools. He was told by his administration that he had to stick to the textbooks and could not question the content. He was concerned that evolution was in his textbook with no opposing viewpoints. Smith indicated that he had seen the reports on the history and home economics books and agreed with the findings of the experts. Upon cross examination, he admitted that he had not read the textbooks.

The witness who spent the most trial time critiquing and bringing evidence against the home economics textbooks was Dr. William Coulson, a psychologist from California and a professor of psychology and education at U.S. International University. Coulson gave testimony on Wednesday afternoon and Thursday (October 8 and 9). He had to leave Mobile for another commitment out of state and he returned to the stand on Tuesday and Wednesday of October 14 and 15, and gave rebuttal testimony on October 22.

Coulson presented a history of the humanist movement in education and reviewed the challenged home economics textbooks. He also reported on visits with home economics teachers in Alabama and interviews with two families about the textbooks. In describing his professional career,

Coulson reported that his chief professor was Carl Rogers. Coulson explained that Rogers and Abraham Maslow were considered the founders of humanistic psychology. Coulson later became a research associate of Rogers at the Western Behavioral Science Institute. He recalled that in 1968, Rogers and "30 of us broke away from WBSI and started the Center for Studies of the Person in LaJolla, California," (Transcript, p. 471). Coulson was the founding director of this center which was a nonprofit research center in humanistic psychology. He said that applying this branch of psychology to education was called humanistic psychology. Coulson said that Rogers had a primary influence on this humanistic movement in education, with other influential people being Louis Raths, Howard Kirschenbaum, Merle Harmin, and Sidney Simon.

Much of Couslon's testimony was about the negative impact of humanistic movement on education and its impact on the family. He indicated that he spent much of his career warning people of the dangers of this type of psychology. Coulson asserted that "I am sometimes identified by editors in my writing as a specialist working with dropouts from the human potentials movement" (Transcript, p. 476). He cited the permissive attitude of the 1960's, as people searched for freedom, to be damaging to children and families. He attributed the rise in divorce to this attitude. He called society's fascination with psychology a "fascination with pathology" (Transcript, p. 480).

His 72-page report on the home economics textbooks was based on his review of six books. One of these was "much less offensive than the others," and he added, "I felt it was not worth protesting." He also reported that he had spent 2 days visiting in Alabama classrooms and had been asked to interview Alabama parents by the attorneys for the plaintiffs. The home economics textbooks, according to Coulson, were "abominable" (Transcript, p. 495).

Coulson testified that he had read all the books and found that they were teaching religious humanism, "the idea that man is center of creation and God is not" (Transcript, p. 498). He described his method for reviewing the books as:

> I read them all. And if anyone wants to send me sewing, I can accommodate them. Once I saw that about half to two-thirds of each of the books was devoted to subjects like sewing and cooking and that that did not seem to have one thing to do with philosophy or religion, I confined myself to studying the early parts of the books. (pp. 498-499).

When he visited the schools, he reported that a principal told him, "You're going to be surprised. Home Economics isn't what it used to be" (Transcript, p. 499). To which Coulson responded that since he had seen some of those textbooks he would not be surprised. He added, "Home economics has become a laboratory in humanism in those portions having to do with life adjustment" (p. 499).

After reading the books, Coulson reported that he found

these common themes:

You are most important in your life.

Values are personal and subjective.

You must make your own decisions.

He added that all of the books had Maslow's hierarchy of needs and that students would be permanently handicapped if they followed the teachings of Maslow. He found the tenets in the books consistent with the ideas in Humanist Manifesto I and Humanist Manifesto II. He cited a passage from the books that indicated that family members share in the decision making process. He said that the passage, " Parents often enter parenthood with very little understanding of what is required to develop and maintain good relationships with children and youth," was undermining of parents and inconsistent with the Commandment, "Honor thy mother and thy father" (Transcript, p. 516).

He observed that the books were a result of John Dewey's views on education. The books were anti-theistic because they did not mention God. Coulson added that "some of the books have common sense in them and they are very generous" (Transcript, p. 523). "It's just that," he countered, "they don't have a theoretical base for anything except the idea of self-creation," (Transcript, p. 523). Coulson was critical of the decision-making topics which he said did not mention parents. "You must decide," according to Coulson was a common theme of the books. He attributed this concept to

humanistic education with the "idea that those values which are most right for you are those which you decide for yourself" (p. 535).

Based upon his 2 days of observations in the home economics classrooms, Coulson was asked by the plaintiffs' attorney his perception of the use of the textbook. Coulson responded:

> It is like the Bible. It's the fundamental text of all that goes on in the classroom. The homework assignments are made from it and the teachers lecture from it paragraph by paragraph. (Transcript, p. 554)

He reported that he visited a teacher who complained about the content she was forced to teach. He reported:

> And the teacher said, "My kids call this - what do they call it - the quality of life garbage. They keep asking me, 'When do we get to sew and cook?' And, last week I deviated from the lesson plan. I let them sort dirty clothes and they loved it." They were finally getting something other than fantastic modern humanistic psychology and were grateful for it. (Transcript, p. 554)

On cross examination, Coulson declined giving the names of the four teachers he visited. He said that he had to protect their confidentiality since one was against the state and supportive of the plaintiff's views. He testified that he spoke to no students in the schools who were using the books.

When cross examined by the attorney for the defendant-intervenor, he was questioned about the section of the books which mentioned church and religion as a source for learning

about morals. He agreed that there were some positive things in the books.

The six books for review were sent to Coulson by the plaintiff's attorneys and he looked at books referred to him by parents. He indicated that he wrote on the books and highlighted certain passages before sending the books to other reviewers.

Attorney DI questioned Coulson's certification as a psychologist. Coulson responded that he was neither Board Certified nor certified by the American Psychological Association. Attorney DI asked if the challenged passage:

> Nothing was meant to be. You are the designer of your life. If you want something you can plan and work for it. Nothing is easy, but nothing is impossible either. When you recognize that you are the one in charge of your life, you will be way ahead of where you would be if you think of your life as something that just happens to you. (Transcript, pp. 665-667)

could be another way of saying that "God helps those that help themselves?" (p. 667). To which Coulson, replied, "Yes. Okay" (Transcript, p. 667).

Under cross examination, Coulson at times was unable to tell the Attorney DI what was wrong with certain challenged passages. For example, on page 706 of the transcript, he was asked by Attorney DI what was wrong with "Parents often enter parenthood with very little understanding of what is required to develop and maintain good relationships with children and youth," to which he replied, "Nothing."

Since Coulson had to leave on Thursday, October 9, Attorney DI resumed cross examination on Tuesday, October 14 and 15. He reported that he had interviewed two families on the effects of the home economics textbooks. He gave the families assumed names to protect their confidentiality and reported on the picnics, bingo games, and churches he had attended with these families. Upon cross examination, he answered that neither family had children who had taken home economics and none of the children had ever used the home economics textbooks. He reported that he had shown the parents the books and they found them objectionable.

On Thursday, October 9, the plaintiffs called Dr. James Hitchcock, a professor of history from St. Louis University and the author of Beyond Secular Humanism. He described the history of the term humanism. Modern day humanism, Hitchcock testified:

> is an explicitly anti-theistic philosophy as expressed for example, in the two Humanist Manifestos I and II in 1933 and 1973, in which it stated that, among other things, the universe is self-existing, it was not created by God. Human beings are completely autonomous. They are perfectly free, then, to discover or define meaning and value for themselves. There is no intervention in human affairs. (Transcript, pp. 740-741)

Hitchcock also contended that humanism is a religion. He cited pages from yellow pages of humanist churches under the heading of churches.

On cross examination, Hitchcock was asked if one could find humanistic teachings in the Bible. To which he replied, "yes." The attorney for the defendant-intervenors questioned his use of the word philosophy with the term humanism. The attorney told him that in testimony he had used the term philosophy four times with the term humanism. Hitchcock replied that the term was loosely used. Attorney DI also asked Hitchcock if he was on record of favoring a voucher system as a means of educating students, to which he responded, "Yes" (Transcript, p. 793).

Dr. Richard Baer, a professor from Cornell University, was called as the next witness. He indicated that he directed a program in agricultural and environmental ethics and he was a member of the graduate faculty of education. His area of expertise was ethics, values, religion, theology, and philosophy. He reported on his review of the home economics textbooks and found that a religion was being taught in the books. He explained that his approach was more from ethics and philosophy than from Coulson's psychological perspective.

Baer prepared a written report for the court. He began by stating that America has become a diverse population and that the courts through Torcaso and Seeger have recognized the spirit of the First Amendment "to include the atheist or the agnostic" (Transcript, p. 809). He defined religion as "what we believe at that deepest level of human existence"

(Transcript, p. 812). Humanism "would focus on human beings as the center of what is or the center of value rather than on God" testified Baer, (Transcript, p. 183). He described humanists as those who see "human beings as the center of value" (Transcript, p. 814). He referred to the authors of the textbooks when he said:

> That is, some humanists, for instance, the people who wrote those textbooks, whether they are themselves humanists or not, reflect a position that value judgements are all subjective, relative, and irrational. Some humanists hold to that position. Sidney Simon did and the values classification people. Carl Rogers and Maslow tended in that direction as Kohlberg did. (Transcript, p. 814)

Baer stated that his interest in the issue was that no state should give preferential treatment to one religion over another. Since students are required to use books which are preselected, then the state censors other materials, he reasoned.

When asked by the plaintiffs' attorney about the textbooks he examined, he said:

> No. You've jumped the gun a little bit on me here. They're dealing with values. They're making assertions about values and I am interested in what those assertions are like because close examinations show that these assertions routinely are consistent with the view of values that is found in secular humanist philosophy and routinely antithetical to the view of values that is dominant in Christianity and Judaism. Here I want to qualify that a little bit. I have consulted at length with a colleague of mine at Cornell, Professor Ken Strike, who will be also speaking, being on the witness

> stand. And as we've talked together about this, I am convinced by his argument (which elaborates and develops my own also) that we have here sources that can be clearly linked with a philosophy of hedonism. That is the judgement that the purpose of life is to seek one's own pleasure, or if you want a psychological version of it that all motivation is pleasure-determined. It's closely related to the philosophy of existentialism that argues there is no God and we are totally dependent upon ourselves to make our value judgments. We must make our own choices and that if you let someone else influence your choices, that is an example of bad faith, that is, inauthentic human existence. And it is strongly influenced by what sometimes is called humanistic psychology, by writers such as Maslow and Rogers. And what you find here is a convergence of thinking about the nature of values on the metathetical level which begins to suggest a unified picture or at least one with enough unity to call it a school or a way of thinking, but a view which is basically antithetical to traditional Christian thinking about the nature of values or Jewish thinking or for that matter the thinking of other humanists who happen to believe that values can be objectively grounded in some way.

After this response, the attorney for the plaintiffs asked the judge for a bench conference. This bench conference was not transcribed. The rest of the testimony by Baer that afternoon was more lengthy and less direct. The attorney for the plaintiffs asked him several times to give specific citations from the textbooks. Baer stated:

> I have relatively little interest simply in stumbling through 30 or 40 or 50 passages; it's boring if nothing else, if we don't know what we are doing. That is why it seems to me that if you call me as a philosopher, as an ethicist, as a theologian you have to permit me to speak to the issue at hand: namely, that these books presuppose, without any argument or rational defense, a view of values which is compatible with, consistent with atheistic secular humanist thinking and is antiethicial to and undermines much traditional Christian and Jewish thinking. That is why I took the time, Mr. ____, to deal with that. Obviously, I am a little apologetic at this point. But if we don't take that kind of time, it seems to me that my expertise is not terribly useful. I

> tend to have a difficult time sometimes remembering details of particular passages because it is that more basic issue that I think is really the issue of controversy (Transcript, pp. 825-826).

Immediately after that statement, as the plaintiff's attorney was asking a question, Judge Hand interrupted the attorney and asked the witness if he had "fully extended on that subject to where the court could understand your testimony?" (p. 826). When Baer responded that he had not, the judge asked him to continue. Baer continued (with five transcribed pages) of uninterrupted testimony talking about his general views on the books, society, and philosophy.

Baer's testimony was different from any other testimony in this trial. It was difficult to follow and seemed incoherent at times. After reading the testimony, the researcher asked Attorney DI about his perception of this witness. He recalled the testimony of Baer and said that his remarks were so farfetched that the plaintiff's attorneys requested an early break to "get him under control." At this request at the bench, Judge Hand was reported to have said, "I don't know why, he's just telling the truth." According to Attorney DI, this was the only expert witness for the plaintiffs that the defendant-intervenor attorneys did not question on cross examination.

The next morning, the testimony of Baer continued. The attorney for the plaintiffs asked specific questions about his report and read parts of the textbooks relevant to the

case for his directed response. The attorney for the plaintiffs asked him if he thought the authors were secular humanists. Baer stated that he could not comment on that, but, that their ideas were from secular humanists. He added that it was "quite possible really that the authors were using ideas, ideas that tend to be common in many schools of education, but ideas where they did not fully understand or appreciate the implications of the particulars and how these might be inconsistent with other world views" (Transcript, p. 845). He stated that the teaching of personal values was an advancement of secular humanism. He was critical of schools of education and stated that they were confused with their philosophies. On Friday morning, Baer's testimony was somewhat more focused (from a reading of the transcript), yet it was lengthy and strayed from the questions asked. As Attorney DI indicated, Baer was not cross-examined by either the State or the defendant-intervenors.

John Tyson, a member of the State Board of Education and presiding officer of the Board in the absence of the Governor, was called by the plaintiffs to testify after Baer. The attorney questioned Tyson about resolutions adopted by the State Board of Education with regard to textbooks. The resolutions adopted in June of 1986 had to do with the role of religion in history. In September of 1986, a meeting was held to adopt established criteria for textbook adoptions for the state. The attorney asked Tyson if he believed it was

acceptable to teach a religion in the schools, to teach disrespect for parents, to teach hedonistic values. Tyson replied, "no," to all of the questions with comments such as "I don't think that very many of our books, if any do, teach disrespect for anybody," and "Values and those sort of things I think are proper in the sphere of family activity and church activity" (p. 940).

Kenneth Strike, a professor of education from Cornell University was the next expert witness called by the plaintiffs. He was listed as an expert witness in philosophy of education as it related to values and ethics in the public schools. He reviewed five home economics textbooks including the one book that had been dropped from the challenge. He found that the home economics textbooks placed emphasis on free choice and, like Baer, compared this with the philosophy of existentialism. Baer, in earlier testimony stated that he had discussed his ideas on the book with Strike.

Attorney DI objected to Strike as a witness by saying that since he had seen Baer's comments on the books that his testimony would be cumulative. The attorney for the plaintiffs argued that Strike would bring an educational view that had not yet been expressed. Attorney DI countered that Strike had never taught home economics or observed in home economics classes or taught home economics teachers. The plaintiff's attorney corrected him by saying that Strike had taught home economics teachers. Attorney DI argued that they

had only taken his philosophy of education class and not a class on how to teach home economics. To which the attorney for the plaintiffs replied, "I don't believe there is a special degree in education called home economics similar to the way there is a Ph.D. curriculum for a Ph.D. in philosophy of education" (Transcript, p. 953). At this point, the judge indicated that he would continue listening to Strike.

Strike cited passages in the books as hedonistic with "constant appeal to satisfaction" and "happiness" (p. 957). He reasoned that the theme in the books which promoted a tolerance for people with different values came from the idea that values are subjective - and not right or wrong. The ideas of free choice Strike traced to humanistic education and humanistic psychology, which he stated "have seen it's day as a substantial view of education" (Transcript, p. 957).

Strike concluded that the books were highly indoctrinative and speculated that the moral logic was not within the realm of a home economics teacher's expertise. He testified:

> Seems to me if there is some expertise about the values or moral standard it is generally a community of scholars that possesses that expertise and that is not home economics professors or teachers of home economics. It would probably be philosophers or theologians. (Transcript, p. 968)

On cross examination, Strike admitted that when he got the books for review that they had already been highlighted.

He had never visited a home economics class or teachers in Alabama. He acknowledged that there were sections in the books that made references to ministers and churches. And, he stated that critical thinking was the opposite of indoctrination and that he regarded critical thinking as a positive element in education.

On Tuesday morning, October 14, 1986, the plaintiffs called Reverend Fred Wolfe as their next witness. He was the pastor of Cottage Hill Baptist Church with a membership of 8,500 members and active in the Southern Baptist Convention. He presented a resolution that had been adopted by the Southern Baptist Convention in June of 1984 opposing textbook censorship in that religious facts were censored out of textbooks. He also gave a copy of the state Baptist newspaper that had gone on record as opposing the exclusion of religion in textbooks and the preferential teaching of secular humanism in the Alabama schools.

The next witness was Paul Vitz, a professor from New York University who presented findings from his study sponsored by the National Institute of Education (NIE) on the exclusion of religion from elementary social studies books. This summary of the analysis of Smith will not address his study. However, two pieces of testimony were noted during the cross examination. Vitz wrote an editorial for the Wall St. Journal taking the position that religious people were entitled to tuition tax credits so that they could attend

schools of choice since books were censored by the public schools. The attorney also connected expert witnesses used by the plaintiffs to Vitz and the NIE study. The attorney for the defendant-intervenors asked Vitz if he thought that the majority of Americans were discriminating against the minority group of fundamentalists. At that point, an attorney for the plaintiffs objected saying, "Object to it as being irrelevant. There's no showing that there are fundamentalists involved in this case" (Transcript, p. 1150).

Gordon John Spykman who taught theology at Calvin College was the next expert witness in religion and theology. He reviewed the six home economics textbooks including the one that was dropped from the challenge. The basic theme of the books according to Spykman, was that:

> Man is basically good - that there's nothing radically wrong that calls for renewal or redemption except in terms of mastering his own potential and seeking to do it better. So there's a basic commitment, I think to the apparent goodness of man and his potential to do even better.

That assumption, according to Spykman, is inconsistent with a theistic religion. He described the characteristics of a religion, as observed by scholars and the life orientation of the home economics textbooks, as in accord with humanism. And, humanistic teaching, he asserted would "cripple kids" (p. 1196).

On cross examination, he acknowledged that he found no denial of the existence of God in the books. Spykman described the home economics books:

> It takes an awful long time to get to sewing and cooking in those textbooks. For the most part, they seem to be textbooks on life adjustment. There's a far broader definition of home economics going on in these textbooks than we've been accustomed to in an earlier time. (p. 1201)

After Spykman's testimony concluded, Coulson was called back to the stand for cross examination. His cross examination was reviewed earlier in this summary. On Wednesday morning, October 15, 1986, the plaintiffs redirected examination of Coulson and rested their case.

At this time, an attorney for the defendants and an attorney for the defendant-intervenors made a motion that the case be dismissed. They both stated reasons why the charges should be dropped and they cited points of case law to substantiate their motions. An attorney for the plaintiffs summarized the points made in testimony and requested that the judge direct a verdict on the points raised. Judge Hand stated that he would take it under advisement and reserve his ruling.

## The Court's Expert Witness

As Judge Hand had indicated in his opening remarks, he had called an expert witness whom neither side had listed as an expert to bring testimony about secular humanism. When

the trial was underway, Hand announced that he had asked Russell Kirk to be the court's expert witness on secular humanism. The defendant-intervenors objected to the witness on the ground that it would give one side an unfair advantage over the other. His objection was overruled. The day before the court's expert witness was to appear, Judge Hand announced to both sides that he had invited the expert witness, Kirk, to have dinner with him and his wife at the hotel where Kirk was staying. He issued an invitation to all attorneys to join them on a dutch treat basis. Hand said, "I don't want anybody to think that the Court is out programming its expert witness. But, I am going to respond to Southern tradition and I am going to buy him his supper" (Transcript, p. 1281).

Some of the attorneys for the plaintiffs did join Hand and the court's witness for dinner that evening, as was observed by the home economics teacher who testified for the defendant-intervenors. She was eating dinner at the same hotel where Kirk, Hand, and attorneys for the plaintiffs were dining. In the interview with the researcher, the home economics teacher reported this incident as an example of how she perceived Judge Hand to be on the side of the plaintiffs. She did not know about the expert witness and recognized Hand and the attorneys from the publicity surrounding the case.

The school board attorney was asked about this incident which the teacher had described. Attorney SB said that it

was not improper as he remembered the following:

> What I think Ms. _____ was referring to was the treatment of the court's expert witness, Dr. Kirk. The court had called him as a witness and when he arrived in town, he informed all the attorneys that he was going to entertain the expert that evening with dinner at the hotel that I believe he was staying in, which happened to be the same hotel that we were staying in and the Washington lawyers were staying in. So, Ms _____ , during the course of her interviews and discussions with the D.C. attorneys may very well have been in the restaurant at the time that Judge Hand was entertaining the witness. And, he invited us all to come if we wanted to.

On Wednesday, October 15, 1986, Dr. Russell A. Kirk was sworn in as the Court's expert witness. He described himself as a writer, editor, and occasional visiting professor. He had been a professor of history, politics, journalism, American studies, and had authored twenty-five books. He was an editor of textbooks and quarterly magazines. He explained that he had studied religion in preparing his books entitled, The Conservative Mind, The Roots of American Order, and Enemies of Permanent Things.

Kirk was asked by Hand if he had studied secular humanism. Kirk replied that he had made a study of the various kinds of humanism in several of his books. Hand asked him if he had ever taken a position prior to this trial on whether or not secular humanism is a religion. Kirk replied that he "had never stated that clearly before" (Transcript, p. 1348). To prepare for this trial, Kirk explained that he had consulted his own readings of the

topic, searched for definitions of religion, and read works by other authors. He explained that he was approached by the court to be a potential witness eleven days prior to that date.

Kirk told the court that he had no formal theological training and his approach in his writings had been from a social science standpoint. He defined his expertise as being the history of ideas. Kirk described a brief history of the term humanism. He attributed secular humanism to John Dewey who was very influential in American education. According to Kirk, secular humanism is a religion as defined in the 20th century. As a textbook editor, Kirk said that he believes tenets of secular humanism are advanced in many textbooks due to the formal instruction of most publishers who are located in New York and Boston. Kirk said that publishers are "very timid people and interested in their pocketbooks," and yield to well-organized pressure groups (Transcript, pp. 1360-61). As a result, most publishers tend to say as little as possible, especially about religion.

After Hand questioned the expert witness, he allowed each of the parties to question Kirk. In the court transcript it was designated that the plaintiffs examined the witness, and that the defendants and defendant-intervenors cross-examined Kirk.

The attorney for the plaintiffs asked Kirk to define secular humanism. Kirk said:

> Secular Humanism is a creedal or world view which holds that there is no, we have no reason to believe in a creator, that the world is self-existing, that there is no transcendent power at work in the world, that we should not turn to traditional religion for wisdom; rather that we should develop a new ethics and a new method of moral order founded upon the teachings of modern, natural, and physical sciences. (Transcript, pp. 1371-1372)

The attorney for the plaintiffs asked Kirk to elaborate on the role of the textbook in the classroom from his experience as an editor. Kirk described the textbook as a "crutch for the teacher," as well as a "restraint upon the teacher" (p. 1385).

The attorney for the school board asked Kirk to elaborate on Dewey's educational theory. Kirk explained that Dewey's theory was called instrumentalism which "looks upon education primarily as an instrument, as a tool, to prepare for an egalitarian society in which people will cooperate, in which there will be little challenge and problem" (p. 1388). Kirk said that the influence of Dewey on teacher education caused the schools of education to attract the lowest ranking students in colleges. He testified, "The influence of Dewey is dulling, unimaginative, lacks push and drive, lacks vigor. It is the same tests and arrangements, pedagogical questions over and over again reported by rather dull professors" (Transcript, p. 1392). What is lacking, according to Kirk, is moral imagination. The school board attorney asked Kirk

if he had any knowledge about the teacher education programs in Alabama and Kirk replied that he did not.

An attorney for the defendant-intervenors asked Kirk what was wrong with secular humanism as he had defined it. It has, Kirk replied, "no recognition of the soul" (p. 1397). Kirk was asked about his involvement with the Center for Judicial Studies which was listed on his curriculum vitae. He replied that he had done a review for them and was working on a manual on the conflicting theories of law. The defendant-intervenor's attorney asked if the Center's director, James McClellan, was the same James McClellan who testified in Jaffree. Kirk replied that he did not know. The defendant-intervenor attorney asked Kirk about a recent book he edited entitled, The Assault On Religion, which was published by the Center for Judicial Studies. Kirk acknowledged that he was the editor and that the book had a chapter which was "laudatory of Judge Hand's opinion in that case and fairly critical of the United States Supreme Court's opinion in the case" (Transcript, p. 1402). The attorney continued his questioning by stating that he had a copy of the book if Kirk needed to refer to it and that 43 of 115 pages contained Hand's opinion on the Jaffree case. The attorney asked Kirk, "Do you recall who the book was dedicated to?" (Transcript, p. 1403). Kirk replied, "I think it was dedicated to Judge Hand, is it not?" (p. 1403). The

attorney read the dedication, "to Judge W Brevard Hand, defender of the Constitution and religious liberty." Kirk responded that he was the literary-technical editor and wrote the introduction, but he was not at the conference to which it refers.

Further questions were asked about the introduction which appeared in The Assault on Religion that included "People with faith in a divine order have a hard road to hoe nowadays. Some separation zealots would expunge any vestige of religious observance in public schools...The secularist aggressors often have immense funds for litigation at their disposal, the religious defendants do not" (Transcript, pp. 1403-1404). Kirk was then asked if he espoused a voucher or tuition tax credit for dealing with schools. To which he replied, "Yes. Generally so, sir."

Kirk, later in examination by the plaintiffs stated that he did not write the dedication to Hand in The Assault on Religion. Judge Hand concluded the testimony of the court's witness by asking, "Dr. Kirk, for the edification of the world and in case anybody has any interest, when was the first time I met you?" (Transcript, p. 1409). Kirk responded that the first time they met was the previous night, the first time they had talked was on the phone was within the last 7 days, when he was invited to speak at the trial.

## The Defense of the Home Economics Textbooks

As was noted in the opening statements, the defendants focused more on defending the right of the state to adopt books than on the defense of the home economics textbooks. The main purpose of the defendant-intervenors was to defend the books on two arguments: first, that secular humanism is not a religion and, second, that the home economics textbooks did not promote any religion and are therefore not unconstitutional.

In the interviews with the attorneys for the State Board and the defendant-intervenors, their roles and strategy for arguing the defense were explained. Attorney SB explained that the role of the school board's defense was not to defend the books, but to defend "our Board's action in having the authority to adopt multiple textbooks with different content in order to allow local teachers and local selection committees the options and flexibility to choose what they thought was best for their community." The Washington attorneys focused more on the defense of the books. The two groups of attorneys coordinated their activities, according to Attorney SB.

Attorney SB explained that he and the General Counsel decided which aspects of the case each would handle. He worked with the State Department witnesses, and the General Counsel handled the expert witnesses. Attorney SB described the witnesses used in the trial of Smith according to the

side they supported. He described the difference between a fact witness and an expert witness. Expert witnesses offer opinions based upon their knowledge, experience, and training. This opinion, he explained is "based upon certain information or hypothetical situations or a review of certain documents." A fact witness, according to Attorney SB, "is going to tell you basically mechanical types of things," such as procedures and policies. He explained that attorneys, as well as the court, could call expert and fact witnesses. For example, Dr. Russell Kirk, he noted, was a "court-called" expert.

Some of the testimony from Jaffree was used as evidence in Smith, explained Attorney SB. The court also used depositions as evidence. He differentiated between a report and a deposition:

> A deposition would be me asking you questions and you answering them. A report might be something you prepared when you reviewed one of the textbooks and what you found in it. And now, you might hand me that report and I might ask you more questions about that report. The questions are the deposition and the report is something you did independent of it. So deposition is sworn testimony and the report is some independent study.

Both reports and depositions were used in Smith.

Attorney SB explained that his office had certain criteria for selecting expert witnesses. Only "Alabama natives and residents of the state" were used, explained

Attorney SB. It was felt that "they would be more closely in tune, or more closely identifiable to Alabama's viewpoint of these matters as opposed to experts who might live in the northeast, or in large urban, metropolitan areas," maintained the school board attorney. As a result, little expense was incurred by the state for fees of expert witnesses. Attorney DI agreed with the statements made by Attorney SB. He indicated that the school board attorneys took a more "narrow focus" in order to defend their process of textbook selection and adoption.

When asked to describe his relationship with the School Board attorneys, Attorney DI replied that they worked more closely in private than in public. He explained that the expenses of the defendant-intervenors were paid by "entities that are not particularly popular among the voters" who elected the school board attorney's clients. ACLU and People For The American Way (PFAW) were not popular with elected officials, contended Attorney DI. However, it was important to win the case, so "we cooperated very closely in coordinating the defense of the case so we wouldn't be tripping over each other," recalled Attorney DI. He commented that he enjoyed working with the school board attorneys and felt that they got along well.

When asked how he prepared for the defense of the home economics textbooks, Attorney DI indicated that he was

surprised that home economics books were being challenged. He recalled:

> Well, first, I had to get over the shock of what's in home economics books; because I went to an all boys school, they never offered home economics. I had the stereotypical notion that it's cooking and sewing and I could never imagine the home economics books were being challenged - What? Godless recipes? What are they talking about?

Attorney DI expressed surprise at the content included in home economics textbooks. He described his reactions to the books which he reviewed:

> And it was a surprise to me to see how many topics are addressed in a home economics textbook or in a home economics course. And, once over that surprise, I guess the principal basis on which I approached the defense of the home economics books was these books are espousing no doctrine, no point of view in terms of religious preference or not, these books, if anything, are trying to shy away from that topic. And, if there is a central theme, and now I'm talking about those aspects of the book that dealt with, for lack of a better term, the controversial subjects, like drug abuse, like sex education, like, oh, interfamily relationships between teens and their parents, those kinds of things. But, if these books had a central theme to them, it was resist peer pressure, do what you think is right, not what your friends are pressuring you to do. Which is a message I found hard to argue with, but what the other side had to say about that message was that it equated with a certain 60's notion of do whatever feels good, that it was preaching hedonism. And, I just thought sensible people can't read these words that way. But if you want to twist it, if you want to remake the message here into something that it's not, this is a launching pad for you.

Attorney DI indicated that after viewing the books objectively, he approached the defense by:

> Let's read the plain English of these books and show me the passage Mr. Expert Witness on the other side, show me the passage that preaches an anti-religious viewpoint, that preaches a particular religious viewpoint with which you disagree.

He also argued that these viewpoints were not in any of the home economics textbooks.

The only professional home economist from whom Attorney DI received help in preparing this case was from the author who testified. He indicated that he talked briefly with the American Home Economics Association (AHEA), but spent more time with the Association for Supervision and Curriculum Development (ASCD). He talked with ASCD about the development of curriculum for a course, the selection of textbooks, and "what use is made of a textbook in a course like home economics."

When asked if AHEA was helpful, he replied:

> It's not that there was a lack of cooperation by any means, it's just that in terms of the approach we took in the case and how we wanted to deal with these particular books, it just made more sense to deal with the people we were dealing with, the author and the teacher. We never used any witness from ASCD at trial. And it, frankly, never made sense to me to bring in somebody to talk about the theory of how this ought to be taught, how home economics ought to be taught. Because that wasn't an issue here. What was at issue were these books and whether or not the use of these books in Alabama schools was preaching a religion in violation of the establishment clause of the Constitution. And, it seemed to me the best way to deal with that was to bring in the lady who wrote it and the lady who uses it in front of these students and let's talk about what these books say, in plain English, what the author meant by it, how the teacher uses it and determine from that whether there is any room left to

> argue that the 16-year-old student attending that class is being taught a religion with these materials and this teaching approach.

When Attorney DI described all the help that he had been offered by people "wanting to touch it," the researcher asked if any home economics group or professional had offered assistance. He replied that he could not remember any offers of help.

The order of the witnesses for the defendants and the defendant-intervenors was allowed to be mixed for the convenience of the scheduling of out-of-state witnesses. Judge Hand allowed both an attorney for the defendants and an attorney for the defendant-intervenors to examine each witness with a cross examination by the plaintiffs. The attorneys for the plaintiffs objected to this and it was overruled by Hand.

Testimony for the State

On Wednesday, October 15, 1986, the first witness called by the defense was Jimmy Jacobs, the Coordinator of Counseling and Career Guidance for the Alabama State Department of Education. Part of his job, Jacobs reported, was to develop a list of values that were to be included in the various courses of study prepared by the State Department of Education. Each subject area, he noted, has a course of study which gives the basic or minimum content that must be included in a course. He described two documents which he had used to develop the list of values. In 1974, a "Guide to

Teaching Ethics and Moral Values in Alabama" was developed by the State Department of Education, and on February 13, 1986, the State Board of Education passed a resolution which was entitled, "Approved: A Program Report on Integrating the Teaching of Principles of Citizenship in Alabama Schools."

From these two documents, Jacobs identified the following values:

> Individuality, acceptance of responsibility for self and others, honesty, kindness, acceptance of self and others, justice, appreciation of the free enterprise system, respect for the dignity of work and the work ethic, respect for law and order, and appreciation of our democratic heritage. (Transcript, p. 1419)

According to Jacobs, the state appoints a course of study committee to write the course of study used in various courses offered in the public schools of Alabama. He indicated that he advises these committees to include the values previously listed in the courses of study.

On cross examination, Jacobs was asked to explain the connection between his work and the textbooks. He stated that the course of study directs what is taught in a course and therefore, when the books were adopted, the textbook selection committee had to consider the course of study as a guide for selecting books.

William A. Huestess, the Textbook Coordinator for the State Department of Education in Alabama, was the next witness called by the Defense. His job, he explained, was to

implement the state textbook program. Huestess outlined the selection and purchasing procedures of textbooks in Alabama. The textbook committee is composed of 23 members: 14 are educators selected by the State Board of Education, and 9 are lay persons appointed by the Governor. He chronologically detailed how a book would travel through the adoption process. The adoption period for a book is 6 years, noted Huestess.

In describing the adoption process, Huestess indicated that any citizen could review and make a report on the books under consideration. Books are sent for review at locations all over the state and notices are placed in various newspapers advertising that the books are available at different sites for public review. The state textbook committee conducts a public hearing so that any concerned citizen may have an opportunity to voice complaints. Huestess added that this complaint has to be in writing so that the committee could "take each and every concern and track it back through the books and citations, page by paragraph, by sentence and see exactly what that concerned person was talking about and to weigh their concern" (Transcript, pp. 1485-1486).

Local school systems can only purchase books with state money from the approved state textbook list. City school systems and some counties with certain populations can adopt books that are not on the state approved list, with the

state's approval. However, Huestess contended, if a state has ever rejected a book, then local school systems cannot elect to adopt that book. Huestess identified the sixth home economics textbook in question as a book rejected in the last home economics adoption in 1984. He testified that a public school in Alabama could not use that book now.

Glen Adams, principal of a middle school in Montgomery, was called on Thursday, October 16, 1986, as a witness for the state. Adams was a principal at the same school where Doug Smith, the plaintiff who testified, taught science. Adams testified that he had received complaints from parents concerning Smith's religious views being expressed to their children at school. These concerns were relayed to Smith as Adams reported, "Again I told Mr. Smith for him to stick to his course of study, that the parents were telling me that they did not want their child confused by his brand of religion" (Transcript, p. 1595). Adams maintained that he never told Smith to stick with the textbook. Instead he recalled that he said stick with the course of study. No disciplinary action was ever taken against Smith, asserted Adams.

Dr. Wayne Teague, the state superintendent of public schools of Alabama, was called by the state. He explained that he had been the state superintendent since 1975 and that every year he put about 40,000 miles on his car traveling throughout the state speaking at different schools to various

parent groups. He described the schools in Alabama as primarily rural.

Teague explained that he was appointed by and serves at the pleasure of the State Board of Education. The eight members of the Board are elected officials from districts within the state. The State Board of Education is charged with general administrative control of the public schools of Alabama. Teague stated that the State Board administers the school systems "in accordance with those laws" made by the legislature (Transcript, p. 1613). The board sets rules and regulations for schools. Many of these regulations must be recommended by the Superintendent, Teague reported. All counties in Alabama have elected boards of education which oversee the local schools.

Teague was asked about his "Plan for Excellence" which he developed at the request of the school board. It was a reaction to "Nation at Risk," a report which criticized public schools. The "Plan for Excellence" resulted in the board adopting 42 resolutions. One of Teague's recommendations in his plan was for the requirement of a home economics course for every student in Alabama. Teague explained:

> My idea was to equip youngsters to be able to manage a home, to deal with purchasing and to deal with banking, managing funds, basic things that anyone would need to know if they're going to be in charge of a home sometimes - be it male or female. (Transcript, p. 1655)

This course became "Home and Personal Management" and was to be required of every student starting with the year 1985. On March 26, 1986, Teague acknowledged that he sent a memorandum to all superintendents stating that this course would not be a requirement for 1986-87. Teague opined that this course would never become a required course by state because:

> primarily parents in a few school systems had contacted state board members and convinced them that this course was not necessary for their students, and I do not believe that the state board now would be inclined to approve my recommendation. (Transcript, p. 1658)

According to Teague, all home economics courses were elective.

When asked how he handled complaints on textbooks, Teague explained that he would check with his instructional staff on the validity of each complaint. Then, he indicated that he would "notify the local school systems of those conditions and those complaints" (Transcript, p. 1633).

On cross examination, Teague was asked by Attorney P about a meeting that former Governor Fob James had called at the Governor's mansion on March 16, 1981, which was the night before a board meeting. At the Governor's mansion, the state board members were asked to read excerpts from textbooks. Some of these were home economics textbooks; and the next day they were removed from the state approved list. According to the minutes of the meeting, Teague acknowledged that there

was a complaint about "the teaching of humanism, values clarification, and situation ethics" (Transcript, p. 1665).

At the conclusion of his testimony, Teague was asked by Attorney P to tell the court the names of his children. He responded that his daughter was Carla Jo and his son was Dewey Wayne. On redirect-examination, the attorney for the state asked Teague to tell the court for whom his son was named. He replied, "My son is named after his Granddaddy George Washington Dewey Jones" (p. 1674).

Testimony for the Defendant-Intervenors

On Thursday, October 16, 1986, the defendant-intervenors called their first witness, Dr. Paul Kurtz, a professor of philosophy at State University of New York at Buffalo. He was identified as an expert in philosophy, philosophy of religion, ethics, and humanism. Kurtz had written 25 books, contributed to 50, and authored 500 articles and reviews. He sat on several boards and served as the editor of Free Inquiry Magazine. He testified that he had written on the subject of secular humanism. Kurtz was asked to define humanism, Humanism, and secular humanism. Humanism with a small "h" was described as "the whole body of learning and the arts and science and philosophy and ethics that have continued from the earliest days" (Transcript, p. 1683). Humanism with a large "H" was defined by Kurtz as "an organized movement of people that are attempting to combine principles of humanism by cuts across all the fields of

investigation and they publish books; they convene meetings; and they try to advocate what they call the humanist point of view" (Transcript, p. 1683).

Secular humanism focuses on that part of the humanist tradition that is non-religious, explained Kurtz. He expanded that secular humanism is a method of inquiry which has a "scientific, philosophical, moral or ethical, and literary expression" (Transcript, p. 1685). The ethical point of view was explained by Kurtz:

> Secular humanism expresses an ethical point of view and this ethical point of view is an effort to keep alive the great heritage of western civilization embodied in the period when the United States was created, namely it emphasizes rationality and reflective intelligence as the best method of solving human problems and it seeks to develop moral awareness and to cultivate moral sensitivity in individuals. It emphasizes the dignity of each human person, the value of each person, and seeks to preserve the liberty, the life and liberty of that person. It seeks to cultivate as best it can the pursuit of happiness and to provide a good society in which justice prevails and which the common good is distributed among the largest number of people. For the humanist, then, the greatest opportunity is to mitigate human suffering and evil on earth and try to create an open, free, democratic society in which happiness is made possible for the widest number of individuals. (Transcript, pp. 1687-1688)

Kurtz stated that secular humanism does not have a spiritual point of view and is not a religious theory. He added that "it recognizes that there are religious institutions, religious values, and believes in the free and democratic and open societies" (Transcript, p. 1688). Kurtz contended that secular humanism does not have a transcendent

element and that secular humanists are "not pious in the sense that they pray to a deity" (Transcript, p. 1689). When questioned, he responded that secular humanism has no cultic practices, worship services, or churches. Kurtz stated that secular humanism is not the same as humanistic psychology and that he has "always been extremely critical of humanistic psychology," because of its "loose methodology in science" (Transcript, p. 1699). Values clarification, according to Kurtz, is not synonymous with secular humanism.

Secular humanism is also not the same as the philosophy of John Dewey, Kurtz asserted. Dewey, Kurtz added, "in his Common Faith argued for a kind of religious humanism" (Transcript, p. 1699). He cited other secular humanists who disagreed with Dewey. Bertrand Russell and John Paul Satre were examples of philosophers who disagreed with Dewey's interpretation. Although, Dewey did not write the Humanist Manifesto, he was persuaded to sign it and he is considered one of "the least important of the authors of that document" expanded Kurtz (Transcript, p. 1700).

Kurtz was asked to describe his relationship with the Humanist Manifesto II. He drafted the first version of the Humanist Manifesto II and, after many criticisms due to the disagreements within the field, drafted the final product in 1973. In 1980, he drafted the Secular Humanist Declaration. He worked on the second Humanist Manifesto because he thought that it was important "after 40 years, after we'd been

through the terrible totalitarianisms of Stalinism and fascism - to restate some of the principals of humanism" (Transcript, p. 1709).

The Free Inquiry magazine was founded by Kurtz in 1980. He stated his rationale for starting the magazine:

> I thought that secular humanism was heir to a noble intellectual tradition - part of our great conservative heritage of the life of the mind. And that people had libeled it, and I thought it needed a defense. And, so the reason for that was to restate the outlook and the ethics of secular humanism so the critics would appreciate, in the fuller sense, what we had in mind. (Transcript, p. 1710)

Secular humanism, according to Kurtz, is not a religion. He defined religion as "a system of beliefs in which there are some divine, sacred, or transcendental being or beings and some kind of devotion or piety or prayer in relationship to that or to those being or beings" (Transcript, p. 1720).

Kurtz was asked about his association with the American Humanist Association. He replied that he was a member and former editor of the Humanist Magazine from 1967 to 1978. He described the organization as a "relatively small and uninfluential group of people who are interested in publishing and advocating the philosophy of humanism" (Transcript, p. 1725). When the group was founded in 1941, the organization filed for an educational tax exemption. Kurtz added that when the association moved from Ohio to California, it changed the tax exemption to religious and

educational in order to get a tax exemption for the purchase of land in California. Kurtz explained that he disagreed with this change as did many other humanists. The AHA is made up of Christian, nontheistic, and secular humanists, reported Kurtz.

When Kurtz was asked about the home economics textbooks, he responded, "I did not read all the books, but I did read the passages" (Transcript, p. 1731). He was asked if he agreed with specific passages and if the passages reflect a secular humanist viewpoint. For example, the attorney read this passage from one of the challenged books:

> The main goal of human behavior is to feel worthwhile. People's actions to meet their needs are directed toward this goal. When people feel worthwhile, their actions will probably be effective in helping them meet their needs. (Transcript, p. 1732)

Kurtz responded that he disagreed with that passage, because "I think that the goal of behavior is to be concerned about the needs of others, to have a care and consideration for them, to make significant contributions" (Transcript, p. 1732).

After six passages from the challenged books were cited and disagreed with by Kurtz as not consistent with secular humanism or with his belief system, he added, "Incidentally, I don't mean to attack everything in those books because I think that those books have much that any sensible person would agree with," (Transcript, p. 1737). He stated that

some of the ideas were consistent with the common consumption ideology of today.

On cross examination, Kurtz was asked extensively about books, pamphlets, articles, and papers that he had either written, edited, or published. He was even asked about a tribute he paid a person at a birthday party. Some of the articles dated back to 1963 and Kurtz replied that he no longer had that view as he had become wiser with age.

Kurtz was quizzed about his association with the American Humanist Association and asked if he was aware that the "Humanist of the Year Award" had been given to Carl Rogers in the past and to Ishmael Jaffree in 1986 for being a "defender of church-state separation in the U.S. Supreme Court" (Transcript, p. 1776). Kurtz acknowledged that he knew of Roger's award but, that since he had not been attending the conferences in the last seven to eight years, he did not know about Jaffree's award.

Kurtz was asked about positions taken by humanists who stated that secular humanism is a religion. Kurtz replied that he disagreed with those statements and it was a mistake for the American Humanist Association to be listed as a religion.

The plaintiffs' attorney asked Kurtz about his involvement with the Unitarian Church. He replied that he had been a member for the past 30 years and was further quizzed about the the theistic beliefs of that church.

In cross examination, the religious beliefs of his doctoral committee were questioned. Kurtz was asked about a member of his doctoral committee. The attorney asked, "Would you be surprised to know that your professor, whom you have identified as one of the outstanding philosophers of the country was a signer of both Humanist Manifesto I and II?" (Transcript, p. 1807). Kurtz responded that several of his professors had signed it.

Kurtz was asked if he had ever taught home economics or ever observed a home economics class in Alabama, to which he replied that he had not. Kurtz acknowledged that he had only read xeroxed copies of the challenged portions of the home economics textbooks and some of the expert reports from the plaintiffs. He noted that he read some of the literature from Coulson, Baer, and Hunter. Kurtz reiterated that he disagreed with many of the challenged passages in the home economics textbooks.

The rest of the cross examination revolved around sentences taken out of the 500 articles which Kurtz had written about such subjects as homosexuality, open marriages, and abortion. Many, Kurtz responded, were taken out of context. On redirect examination, the attorney for the defendant-intervenors asked, "Do you write your philosophical works to be read and understood only in part, a paragraph here, a sentence there, or do you write them to be understood in their entirety?" to which Kurtz responded, " I think if

you pull things out of context like that you try to distort or misinterpret the full position" (Transcript, p. 1847).

Dr. Robert Baker, a former president of Ginn and Company, was the next witness called by the defendant-intervenors. Ginn publishes textbooks on a national basis and was owned by the Xerox company at the time Baker was president from 1971 to 1985. He was cited as an expert in textbook publishing. Ginn had published one of the home economics textbooks and Baker described how that book was developed. It was first proposed based on need and research in the field. A competitive analysis was completed and teachers in the United States were sent questionnaires surveying their needs and suggestions for new textbooks. Curriculum requirements for states were considered. When the book was written, both teachers and subject matter specialists were asked to review the material. Baker stated that the leaders from the American Home Economics Association would probably have had a role in reviewing the text.

Almost all states, according to Baker, have a course of study. Twenty-two states (including Alabama) have state-wide adoptions. In the process of publishing, companies look at states that are coming up for textbook adoptions and consider the curriculum needs.

Baker was asked if he had visited Alabama schools. He replied that he had on many occasions and "I was somewhat pleased and also dismayed. Pleased that our books were there

and dismayed that there were a lot of other books there as well" (Transcript, p. 1870). He explained that teachers use a wide variety of materials in their classrooms.

When asked how textbooks are utilized, he explained that the books are designed to be read by the students and then discussed "in a productive way consistent with what the teacher believes are the capabilities of the people in the class" (Transcript, p. 1873). A textbook, according to Baker, is a synthesis of ideas to give instruction about a given area of study.

Baker was asked to compare the way home economics books and history books are published. He maintained that there are similarities and differences. When speaking of a specific history book which Ginn had published, Baker explained the differences by stating that "The difference here is that (history author) is an eminent historian. And our capability to influence his view of history is severely limited" (Transcript, p. 1875).

On cross examination, Attorney P asked Baker about his association with Issac Asimov with whom he had a consulting arrangement during his presidency at Ginn. Attorney P noted that Issac Asimov had signed the Humanist Manifesto II. Baker was questioned about statements he had made in deposition such as: he did not believe that public schools should teach religious doctrines as truth; it is not appropriate for a textbook to show hostility to a religious belief; and it is not proper to teach disrespect to parents.

Baker was shown a brochure published by Ginn in 1984 publicizing the home economics textbooks offered. The attorney called each book by name and began to question Baker about a textbook on relationships that was not challenged in Smith. Eight pages of transcribed testimony revolved around passages in that book and of another book by the same author. The attorneys for the defense objected to the books being admitted for evidence since they were not on the state adopted list in Alabama. Attorney P argued that the books were offered for the "impeachment of the credibility of this witness" (Transcript, p. 1893). Judge Hand admitted these books as evidence.

State Testimony Resumes

Dr. Glennelle Halpin, professor at Auburn University, was called by the State Board attorneys as an expert witness in psychology, educational psychology, and research design. She described three different psychological approaches to learning: behaviorism, cognitive theory, and humanistic psychological approach. Halpin gave the historical background of each and cited major theorists in each approach.

Halpin related each approach to learning through the use of a textbook. She testified that with the behaviorist theory, learning would only occur if it were reinforced. Leading behaviorists, according to Halpin, are John Watson, Edward Thorndike, B.F. Skinner, and Bandura.

Cognitive theory is defined, according to Halpin as "learning can take place in the mind" (Transcript, p. 1912). This theory would apply to textbooks, explained Halpin, in that "unless the material in the textbook is meaningful, unless it does relate to some understandings that the child has, then the child might not learn from the textbook" (Transcript, p. 1917). Leading cognitive theorists were identified by Halpin as Jerome Bruner and David Ausubel.

Humanistic psychology, as well as the cognitive approach, grew out of a reaction against the behaviorism approach, explained Halpin. Humanistic psychologists "tend to advocate the humanistic approach to learning or to the psychological focus on the human, on human values, human feelings, human attitudes, human aspirations, human goals, human achievements, those things that make us human," reported Halpin (Transcript, p. 1917). The humanistic approach to learning was identified as "humane, caring, concerned, considerate" (Transcript, p. 1917). Major theorists in the humanistic approach were listed as Abraham Maslow, Carl Rogers, and Arthur Combs. This approach states that in order for a student to learn from a textbook, the student "would need to have some belief, some feeling about the kinds of facts" in the textbook to make it part of the student's understanding, explained Halpin (Transcript, p. 1933).

Halpin was asked about child developement and theories of development. She explained development as "advancement

through chronological periods, through stages," (Transcript, p. 1935). The theories of Eric Erikson and Freud were explained and the moral development theory of Kohlberg was outlined.

Halpin was asked to comment on the home economics textbooks which were challenged. She acknowledged that she had looked through them and read parts of them. The attorney for the defense asked if the material in one-third of the home economics textbooks was consistent with the humanistic psychological approach. When the attorney for the plaintiff objected on the grounds that they would not know which books had been read, she was asked to identify the books by title. Halpin replied that she read the books given to her and she would "recognize some of them, but I didn't pay much attention to the title" (Transcript, p. 1948). The one book she said she remembered she identified with the incorrect author. The attorney for the state showed her the books and asked which ones she recognized.

Halpin discussed the section on values and morals. She said that the focus on individual needs in some of the books was not consistent with humanistic psychology. When asked if the principles in the Humanistic Manifesto I and II were consistent with humanistic psychology, she responded that they were not.

Halpin was asked to comment on why certain material was

in the home economics textbooks. She observed:

> The material that is in a textbook, the content of a textbook, I think should be relevant to what is in a course. And, when we talk about home economics or homemaking - we are talking about what goes on in a home. We are talking about more than, I believe, cooking, and sewing, and shopping for groceries, or at least in my home there is more than that going on. Probably one of the most critical understandings, or one of the most critical things are the areas of content, is the interpersonal interaction and in the personal action -the people. The difference, between a house and a home is the people. And so it would seem to me that appropriate content for home economics would be people to some extent. (Transcript, p. 1954)

On cross examination, Halpin was asked where in the home economics textbooks had she found references to prayer, to answering to God, and to the hereafter. She replied that she did not find those areas mentioned. Halpin was asked about her statements that are different theories on how textbooks would promote learning. The plaintiffs' attorney criticized the lack of agreement among the three theories of learning which Halpin presented. He asked, "Dr. Halpin, why do you believe the state is wasting millions of dollars on textbooks if they are so unpredictable in the results?" (Transcript, p. 1968). She replied she did not say that the results were unpredictable and that money was wasted. She stated that the "textbook is one tool that can be used in learning" (Transcript, p. 1969). To which Judge Hand interjected, "That's where you get yourself in trouble. Because you say it can be" (Transcript, p. 1969).

Halpin was further questioned about Maslow and was requested to give additional information on Maslow's theories. The plaintiffs' attorney asked her if she was aware of criticisms of Maslow and cited a specific journal article from 1979. Other theorists such as Rogers, Kohlberg, and Erickson were criticized through written articles presented by the plaintiffs.

Halpin acknowledged that she had never taught home economics, ethics, or religion. She was asked if when she taught about humanistic psychology, she also taught about the need for a deity, to which she responded that she did not. Halpin defended her position and asserted that "I think what Jesus was teaching us was to say let's let our lives and let's let our principles be what God is all about. Let God be in our world, let God be in our lives" (Transcript, p. 1996). She also stated that Maslow said that those higher needs are seen in the great religions of the world.

Halpin was questioned about her reactions to the expert witness reports filed by the plaintiffs. She cited passages which were contrary to findings of the reports. She indicated passages in the challenged home economics books where religion and the importance of the family were discussed.

Dr. Charles Rudder was another professor from the University of Auburn called by the state. He taught history

and philosophy of education. He was asked about the role of school in teaching values and about John Dewey. Rudder stated that Dewey:

> saw the school as a potential instrument by means of which people could be educated to solve social problems through reflective problem solving. And to the degree that the schools could successfully produce people who approached social problems from the perspective of reflective problem solving, the school could become a more democratic society. (Transcript, p. 2100)

Rudder indicated that he disagreed with Dewey's method of inquiry and, that in his opinion, "Dewey's influence in 1986 is very slight" (Transcript, p. 2101).

He was also asked to comment on the challenged home economics textbooks. Rudder indicated that he had not read the books, yet he found them internally inconsistent. He explained:

> Mr. Baer has testified that textbooks are incoherent. And he's speaking, I believe about the home economics textbooks. I haven't reviewed those textbooks. I read around in a couple of them. But, I really didn't review them. However, if his reviews are trustworthy and the reviews of Mr. Hunter are trustworthy, it appears to me that indeed they are incoherent. (Transcript, p. 2105)

Rudder elaborated by saying that the books (from the expert witnesses' reports) appeared to be taking different positions and views. There was also, he noted, an attitude of advocacy in the books.

The cross examination by the plaintiffs was very brief with no questions on the home economics textbooks. After his

testimony, the plaintiffs asked that the reports of Hunter, Hitchcock, Coulson, and Baer be admitted into evidence since Rudder, in his testimony for the defense, had arrived at his conclusions from those reports.

Testimony for the Defendant-Intervenors Resumes

One of the 12 defendant-intervenors, Corinne Howell was called to testify for the defendant-intervenors. She was the parent of a daughter 19 and a son 16. She was also a third grade teacher at an elementary school in Mobile County and had been selected as the "Outstanding Teacher of the Year" of Mobile County for the 1985-86 school year. She had taught in the system for 12 years. In describing her religious life, she indicated that she had been youth director of her Baptist church and a Sunday school teacher. She was currently chairman of the nominating committee at her church and on the board of the Alabama Baptist in Birmingham, Alabama.

She was asked to describe her use of the social studies books in her class. Howell testified that she had never been asked to do anything in the Alabama schools that interfered with her rights as a citizen.

Howell was asked by the attorney for the intervenors to answer some questions from a parent's perspective instead of that of a teacher. She acknowledged that her children had read material in textbooks with which she disagreed and that she did not agree with everything in a textbook. When asked

if she felt threatened by that, she replied:

> I want my children to be able to examine ideas to evaluate ideas. It is a big cold world out there and they had better get used to it because they are going to have to live in it. (Transcript, p. 2193)

On cross examination, Howell was asked to identify John Dewey. She replied that he was a philosopher of education. When asked to name others, she noted B.F. Skinner.

Howell was asked about her association with the Alabama Baptist, a state paper sent out to all Baptist within the state. He asked her if she had read the October 16 edition of that paper. Howell replied that she read the article entitled, "Textbook Trial Splits Local Baptists." The attorney for the plaintiffs asked her if she was familiar with resolutions passed by the State Baptist Association and questioned her about her religious belief system. The attorney took sentences from the relationship book published by Ginn and from writings of Kurtz and he asked Howell if she agreed with them. She was asked if Kurtz was writing for her when he wrote such things on homosexuality and open marriages, and she replied no.

Howell indicated that her daughter had taken home economics in high school. The attorney for the plaintiffs asked her if that was the book with which she had disagreed. She replied that she disagreed with Kurtz's book which was quoted to her, and the attorney replied that that was not a home economics textbook. Specifically, the only book she

could remember objecting to was her son's history book which had an emphasis on the Moslem faith.

Home Economics Teacher Testifies

The home economics teacher who was interviewed for this study will be identified as Witness T. She was called by the defendant-intervenors to testify on Tuesday, October 21. She taught home economics in Mobile County and had served on the local textbook committee to select home economics textbooks. Witness T selected and subsequently used the book which is identified in this study as Book C, which was written by the author who testified immediately after her.

Witness T felt that being on the selection committee and using one of the challenged books had led the defendant-intervenors to call her as a witness. She was first contacted about testifying by Attorney DI. She recalled that they talked on the phone at length about the case. Witness T explained her rationale for testifying:

> Primarily, because what they were saying was simply not true. You are dealing with home economics. You are dealing with subjective subject matter which lends itself to many different interpretations. As a result of that, I found a group of people trying to project something into my curriculum that just simply was not there. And, as a result, I couldn't sit back and watch something transpire that did not, had not, and will not ever occur in my classroom - that of secular humanism.

Attorney DI was asked to describe how the home economics teacher was selected to testify. He recalled the following

about the teacher who testified:

> I remember talking with her a few times over the phone and she had all of the attributes that we wanted. She was very accomplished; she had won awards for her teaching; she was very popular with her students; she was popular with the administration, she was quite religious, with deeply held religious convictions. In fact, she attended the same church that many of the 600 parents who were plaintiffs attended; and, I thought, this was someone who didn't have to take a back seat to anybody else in terms of her credentials, someone who had powerful religious convictions of her own; but, by the same token felt that it was inappropriate to try to inculcate those in others in a public school setting. That's what made her such a persuasive witness to me.

Witness T met with Attorney DI and others from his firm prior to the trial and discussed what might happen. She also remembered meeting with the author of the challenged book prior to her testimony. The attorneys in the meetings before her testimony questioned her about her teaching methodology, supplementary materials, and the manner in which her students responded. They wanted to know if her students were "ostracized for thinking a particular way." She replied that she told the attorneys that she encouraged students to listen and respect different points of view. She explained, "the kids I teach at the age of 17 should realize that this world is a big melting pot and people are not always going to agree with you. You must be willing to listen to what they say. You don't have to change your mind."

On the stand, Witness T was asked about her educational and religious background. She testified that she had two

Master's degrees: one in home economics, and the other in educational administration, and a double A degree which was 30 hours beyond her Master's degree. She indicated to the court that she was currently working on her Ph.D. degree. She reported that she taught the following high school home economics courses: Basic Home Economics, Family Living, and Advanced Home Economics.

Witness T replied that she had been a Baptist all her life and that she was a member of Cottage Hill Baptist Church. She indicated in her testimony that she was not active in that church but she held religion close to her own values and needs. She gave examples of her activities in the church during her childhood and adolescence.

Witness T maintained that she had used Book C for the past 7 years with about 100 students a year and she had never had a parental complaint about the book. She talked about the importance of open discussions in the classroom and of allowing students with different beliefs to be treated fairly. Witness T described the environment of her classroom:

> They are able to articulate the way they believe, how they feel about a topic or a subject, without being jeopardized, without being ostracized as a result of those beliefs. The issues are issues that are current for these young people. The family, ultimately, is where I hope all these values are being instilled upon them and their beliefs. But, we all know, even as adults, we need a forum or we need a place to be able to

> talk about these. And there are times when the peer forum or arena is what they need. They also need to know that it's OK to feel this way and to know that in real life or in society we're not going to always agree with one another, but we need to learn the way of voicing our opinion, our beliefs, our values, and know that they are being accepted. (Transcript, p. 2234)

Witness T was asked if she developed lesson plans for her class. She replied that she did and followed guidelines in the state course of study. The teacher's guide to her textbook was not "the sole contributing factor" to her lesson plan (Transcript, p. 2238). She replied that she had never seen a home economics teacher reading page by page from any textbook and thought that teachers were "creative enough to present material in a manner that will be intellectually stimulating to the student" (Transcript, p. 2239). She also indicated that she did not have enough textbooks for every student to be issued an individual textbook.

Critical thinking, according to Witness T, is an important part of her course. Critical thinking, she described, "should result in a student being able to take a topic or a concept and learn about the topic or concept, analyze it and then formulate their own opinion or draw their own assumption from that concept, being able to implement it or use it in some context" (Transcript, p. 2240). In her testimony, Witness T talked about the importance of critical thinking skills. In the interview, she recalled her

testimony and views on the subject:

> Unfortunately, in many classes today kids are taught rote memorization. Read the chapter, answer the questions, and regurgitate it back on Friday. We place ourselves in my classes in situations that are realistic, current, timely, and we try to analyze those situations from a perspective of "how would you handle this?" "What would you do?" And, each kid that makes a comment or response brings with him or her an interpretation and that interpretation generally is formed as a result of a strong upbringing from parents or lack of. Many things we discuss in class are, unfortunately, not handled at home. Ideally, that would be what you would hope for. But, with dual career families and single parent families having to hold two jobs, many of these things are not discussed. These kids need someone to have the opportunity to discuss - Also, as a result of the discussions that go on in class, it brings them closer. It is like a unit in there where "these people are dealing with the same types of problems that I am at the age of 17 - I'm normal - I'm normal."

Witness T responded to questions from the attorney about her role as a teacher in Alabama. She stated that she did not feel inhibited in practicing her religion or required to do anything that interfered with her rights as a citizen to freedom of speech.

On cross examination, Witness T was asked how she used the challenged book in her classroom. Questions were asked concerning teaching students about right and wrong from the textbook and how the decision making model was interpreted. The attorney for the plaintiffs used an example from the book on shoplifting as an example of where the book did not say it was wrong. However, the book did list consequences of

shoplifting such as going to jail, asserted the witness. She was asked if abortion is a moral issue. She replied, "It is a moral issue. It's a personal issue, and it is also within the legal realm" (Transcript, pp. 2256-2257).

Witness T was asked whom she considered the most prominent person in the philosophy of American education. She recalled from the philosophy of education class that she had had some 10-15 years ago, and said that she was more influenced by behavioral scientists than by John Dewey.

She was quizzed about specific passages in the textbook and test questions from the resource books which accompanied the textbook. Witness T was asked about values clarification and whether or not she used the work of Simon and Rath. She responded that she was not using Values Clarification. When asked a series of questions about decision making, she responded:

> Ultimately, as I've been speaking to each of your questions all morning, ultimately the student will arrive at his or her decision as a result of family, values, morals, hopefully some sound guidance from me, but ultimately the student will make his or her decision based upon his of her strong background. (Transcript, p. 2289)

Witness T described her experience in testifying as challenging. The plaintiffs took parts of the book and asked her how she would interpret certain sections. She recalled a series of questions that dealt with a section of the book on shoplifting. The book discussed the problems with

shoplifting but never said it was wrong. The attorneys interpreted it as saying that "if you made the decision to shoplift, and you made that from your values, then it would be OK to shoplift," she recalled. In the interview, she commented on their interpretation:

> And, they were getting kind of ridiculous in those interpretations. Because we know that society does not accept that. And, as we talked about various issues back and forth, I tried to point out and bring out to the plaintiffs that the subject matter is conducive to subjectivity and that you have to be willing to know and to bank on the fact that these kids have strong values. But, that there are certain parameters that society will and will not accept. And, whatever your decision is, you have to deal with the consequences from society. And if what you decide to do is illegal or immoral then you will ultimately face whatever consequences arise.

The attorney for the plaintiffs asked Witness T if she had personally ever made a decision that had led to a negative consequence. She replied that she was sure that she had made decisions in her life that could have been better. He asked her about her awareness of specific studies which dealt with such topics as teens and society, drug use, and out-of-wedlock births. At the close of his cross examinations, the attorney for Witness T asked if she was aware that her pastor, Reverend Wolfe, had testified in this case. She responded that she was aware. When asked if she was aware of Reverend Wolfe's teachings on humanism, she replied that she was somewhat aware. Then, he asked, "Are you aware that the records of the Cottage Hill Baptist Church

show that a (Witness T's name) has attended church only once in the last year?" (Transcript, p. 2301). The attorney for the defense objected and Judge Hand ruled, "I'm not going to permit you to explore into her religion or tenets or whatever" (Transcript, p. 2301).

In the interview, Witness T brought up this line of questioning about her religious attendance. She explained that she and her husband were members of a very large political church in Mobile which was very involved in the textbook issue. She said that they were in the process of changing their memberships and had been visiting in many churches in Mobile. She maintained:

> I didn't have a problem with it because what they were saying was just not accurate. They tried many tactics as the trial progressed. After their grilling and grilling and not being able to secure from me the viewpoint that they needed - they started trying to assault my personal character with the church attendance issue. There were some audible gasps in the court room - that they would stoop to that level to talk about church attendance, trying to indicate that I am not strong in my convictions of my religious faith.

Attorney DI was asked about the question posed to the home economics teacher on her religious attendance. He opined:

> In my view, one of the most improper things that happened in the whole trial was that lawyer asking that question and to Judge Hand's credit, he admonished the lawyer after I objected to that question. Judge Hand admonished the lawyer for asking it and said, in effect,

> "there's no place in an American court room for a question like that. We don't judge somebody's truthfulness in an American court room after they have taken an oath by whether or not they go to the church that the lawyer is implying they ought to go to on Sunday morning." In fact, that witness attended church regularly, just a different church, but it was none of that lawyer's business in the first place where she went to church. There is a federal rule of evidence that specifically says you can't gauge somebody's truthfulness, and it's improper to suggest that somebody's truthfulness ought to be gauged by religious convictions or religious affiliation. And that objection was sustained, she didn't have to answer that question. And, in fact, the judge, I believe, would have allowed questions to substantiate the fact that she was someone who regularly attended religious services. To her credit, she just didn't want to go into that on the record. And so, that's when the matter ended. It was unfortunate that it was raised in the first place, it was very unfair to her.

This questioning of religious attendance was also considered unusual in a courtroom by Attorney DI.

When asked about the question of the home economics teacher's religious attendance by the attorney for the plaintiffs, Attorney SB replied that he was not shocked at the question. He added:

> That's exactly the type of question that they would ask. The more important consideration is, does that have any relevance to the case, did it have any significance to what she does in the classroom and how she teaches or of what kind of person she is. So, no, I wasn't surprised that they asked that kind of question and that they did. I also knew, or realized, it didn't have much significance.

Witness T did not feel her ideas were fairly interpreted by the plaintiffs' attorneys. She contended, "I think that they were trying to make my subject matter speak in a

direction that they wanted to hear." She indicated that home economics was an easy target for their complaints because of the subjectivity within the subject matter. She proposed that "if home economics were more objective, a more factual yes, no, right, wrong," kind of course, then they would have not pursued home economics. She added, "Home Economics deals with improving the quality of life. And as a result of that you have to deal with many subjective areas. We were just unfortunate in the fact that we were very easily available to their interpretation."

When asked if she would testify again, Witness T replied, "Absolutely." She explained:

> Because for the same reasons that they were looking for was not there, is not there, and I don't think it ever will be there. I think that what I teach is probably one of the most important concepts or classes in school, because it teaches people how to improve their quality of life - now. You don't have to wait to use it. Critical thinking is brought in because it makes you look at all the alternatives that you have and go through the decision making process to figure out reasons why you are going to choose the course of action at which you eventually arrive.

Home Economics Author Testifies

Of all the authors of the challenged books, only one author testified in the trial. Since she was a subject in this study, she will be identified as Author C. A home economics author was asked by the Attorney DI to go to Mobile and defend her book. When asked why she was selected, Attorney DI explained that the "other side picked on her book

the most, said hers was the worse, so we started from that point." He indicated that he talked with her publisher and with her a number of times before she testified. He described her as the perfect witness when he stated:

> If we wanted to invent the person who would be the author of these books, of this book, defending against these charges, as a lawyer, I couldn't have invented somebody more perfect for the role than her. I mean this wonderful grandmother, who was deeply religious herself, who was trying to convey what she thought were important messages to kids about strong moral values; but do it in the way that didn't offend, you know, the one Buddhist in the class who happened to be reading it or the one Jew in the class who happened to be reading it, etc. So, not preach some, some one more narrow religious philosophy, but hopefully, precepts that we can all agree with; like, you know, be nice to your parents and don't use drugs and don't do it because it'll hurt you--because it's against the law, etc. And she was great.

Author C first heard about Smith in September of 1986 when she received a phone call from an attorney in Washington, DC. She described this phone conversation:

> Out of the blue, he said, "Do you realize that your book is being challenged in the courts and being charged with teaching secular humanism?" And, of course, I know what the two words meant, but I could not in my own mind see how anybody could apply them to the teachings of my book.

The attorney told her a little about the case and asked if she would be willing to testify. Her first response was, "Certainly, if you believe in something strong enough, you should." She indicated that she would need to discuss it first with her publisher. The president of her publishing

company arranged a conference call with the company's attorney, Author C, and himself. During this call, the company assumed a neutral position and Author C was warned that "it could get very mean, because the people who are challenging the books are intent upon winning." The president cautioned her that the situation could get "sticky." According to Author C, he advised her that "anytime you appear in a court situation that the rules that are played are for the benefit of the person doing the cross-examining and that you have to be a very astute person to stand up under such questioning." In Author C's opinion, he neither encouraged nor discouraged her to testify. After this phone conference, Author C decided to testify. She expanded on her decision to serve as a witness:

> At first, because I really believed in what I was doing and in teaching - what I was teaching. I was mad at first, because I felt they are misinterpreting what I am trying to do. Out of the many, many years of teaching and the many people whose lives I've touched I've never had anyone accuse me of what they were accusing me of - of trying to subject a religion into my classroom. I bent over backwards trying to be fair in that area and they chose to interpret my role in helping young people make decisions as teaching secular humanism. I could not believe how they could take words and twist them around. So yes, I was mad at first, and then I felt that if I really believed in this and had the backing of my publisher and my family and that I could not, not attend the trial if they asked me. So I went.

The attorney agreed to call her a week prior to her scheduled appearance. Her initial response to the challenge

was described in this manner:

> Well, I was a little bit upset to think that they would take a book that was trying to promote family and individual respect in the family and challenge the premise on which I was teaching. I was strengthening the family, I felt, and their suit was saying that I was degrading, or that I was trying to make young people think that they could make up their own minds and not have to listen to parents, whereas the opposite is true. I was trying to strengthen the family as a unit and teach young people to respect parents, to bring their parents into any decision-making that they were doing. Not to say, I am going to make up my own mind, because this is what I wanted to do. And, that's what the case was accusing me of and that was totally wrong.

The only preparation for trial was provided by Attorney DI the night before she was to testify. That evening she went out to dinner with representatives from the ACLU and the Alabama PFAW. Author C described the dinner conversation as "not simply polite dinner conversation---they acted more or less as a devil's advocate in questioning me to see my reaction and probably to give me some idea of the tactics that the lawyers would use when they questioned me." She contended that this preparation was helpful as she described these feelings:

> Once I got there, I began to feel almost what am I doing here, you go through that fright feeling - am I really adequate in meeting this challenge, even though I believed so strongly in it. But, as I said before, I had never been in a courtroom and been questioned by some very smart lawyers.

Author C was scheduled to testify after the home economics teacher (Witness T). She described the grand old

courtroom as reminiscent of a scene from the movie "Inherit the Wind." She indicated that she was impressed with Judge Hand's courtly manner and respectful attitude.

Author C began her testimony on Tuesday afternoon, October 21, 1986. Her educational background was described and the history of the publication of her book. She has an undergraduate degree in home economics and a Master's degree in Health Education. She completed an internship in dietetics and has taught at the college level. For most of her professional career, she has taught home economics in a senior high school. In the 21 years that she taught, her class in family living grew from one section to 14 sections of 30 students, with other teachers hired to teach.

Author C started writing her book as mimeographed pages for her students to take home and read. She indicated that the lack of a suitable text in 1969 in the area of family living prompted her to write her own materials. At the suggestion of her principal, she copyrighted the material and had it professionally printed for her students to purchase. She was later contacted by a national publisher who wanted to publish her material. Her book was published by this company in 1979. She indicated that the book had three revisions and ten printings. The book, according to Author C, has been successful with adoptions in all states that adopt home economics textbooks. With all the copies sold, Author C testified that she had never received a complaint on the

content of the book until this trial. She indicated that she had received much praise and although she was not teaching, she still received letters from former students.

The attorney for the defendant-intervenors asked Author C to describe the input from others that she received in developing the content of the book. She indicated that input came from students, parents, members of the community, and educators. She also had a Rabbi and a Baptist minister review the materials before they were published. Her publisher also sent the book to reviewers in different areas of the United States.

Author C was asked to comment on the way that the home economics teacher who testified that morning had used her book. Author C expressed, "I felt that she was the kind of teacher that I am glad is using my book. She does an exemplary job of teaching" (Transcript, p. 2315). Author C indicated that she thought the textbooks should be used as a tool for teaching and not verbatim. "The success of a good teacher is her ability to adapt materials including the textbook to meet the needs of the students in her classroom," she added (Transcript, p. 2315).

The attorney for the defendant-intervenors asked Author C about her religious preferences. She described her extensive participation and leadership in her Lutheran church and said that she had been a Lutheran all her life. Attorney DI stated that there had been allegations in this suit that

her book promotes secular humanism and attacks and inhibits Christianity. He asked, "Do you know what secular humanism is?" to which she replied, "No, sir. The term secular humanism is new to me. I have not been aware of it until it appeared in the trial" (Transcript, p. 2318).

Author C contended that her book:

> complements Christianity in building strengths of families. The concept of my book is family strengths and I think that this is one of the foundations of our republic in the strength of families of which religion is one of the foundations. (Transcript, p. 2318)

According to Author C, her book "supplements and augments and strengthens the values that the students bring in the classroom" (Transcript, p. 2319). When asked if she expected the students who read her book to accept and believe everything she's written, she replied, no. She added that any book for young people should encourage students to "think logically and rationally" for students come into the classroom "with values that have been instilled at home" (Transcript, pp. 2320-2320).

She read from a passage in which she wrote in the book:

> As you read this book and participate in the learning experiences, you will find yourself agreeing and disagreeing. You will accept some ideas and reject others in order to express your own beliefs. In any course with human development, you will find some concepts that will help you improve your life, some that you have already accepted and some that do not apply to your situation. (Transcript, p. 2321)

According to Author C, her book encouraged students to take responsibility for the consequences of their decisions. She read another passage:

> As you mature, you gain the privilege and responsibility of making more of your decisions. You may remember times since your childhood when your parents did not allow you to make decisions. They felt you were not old enough to make the right choices. At that time, you wished you could have your own way. Now that you are older, you have more chances to have your own way. You make more of your own decisions. Within the next five or six years, you will have to make some of the most important decisions of your life. Some of these decisions will be difficult to make, but they are your decisions. And you will have to live with the consequences of the decisions you make. Therefore, you should learn all you can about the process of making good decisions. (Transcript, p. 2323)

She explained that part of the decision making process involved using their values to determine alternatives, to evaluate consequences, and to accept responsibility for their decisions. These values, Author C maintained, come from their families and religious beliefs.

Author C was asked if her textbook discussed abortion as an issue of being right or wrong. She stated that she tried to present different perspectives of abortion. She cited a passage from her book where she indicates that abortion is legal and a decision to have an abortion is one that "a woman had to decide in her own mind," and is based on the "woman's health, attitudes, religious beliefs, as well as the attitudes of her partner" (Transcript, p. 2340). Also included in the discussion on abortion, Author C read this

passage from her book:

> Despite all the abortions being performed, the topic of abortion is still debated. Those against abortion say that human life is present from conception and that it should be protected. Those in favor of abortion say that an embryo is not yet a human life. They say that a woman has the right to decide what she will do with her body. They also point out that every child born should have the right to be wanted by its parents. (Transcript, p. 2341)

Author C stated that she was proud of her book and appreciated the opportunity to explain why her book has been successful; however, she acknowledged the feeling of disbelief when she first heard of the challenge. She surmised that everyone has a right to criticize and that this criticism gave her an opportunity to evaluate what she was doing.

On cross examination, Author C was asked about the college courses in psychology she had taken. The attorney for the plaintiffs asked her to identify the major theorist she had studied. She indicated that she had studied the behaviorist and cognitive learning theories and had never had a class in humanistic psychology. She was asked to identify which theories were used in her book. She stated that she wrote the objectives using Bloom's cognitive domain and that theories from Maslow and Rogers were in the book. He asked Author C if she agreed with specific statements made by Kurtz

in his testimony. She indicated that she did not. She was asked repeatedly about her views on morals and values.

At the end of Tuesday, the plaintiffs indicated that they were not through questioning the author. Judge Hand asked if she could return the next morning. She explained that her husband was with her and he had a business commitment the next day. She asked her husband from the stand if he could make arrangements to stay. Judge Hand asked, "Your husband has to make your decision?" to which she replied, "No, sir. I know he has a business commitment, sir, and I, as a wife, try to recognize that he has business commitments as well as I have commitments." Judge Hand said, "Bless you for that" (Transcript, p. 2383).

Author C in the interview recalled that incident:

> On the first day that I testified in the afternoon, he asked me to return. It was obvious that they would not finish with me the first day, that I had to come back the second day and Judge Hand is the one that asked me: Mrs._____, could you come back tomorrow? And, my husband was sitting in the courtroom, and I said I know that my husband has a business commitment and he is here with me. And if he thinks we could spend the night and stay over I certainly will be here tomorrow. Of course, _____ was in the back of the courtroom nodding yes and Judge Hand thought that it was very interesting that I would consider the wishes of my husband, which showed that I was not a rebellious feminist that was going to say that I would do exactly what I wanted to do. I recognized that my husband had commitments and I asked - I didn't ask his approval, but I brought him into the decision process and Judge Hand commented on that. He asked, 'You mean you would ask your husband if you could stay?' And I said yes, I would because we had a business in _____ and that is important.

The next morning, the attorney for the plaintiffs continued his cross examination of Author C. He continued asking about the theories presented in her book. She indicated that theories from Erickson and Havighurst were in the book. The attorney asked her if she was aware of criticism of the methods of Erickson and Maslow. She replied, "I understand that there have been. But, there are criticisms of every theory that has been postulated" (Transcript, p. 2395).

Questions continued about her interpretations of morals, values, decision-making, talking to children about death, and her views of Christianity. In the interview, Author C was asked to describe her feelings at being questioned by the plaintiffs. She recalled:

> I think it was very hard. The questions that the other side presented to me were trying to put me at a disadvantage - to make me say something that was not true and to make me testify to things in my book that were out of context and I refused to do that. And so, if there was a question that I felt was not a true question, was not representative of my book, I simply said you are taking things out of context; that's not what I'm saying in my book. Very often the lawyers would pound on that issue and then Judge Hand would finally come forward and say let's move on. He was very good in maintaining a respectful atmosphere in the courtroom.

She indicated to the researcher that she felt somewhat intimidated on the stand. She explained that they:

> respected me as an image of a parent and a grandparent.

> It was obvious that I played that role. They, I think, did not try to belittle me in that role but they did try to trip me up on, verbally, on some of the things that they wanted me to say which I refused to say. They tried to say, "Aha, you are saying thus and so in your book," and I think that I did a pretty good job of not letting them get away with that.

Author C added:

> You had to be on your toes, you had to listen to every question, and you had to not answer too fast, you had to ask for them to requestion you. I had my book in my lap and there were instances where I could point to a particular sentence in my book. Luckily, (Attorney DI) had pretty much told me the areas of concern. Even though I had not seen, as I stated before, the objection list that the three pseudo intellectuals had written up, he knew the areas that they were going to question me on. It wasn't that I had to know what was on every page of my book, but he had helped me in knowing that it's largely the area of family decision making. They even questioned some very respected authorities that had been in every textbook so long as I can remember, like Maslow. I mean they chose to tear his hierarchy apart because they said it was promoting secular humanism and it's been accepted for ages. I don't know how they could even attempt to challenge him.

When Author C was asked if she would testify over again, she declared:

> I certainly would, and I would in any future case because I think that as home economists we need to be willing to uphold the premise that we are interested in strengthening families. I think this is one instance that we were challenged on that and if we're going to sit back or to stick our heads in the sand then we have a right to go down the drain and some other discipline will take over. The job needs to be done by somebody and if we don't do it somebody else is going to do it and in my estimation no one can teach family life education better than home economics. That's why we must continue to be on the forefront of this matter.

Author C's testimony was interrupted once with a camera testimony of a home economics teacher whom the plaintiffs charged was using the sixth home economics book which was challenged and was not on the state adopted list. From her school, the home economics teacher testified that she used the book as reference and only had nine copies of the book. She did not assign reading out of the book and had not seen the students reading it. The state charged that this book would not be eligible in the suit since it was not a state adopted textbook. Author C was the last witness called by the defendant-intervenors.

The defendant's last witness, Reverend Floyd Enfinger, was called on Wednesday, October 22, 1986. Enfinger was a Methodist minister from Prattville, Alabama, with a church membership of 1400 members. He was called by the state as an expert witness in the areas of Christianty, Methodisim, and pastoral ministry. Enfinger was questioned by the attorney for the defendants about the gospel and his interpretations on Christianity. Enfinger described the relationship of Christianity to human beings as "Christianity is about helping mankind know who he is and helping him to discover and develop his full human potential" (Transcript, p. 2447).

When asked about values, Enfinger replied that some were absolute and others were relative. When asked if it was appropriate for Christians to focus on their own self-esteem,

Enfinger answered that it was appropriate because:

> First of all just start with the Jesus summation of the commandments when he said thou shalt love God with all your heart, soul, mind, and strength. Then He said love your neighbor as yourself. He is implying that we must have a wholesome, healthy concept of self. We must know who we are and whose we are if we are going to relate to our fellow man. (Transcript, p. 2452)

Enfinger was asked if he had looked at the home economics textbooks. Enfinger responded that he had looked at the books in a cursory way. The attorney asked:

> I am not going to ask you now anything about what you specifically looked at. Rather what I am going to do is ask you to assume some facts about these textbooks. I want you to assume that those textbooks state that people must decide what their values are. Further assume that the textbooks state that each individual is unique. Further assume that each person can come to hold values different from their parents. And further assume that the textbooks state that each child will grow to become an individual, separate from their parents. And I want you to further assume that these textbooks do not teach what is explicitly right or wrong but go on to say that a person must decide. Now, in the context of that hypothetical, would you see that there would be anything in such textbooks necessarily in conflict with Christianity? (Transcript, p. 2453)

Enfinger replied, "Not within themselves," (Transcript, p. 2453) and added that some assumptions would be conducive to Christianity. He used the example from a Methodist doctrine that salvation was a personal decision. Parents, Enfinger observed, can let their desires be known to us, but each person must choose for himself. Enfinger said that people are unique and described parables from the Bible to

illustrate children who have different values from their parents. When asked about decision-making where students are encouraged to select from alternatives and Christianity, Enfinger responded:

> I find no conflict in that because I feel like it is the primary responsibility not only to religion in general but, also of the Christian faith that in our homes and churches we are to help them understand the process by which people make choices to help them understand what values are and to help them to choose for themselves. Because there will be moments in life where they cannot rely on the church. There will be existing moments in situations where they must make that decision for themselves. (Transcript, p. 2456)

Enfinger was asked about his role as a pastoral counselor. When church members come to him with a problem, Enfinger testified he did not give pat answers formulated in a creedal position, because he did not consider "any pat answers to the complex questions of life" (Transcript, p. 2460). When asked if he told the person with the problem what was right and what was wrong, Enfinger replied, "I do not feel that I am qualified, first of all, to tell any person what is right and what is wrong because that person is capable of making his or her own choice" (Transcript, p. 2461).

Self-actualized people, according to Enfinger are people being all they can be. He added, "I think that it is a prerequisite if we expect to make it into another world. I

think most of Jesus' ministry was enabling people to become all they could be" (Transcript, p. 2462).

Enfinger defined humanism as:

> concern for human welfare. Humanism is developing the full capacities of an individual potential; becoming what we can be. That I understand to be one of the primary concerns of the Christian faith and I see that as humanism. I see Jesus as fully human. (Transcript, p. 2464)

On cross examination, Enfinger was asked if he had read the Humanist Manifesto I and II. He responded that he had read excerpts from them. Enfinger was asked about a meeting that was held between Dr. Teague, the state superintendent, and an assistant superintendent, who was a parishioner of Enfinger's congregation, and him. At that meeting, Enfinger acknowledged that he had told the superintendents that humanism was not a religion. The attorney asked him, "Specifically, what evidence of modern day humanism did you look at to reach that conclusion?" (Transcript, p. 2469). Enfinger replied that if it has no hypothesis of the divine, then it does not meet the requirements of religion.

The plaintiffs' attorney asked, "You disagree with the definition of religion used by the United States Supreme Court in Torcaso v. Watkins, don't you?" (Transcript, p. 2471). The attorney for the defense objected to the question by asserting, "There is no definition of religion in Torcaso. It's simply mentioned in a footnote as the Court will notice"

(Transcript, p. 2472). Enfinger, when asked if he disagreed with the Supreme Court's classification, replied, "I disagree with that footnote" (Transcript, p. 2473).

The attorney read passages from books by Paul Kurtz referring to homosexuality and adultery and asked the minister if he would have a position on the rightness or wrongness of adultery. To which, Enfinger replied, "I most certainly do" (Transcript, p. 2479). He reiterated that in the home economics textbooks, he found nothing that was in conflict with his Christian faith.

At the conclusion of Enfinger's testimony, documents from the trial were entered as evidence. At one point, the plaintiffs presented a deposition taken by Robert Coles, who was identified by the defendant-intervenors as an expert witness. Since he was not called, the defendant-intervenors objected to using the deposition which had not been notarized or signed by Coles. The attorney for the defendant-intervenor stated that the primary reason Coles was not used was that he had been selected to counter the testimony of Coulson on the spiritual damage done to any student who had read the home economics books. Since Coulson did not interview any students who had read the books, then Coles was not needed at this trial. Judge Hand allowed the deposition to be given as evidence.

## Rebuttal Testimony

A rebuttal testimony was given by Joan Kendall for the

plaintiffs. Kendall was married with three children. She served on the Alabama State Textbook Committee in 1984-85. That was the year, she noted, that the home economics textbooks were last adopted. She got interested in textbooks in 1983 after an incident involving a home economics textbook that her daughter had used. Kendall did not describe the incident, but, stated that she didn't do anything except talk to the teacher. While on the textbook committee, she read 18 books word-for-word and looked at 30-35. She described the ways in which she objected to the home economics books, including some that were adopted and later challenged in this trial. She indicated that the committee reviewed 600 books in 1984 and rejected 14. Of the 14, 11 were home economics textbooks.

Kendall was asked to comment on the passages discussed with Author C's testimony. She stated that she agreed with the way abortion was discussed and "had a problem with just about everything else" (Transcript, p. 2522). She picked another challenged book and criticized a passage which addressed parent education classes at a child care center. Kendall explained her objections:

> What I objected to was whose philosophy of child-rearing are they talking about? There are many different ways to raise children. Whose effective ways would be promoted? Then, would we have a state-controlled philosophy of child-raising? (Transcript, p. 2523)

On examination from the defendants, Kendall explained that she had been appointed to the textbook committee by

Governor Wallace in April of 1984. When asked if she felt that she had played a part in getting the home economics books removed at the 1984 adoption, she replied, "Yes, I do" (Transcript, p. 2533). Her 17-year-old daughter now attends a private school and is taking home economics, reported Kendall, and does not have a book. She described her home economics activities as "learning to cook and sew and decorate and learning about textiles and those kinds of things, the way home ec. used to be. They are not into death and stealing and those kind of things" (Transcript, p. 2537).

The attorney for the State Board asked Kendall if secular humanism was used as a reason for rejecting the home economics textbooks. She replied, "I prefer to let the Court define secular humanism (Transcript, p. 2539). She later replied that she did not use that objection because when the subject came up, "everybody tee-heed, tee-heed, tee-heed" (Transcript, p. 2540).

When asked to explain the tenets of secular humanism, she used examples of topics such as right to die, suicide, and situation ethics. When the attorney held up the five challenged books in Smith, she recalled voting against three of the five. She could not recall her vote on the other two books.

Earlier in her testimony, Kendall told about an organization with which she was involved, which hosted a talk

by Vitz on the history and social studies books prior to the trial. Members of the State Board of Education were invited and did not attend, complained Kendall. She was asked by the attorney for the defendants to describe that organization. She testified, "Eagle Forum is a profamily organization. Our national president is the third most admired woman in the world, according to a Good Housekeeping poll" (Transcript, p. 2549). She elaborated that the group was concerned with anything that concerns the country and the family. Kendall acknowledged that she was cochairman of the Eagle Forum "Stop Textbook Censorship" committee and that on August 15, 1985 she publicly stated the following:

> Tonight I have revealed the radical, feminist, socialist agenda and presented this documentation to show this agenda now in textbooks. What is now being taught is this leftwing agenda from textbooks, censored by the feminists at the publishing level. (Transcript, p. 2552)

The plaintiffs objected by stating that those views are not relevant to this case.

Coulson offered rebuttal testimony for the plaintiffs. He reiterated his concerns with the home economics textbooks. Coulson observed that Author C was a "fine person, identified herself and certainly is consistent in her speech with the image of a Christian woman," but, he added, she "doesn't come with the textbook. So much of what she had to do to make the textbook right was to reveal her own Christian values" (Transcript, pp. 2559-2560).

Coulson connected secular humanistic practices in education to John Dewey. He connected the values clarification movement to the low SAT scores and concluded that the religion of John Dewey pervades the home economics textbooks.

There were no summary remarks made by the attorneys. The attorneys were instructed to offer their summations in the form of a written brief to be submitted to the court by December 1, 1986. Judge Hand concluded the trial at 4:15 p.m. on October 22, 1986 with these words:

> Again I want to thank all of you. It's been a long, long marriage. And the Court hopes that it has not offended you. And, I am impressed with the situation such as you have had, there have been as few disagreements, shall we say, among counsel in regard to the presentation. It's not often that I have enjoyed a matter that had been handled in such a fashion. And, I want to compliment each one of you for that and thank you very much. (Transcript, p. 2589)

## Judge Hand's Decision to Ban Textbooks

On March 4, 1987, Judge Hand issued his decision on Smith v. Board of School Commissioners (665 F.Supp. 939 (S.D.Ala. 1987)). He found that: the district court has jurisdiction over constitutional claims; that secular humanism is a religion for "First Amendment purposes;" and that the "public school textbooks which omitted reference to significance of religion in American history and current American life, as well as textbooks which taught students

that moral values were purely personal, impermissibly promoted religion of secular humanism" (p. 939). Hand ordered immediate removal of 44 home economics, social studies, history and social studies books from the public schools in the state of Alabama.

Hand wrote a lengthy 75-page opinion explaining his findings which included a summary of the points of law, excerpts from testimony and expert reports, and rationale. He reviewed the history of Jaffree and the decisions at the district, appellate, and Supreme courts and described the realignment of defendant-intervenors in Jaffree to the plaintiffs in Smith. Hand cited testimony from Jaffree to illustrate the original complaints in that case.

Hand summarized the charges made by the plaintiffs in Smith by the witnesses Smith, Whorton, and Webster. In describing Webster's testimony, he footnoted a psychological report of the Webster family completed by Coulson on the conflicting values of the homes and schools. Coulson's written report takes up 5 pages of an appendix in Hand's decision. Coulson noted that this report is based on a 45-minute interview with the Websters in their home.

Hand included a list of the contested issues raised by the plaintiffs. The issues are written in the form of questions. The first two questions ask if Humanism is a religion and is "Humanism being advanced in the challenged textbooks adopted by the State Board of Education?" (p. 994).

Of the 15 questions, three were directed towards the home economics textbooks. The questions all addressed the "morals, values, and decision-making sections of the home economics textbooks" (p. 994) as advancing humanism, inhibiting theism, and violating the free exercise of religion of the plaintiffs.

Hand reviewed the defense of the state and defendant-intervenors. He briefly summarized the testimony of the two teachers who testified for the defendant-intervenors, including the home economics teacher as well as the testimony of Huestess, Tyson, and Teague. Noticeably absent from Hand's summary was the testimony of the home economics author who testified. At one point he listed witnesses who testified about the poor quality of textbooks on the market and included Author C. Her only reference to this occurred when she explained the history of her book. She testified that she had written her book some 20 years ago becuse she could not find a suitable textbook for her students.

Hand, with detail, included the major points made by Halpin, the psychology professor who testified for the state. He also discussed the testimony of Rudder with some detail.

There was a transition paragraph which broke from the description of the testimony of Rudder to the findings of Kirk which stated that the court had looked at how books were selected and the "philosophical base of those involved in the selection process of the school texts. The court finds this

plays a very real part in the inquiry dictated by this case. More as to this" (p. 956). Then, with no new heading, Hand presented points made by Kirk and others.

Under the subheading of "State Defendants' Statements," Hand included a description of the testimony of Kirk. Although this witness was called by Hand to be an expert witness for the court, Hand did not acknowledge this in his written decision. With no break in headings, Hand continued to discuss the findings from Baer, Coulson, and Baker. To review from the trial transcript, Baer and Coulson were expert witnesses from the plaintiffs. It is difficult in Hand's decision to distinguish the expert witnesses who were presenting testimony. Major points made by the witnesses in the trial were included in Hand's decision. He quoted from testimony and expert reports and depositions. Hand quoted from Robert Coles' deposition taken by the plaintiffs even though he was not called by the defendant-intervenors to testify at the trial. At different times in the decision, Hand referenced Dr. Delos McKnown from the original testimony of Jaffree. Hand's discussion of the trial was focused around the following subheadings:

Quality of Education

Secular Humanism

Religion Defined

Does Secular Humanism Fit the Description of Religion?

The Textbooks

Hand made references to John Dewey numerous times during his opinion. He cited the claims of the plaintiffs that educators were influenced by the "religion of John Dewey" (p. 958).

Under "Conclusions of Law," Hand reviewed the points of law which he connected to the charges in Smith. He wrote:

> The Supreme Court has never stated an absolute definition of religion under the first amendment. Rather, the high court's approach has been one of deciding whether conduct in a particular case falls within the protection of the free exercise clause or the prohibitions of the establishment clause. (p. 974)

After setting the legal framework, Hand described characteristics of humanism. With citations to expert testimony, he characterized humanism as a belief system which denies God; promotes the universe as self-existing; and purports man's purpose to seek and obtain personal fulfillment by freely developing every talent and ability, especially rational intellect. Hand added that humanism erects a moral code and has organizations which publish materials and conduct meetings. The primary documents of the belief system were identified as Humanist Manifesto I and Humanist Manifest II and Secular Humanist Declaration. They have recognized leaders, Hand contended, that are revered and are authorities on purposes of humanism and give applications to daily life. Hand acknowledged the arguments of Kurtz's

testimony and concluded that:

> Dr. Kurtz's testimony that secular humanism has no religious aspect is not logical. For purposes of the first amendment, secular humanism is a religious belief system, entitled to the protections of, and subject to the prohibitions of the religion clauses. It is not a mere scientific methodology that may be promoted and advanced in the public schools. (pp. 982-983)

Hand addressed the specific charges in the books. He found that the home economics books espoused humanistic psychology from humanistic education. He gave examples of passages where the books teach the decision-making process from values, experiences, and feelings. The claims of "You are the most important person in your life" was described by Hand as "highly relativistic and individualistic" (p. 986). Hand wrote:

> The court is not holding that high school home economics books must not discuss various theories of human psychology. But it must not present faith based systems to the exclusion of other faith based systems, it must not present one as true and the other as false, and it <u>must</u> use a comparative approach to withstand constitutional scrutiny. (p. 987)

All of the objected passages of the challenged home economics textbooks were included in Appendix N (pp. 999-1013). The passages were cited under the major headings of:

Examples of Anti-Theistic Teaching

Subjective and Personal Values Without An External Standard of Right and Wrong

Hedonistic, Pleasure, and Need-Satisfaction Motivation

Anti-Parental, Anti-Family Values

Under each heading, Hand included specific passages with "material particularly objectionable to Plaintiffs' expert witnesses" (p. 999) in boldface. After each passage, a reference was made to either the report or testimony where that passage could be found. Some passages had a brief question that indicated the rationale for the objection. For example, one passage listed the needs of people as physical, emotional, mental and social. The question raised was "religious?" (p. 999). In conducting the content analysis of the five banned books, it was noted that there were five errors in this appendix. The errors included passages attributed to the wrong textbook or the wrong page of the textbook cited. More will be discussed about the challenges of the textbooks in Chapter 6. Hand reached these conclusions regarding the home economics textbooks:

> Teaching that moral choices are purely personal and can only be based on some autonomous, as yet undiscovered and unfulfilled, inner self is sweeping fundamental belief that must not be promoted by the public schools. The state can, of course, teach the law of the land, which is that each person is responsible for, and will be held to account for his, actions. There is a distinct practical consequence between this fact, and the religious belief promoted whether explicitly or implicitly, by saying "only you can decide what is right and wrong." With these books, the State of Alabama has overstepped its mark, and must withdraw to perform its proper non-religious functions. (p. 988)

Therefore, Judge Hand found for the plaintiffs and ordered that the 44 state adopted textbooks be immediately removed from the public schools of Alabama. He listed the book's title, principal author, publisher, and editions and wrote:

> These books are not to be used as primary textbooks, as the primary source for a course that is designed for use without a primary text, or as a teaching aid, in any course, but may be used as a reference source in a comparative religion course that treats all religions equivalently.

Reactions And Actions of Attorneys to Hand's Decision

The attorney for the plaintiffs was pleased with Hand's decision but he disagreed with immediate removal of the books saying he would have waited until the end of the school year. "But," Attorney P added, "he certainly brought attention to the issue by doing that." The reason the decision was reached by Hand, according to Attorney P, was "because the other side did not put on any kind of sharp testimony."

The attorney for the school board described his reaction to Hand's March 4 decision as "expected." Attorney SB explained, "He had indicated in his other opinions in this case, and in other opinions he had written in the years past, that this was an area of concern for him and we were not surprised by the opinion." Attorney SB indicated that he was not surprised that the decision affected the entire state since the books were state adopted textbooks.

The impact on schools in Alabama was greatest at the time the books were removed following the March issue, observed Attorney SB. He reported that very few systems actually removed the book. Attorney SB stated, "We have 130-135 systems in the state and very few removed the books." Having the books removed and returned to the students was "probably upsetting, disconcerting to parents and students," acknowledged Attorney SB.

Although Attorney DI was not surprised at Judge Hand's decision on March 4 to ban the books, he was shocked at the "hardness of the remedy." He described his reaction:

> I was not at all surprised that he reached the decision he reached. It could come as a surprise to no one in view of his earlier written decision in the school prayer case, the rationale he had adopted there, as well as the statements that had been attributed to him outside the courthouse at certain meetings he had attended that he viewed the case in that light. What surprised me a little bit was the remedy that he imposed after finding for the plaintiffs, because it was even more than what they had asked for. They had asked that if he found these books were unconstitutional, that he order the school system over a 5 or 6-year period, which is their cycle for replacing books in all of these different curricula, to order them replaced with books that were more acceptable to them. And, instead, the judge said, "no, no, these are unconstitutional, they're out of here." And, he ordered them banned, he ordered them collected from students' desks the next morning. There were these TV pictures and newspaper stories and photographs showing teachers boxing up home economics books, and worse yet, second grade social studies books.

The State Board of Education voted to appeal Hand's decision. Attorney SB explained that the newly elected Governor of Alabama, Guy Hunt, had voted against appealing

Hand's decision to the 11th circuit. As an "ex-officio member, because of his position, he has a right to vote on it and he exercised his vote for us not to appeal. But, the board, as a whole, voted to approve the appeal," recalled Attorney SB. The decision to appeal was made by the School Board on March 12, 1987 and a stay of injunction was ordered by the 11th Circuit Court on March 27, 1987, and the books were allowed to be used until a decision could be reached by the appellate court.

The hardness of the remedy made an impact on the court of appeals because the stay of injunction was granted almost immediately. Attorney DI maintained that "all those books were back on the desks." The stay, according to Attorney DI said, "We recognize the decision in there. We will address the merits of it later; but in the meantime the order is ineffective."

Attorney DI worked on the brief which was sent to the appellate court at the 11th Circuit. The senior partner argued the case on behalf of the defendant-intervenors. Each side was given 30 minutes. Therefore, the school board attorney had 15 minutes and the defendant-intervenor's attorney had 15 minutes. He commented on the short argument, "Most litigators probably agree with the maxim that most cases are lost at federal argument, but few are won."

The panel of judges are assigned and attorneys do not find out who they will have until "a day or two before the argument," explained Attorney DI. After this, the decision can be appealed to the U.S. Supreme Court or the attorneys could request that the full Court of Appeals rehear the case. This would involve all 12 judges (en banc), nine plus the original three, noted Attorney DI.

Appellate Court Reverses Ban on Textbooks

The appeal of Smith was heard in June of 1987 by a panel of three judges, Johnson, Eaton, and Clark, in the 11th Circuit Court of Appeals in Atlanta, Georgia. The attorneys presented written briefs and 30-minute arguments. On August 26, 1987, the appellate court reversed the decision of Judge Hand. The 11th Circuit Court found that "the use of the textbooks did not advance secular humanism or inhibit theistic religion in violation of the Establishment Clause, even assuming secular humanism was religion" (Smith v. Board of School Commissioners of Mobile County, 827 F.2d 684 (11th Cir. 1987) p. 684).

Briefs were filed by each of the three sides and amicus curiae briefs (friends of the court) were filed by various organizations either supporting or opposing Hand's decision. Amicus briefs were filed urging reversal of Hand's decision from the following groups:

> National Education Association; Alabama Education Association; American Library Association; American Jewish Committee; American Jewish Congress; Americans

> for Religious Freedom; Americans United for Separation of Church and State; Anti-Defamation League of B'nai B'rith; Central Conference of American Rabbis; Committee for Public Education and Religious Livery; National Association of Laity (Catholic); National Jewish Community Relationship Advisory Council; Union of American Hebrew Congregations; Unitarian Universalist Association; Association of American Publishers; Freedom to Read Foundation; National School Boards Association; Alabama Association of School Boards; American Federation of Teachers, AFL-CIO; Counsel for Democratic and Secular Humanism; American Humanist Association; Ad Hoc Coalition for Public Education; New York State School Boards Association; Council on Religious Freedom; Fellowship of Religious Humanists; and North American Committee on Humanism. (p. 688)

No amicus brief was filed by any association representing home economics. The following organizations filed briefs supporting Judge Hand's decision:

> Ad Hoc Committee to Oppose the Establishment of Humanism; Catholic League for Religious and Civil Rights; Christian Legal Society; Committee on the American Founding; Rabbinical Alliance of America; Southern Center for Law & Ethics; and Association for Public Justice. (pp. 688-689)

The appellate court's opinion, written by Judge Johnson, was in sharp contrast to the lengthy opinion written by Hand. The 12-page opinion was concisely written and did not rely on testimony from the expert witnesses from either side to defend the decision. The history and connection of Smith to Jaffree were explained as background information. The roles of the plaintiffs, defendants, and defendant-intervenors were briefly described with the district level decision.

In discussing the issues involved in Smith, Johnson wrote that the appellate court did not attempt to decide if

secular humanism is a religion. He wrote:

> The Supreme Court has never established a comprehensive test for determining the "delicate question" of what constitutes a religious belief for purposes of the first amendment, and we need not attempt to do so in this case, for we find that, even assuming that secular humanism is a religion for purposes of the establishment clause, Appellees have failed to prove a violation of the establishment clause through the use in the Alabama public schools of the textbooks at issue in this case. (p. 689)

Johnson reviewed the three-prong test of Lemon and noted that the second criterion of Lemon was used in determining if the textbooks were unconstitutional. This prong asked if "the use of the challenged textbooks had the primary effect of either advancing or inhibiting religion" (p. 690). The district court found that the books had not passed this test. The appellate court disagreed with the district court's interpretation as Johnson wrote:

> Our review of the record in this case reveals that these conclusions were in error. As discussed below, use of the challenged textbooks has the primary effect of conveying information that is essentially neutral in its religious content to the school children who utilize the books; none of these books convey a message of governmental approval of secular humanism or governmental disapproval of theism.

The appellate court reached a different perspective on the home economics textbooks than did Hand. Johnson wrote:

> Examination of the contents of these textbooks, including the passages pointed out by Appellees as particularly offensive, in the context of the books as a

> whole and the indisputably nonreligious purpose sought to be achieved by their use, reveals that the message conveyed is not one of endorsement of secular humanism or any other religion. Rather the message conveyed is one of a governmental attempt to instill in Alabama public school children such values as independent thought, tolerance of diverse views, self-respect, maturity, self-reliance and logical decision-making. This is an entirely appropriate secular effect. (p. 692)

Johnson added that the books were promoting values which the courts have found to be necessary to the maintenance of a democratic political system.

The textbooks, according to Johnson, "contain ideas that are consistent with secular humanism; the textbooks also contain ideas consistent with theistic religion" (p. 692). He maintained that the books regarded religion with neutrality and that "many of the books specifically acknowledge that religion is one source of moral values and none preclude that possibility" (p. 692). Three of the five textbooks were footnoted with citations referring to religion as a source of moral values. Johnson noted that while it was obvious that the appellees found some of the material in the textbooks offensive, "that fact, however, is not sufficient to render use of this material in the public school a violation of the establishment clause" (p. 693).

The decision of the 11th Circuit Court of Appeals concluded with orders to reverse the decision of the district court with instructions to dissolve the injunction and

terminate litigation. The 11th Circuit Court of Appeals' decision was not appealed to the Supreme Court. Therefore, the convoluted suit which began on May 28, 1982 with Ishmael Jaffree bringing suit against the Mobile County School Commissioners ended on August 26, 1987 with the appellate decision.

Reactions of Attorneys to Reversal

Attorney P presented the oral argument to the appellate court in June of 1987. He considered the appellate judges "liberal." He was not surprised with the appellate decision because of the questions asked during the oral arguments in June. He contended:

> You can read a panel of judges. We drew a liberal panel and the questions that they gave us during the course of the oral arguments indicated they already had their minds made up on it and that they had not read the record. And if they had their mind made up without having read the record, there was only one way that it was going to go.

Throughout the interview with Attorney P, he was highly critical of the home economics textbooks. At one point, he asserted that the only person who said the books were good was the author who testified. When the researcher asked about Johnson's opinion of the books, he recalled that Johnson, "said it was OK for them to adopt it, but, he didn't say that it was good." When the researcher reminded Attorney P that Johnson wrote that the books promoted tolerance and

diversity, he challenged, "You see, what we had was a travesty of justice. Because the judges made themselves the expert witnesses. A little maneuver that they did by adopting the 'objective man' standard." Attorney P contended that the appellate judges reviewed the books instead of looking at all of the reports from the expert witnesses. He attributed this to the fact that no reference in the decision was made to the expert witnesses. In June at the oral argument, Attorney P believed that the judges had not reviewed the court records because of the questions they asked. Attorney P contended that the appellate judges had made up their minds prior to the argument. He commented," My perception was that and also from talking to former clerks who worked there at the time. They said that everybody already had their opinion of the case even before Judge Hand issued his decision."

Attorney SB was pleased with the appellate decision and felt that the "opinion affirmed our mantle of responsibility" to select and adopt textbooks. Attorney DI stated that he expected the outcome of Johnson's decision. He remarked:

> I was gratified, but, I cannot claim to have been surprised. I thought from day one of this case that's where it had to come out. The plaintiffs' claims in this case, from a legal perspective, I thought were on the fringe, they were farfetched, and that they ought not to prevail and that, ultimately, the court would see it that way. Before we got to the great bulk of the evidence, I thought that, and the evidence I saw only confirmed it.

Attorney DI was asked why this case was not appealed to the Supreme Court. He replied:

> Remember the expression that would sometimes arise in connection with what we ought to do with the war in Vietnam in the late 60's and early 70's, namely, "declare a victory and go home". I think that's what the plaintiffs did here. Two issues were decided by Judge Hand. One was secular humanism is a religion, two is that religion is being taught in these textbooks. And, in order for us to win an appeal, we only had to convince the court that one or the other of those conclusions was wrong. But, we, of course, argued both of them. And the Court of Appeals said, "Whatever secular humanism is, it isn't being taught in these books. That's as much as we need." And, courts typically do that. They reach what is called a depositive issue. They don't waste the paper deciding something they don't have to reach. They've got better things to do with a lot of other cases. And they say, "So, we need not address the other issues decided by the court, this case is reversed". The other side filed motions with the Supreme Court initially indicating they were going on with the case. I think they would have gotten their heads handed to them nine-nothing at the Supreme Court, if they had taken this case up. Well, I don't think the court would have reviewed this case, but if it did, they would have gotten the same treatment they got the first time around in the school prayer issue. And, I think they concluded that the better thing to do from a public relations standpoint, was to declare a victory in a sense, "Well, Judge Hand said it's a religion, Court of Appeals didn't overturn that, that's the major issue we were concerned with. Maybe we didn't win about these particular books, we'll get the next set of books to do it. But, at least we have established that secular humanism is a religion."

When asked if the decision made by Hand which described secular humanism as a religion could be used in other court cases, Attorney DI maintained that "It's citable, but, it's not persuasive."

When asked if Hand's decision that secular humanism is a religion still stood since Johnson did not address that

issue, Attorney SB replied:

> In my view, no. Judge Hand's opinion was reversed, completely reversed. His findings were found not to be supported by evidence and his rulings on the law were found to be inconsistent with the state of the law. I don't think that his ruling on that stands. I think you will hear people say that it does, because the appellate court didn't say anything about it. I don't subscribe to that view at all. I don't think that you could cite Judge Hand's opinion for the proposition of secular humanism as a religion. The Supreme Court is still applying the three-prong test of Lemon v. Kurtzman and they have not changed the First Amendment establishment clause analysis.

When asked why the appellate decision was not appealed to the Supreme Court, Attorney P replied, "Because of the then composition of the U.S. Supreme Court." He explained his comment by stating that recent favorable changes on the high court have been made. The researcher asked him if the deadline had not been that year, would he have appealed to the Supreme Court. He replied, "Personally, I don't think I would do it this year. Chances are much better because of recent court appointments, but I would still wait." He added that the Supreme Court Justice who dissented in Jaffree v. Wallace was now the Chief Justice. He predicted to the researcher that this issue would "bubble again."

Legal Impact On Home Economics Curriculum

Each of the three attorneys was asked to predict the impact Smith would have on home economics curriculum. They were also asked to give suggestions to home economics teachers, authors, teacher educators, and state supervisors.

Attorney P contended that home economics authors should still be cautious over the inclusion of values in their books. He explained:

> Judge Hand said that the values portion of home economics curriculum were advancing religious beliefs and that they were also discriminatory against orthodox faiths. The Eleventh Circuit Court of Appeal said that while these books did contain certain portions of humanism, they did not advance the tenets of faith in such a way as to violate the constitutional restrictions. To me, what that says is there's still a problem, and it's enough of a signal to the authors to really closely examine the value content. What we were finding there was really a selfish, egocentrical viewpoint being introduced--that only an individual can determine what's right, that there were no absolute standards. And the effect of that is that it's ultimately destructive to society, because society has to exist with laws and norms that are held out as a standard. When you train the young people that they are a law unto themselves, you lay the seeds for a weakening, if not destruction, of our society as we know it.

Attorney P suggested that if values were to be taught "the only way to do so without picking up one religious source versus another, is to try to determine what are appropriate American values." He said that a consensus could be reached for values such as "honesty and responsibility." He noted, "They're there. And the interesting thing is if you compare the values in the Humanist Manifesto to the values in Christianity or Judaism, there are some comparisons, some similarities."

Attorney P predicted that this case would "bubble to the surface again." And, he explained, "it will not be attacking under the label of humanism. The focus is values."

When asked to describe the impact this case might have had on authors of home economics books, Attorney SB was unsure. He explained that he didn't "know if the publishers have altered the content based on this case, because this case found that the books did not promote secular humanism or promote another religion, whatever it may be called."

When asked what advice he would offer to home economics authors, Attorney SB replied:

> I guess I would be concerned that the material that they placed in the book be appropriate for the age group and they would be written in a manner that is understandable for the age group. But, I don't think that I would advise them to neglect controversial topics because our country hasn't completely decided by consensus what the decision should be on those topics. Nor would I think I would not advise writers of textbooks to lessen the significance of areas or try to remove materials in order to reduce any conflict that might occur because of the content.

When asked if he had any suggestions for teacher educators, Atttorney SB responded, "Define teacher educators. I don't know who they are." When the researcher explained that teacher educators were college and university professors who teach future teachers, he replied that he did not think that this case would have any impact at the university level. He added:

> I think the university level is going to continue to research, to continue to experiment and attempt to develop new methods of teaching. And as they become tested and revised and published and subject to criticism, then those methods will come forward and the process of teaching goes to the next generation of teachers to come. So, I don't think I would have any advice to give professors and teachers at the university

State supervisors of home economics were advised to be aware of areas of controversy in their subject areas and "if they've got problems, then they need to come to us." Attorney SB indicated that the state supervisor of home economics in Alabama should just keep doing" the good job she's always been doing."

This case impacted the textbook selection process in Alabama in that it "heightened the awareness of the process," asserted Attorney SB, and placed more significance on the process. He contended that Alabama did not buy enough books to exert undue "influence with a publishing company." When asked his opinion on the impact on home economics curriculum, he said that he could not answer. Attorney SB noted that he had reviewed fewer challenges by conservative groups in the schools in his review of legal cases. He stated, "we're simply not seeing as many cases anymore, in the area of school prayer and invocations at football games and graduation exercises. I'm just seeing very few reported cases on challenging curriculum materials." He indicated that he did not know if there was any connection between Smith and that observation.

Attorney DI was asked if he had any advice for home economics authors as a result of this case. He replied:

> Well, I would say, first of all, that given the way the case turned out, which is the way, exactly the way I thought it ought to turn out at a level, that they ought

> not to shy away certainly from the kinds of messages that were in these books. I would say that they can afford to state them a little more boldly. And, you know, one of the criticisms the other side made of these books was that apart from casting any issue in religious terms, they said what these books didn't do was cast issues in terms of right and wrong, that there are some absolutes. And, I believe that. I don't necessarily believe that those absolutes stem from any particular religious philosophy, but I believe it's perfectly appropriate for a textbook author to write in a textbook that's to be read by fifteen- and sixteen-year-old boys and girls, sophomores and juniors in high school, that it's wrong to use drugs. In addition to the fact that you can get arrested for it and it can cost you a job, that it is morally wrong to use narcotic drugs and that they shouldn't do it for that reason.

According to Attorney DI, Smith should have no impact on currciulum in home economics. He asserted:

> I don't think there is, I don't think anybody should take away from this case and the Court of Appeals' decision in this case some fear that they have to cut back on the activities that were taking place before the case was decided. Whether it's the content of the textbook, whether it's the manner in which these subjects are being taught in school. There is nothing from this case that ought to give anybody the message that we need to do it more conservatively.

## Summary of Trial and Decisions

Smith v. Board of School Commissioners of Mobile County grew out of an earlier court decision by Judge Hand. Ishmael Jaffree charged that his children's constitutional rights were denied by the practices and statutes in the schools of Alabama. There were two district suits and two appeals heard: one at the appellate level and the other by the Supreme Court.

At the district level, Hand allowed 624 parents, teachers, and students to enter the suit with the state as defendant-intervenors because they claimed that their constitutional rights would be denied if they could not express their religion in the schools to offset the damage of secular humanism. Hand dismissed both charges by Jaffree in 1983 at the federal district court.

In 1983, the Eleventh Circuit Court reversed Hand's decision and declared the state statutes allowing school prayer unconstitutional. On appeal, the Supreme Court agreed to hear arguments on one of the state statutes on voluntary prayer or meditation. In 1985, the Supreme Court affirmed the appellate court's decision.

Smith officially began in 1985 when Judge Hand realigned the defendants as plaintiffs and agreed to give them the opportunity to bring their charges of secular humanism being promoted in the schools to the Court as he had so indicated in his 1983 decision. The defendants were the State Board of Education and the State Superintendent of Alabama. Judge Hand allowed 12 parents to join the state as defendant-intervenors.

The plaintiffs were represented by two attorneys from Montgomery, an attorney from Mobile, and an attorney from the National Legal Foundation. Much of the financial support for the plaintiffs came from the National Legal Foundation and

through fund raising efforts of Pat Robertson's Christian television network. The State Board of Education was defended by the General Counsel and the Associate Counsel of the State Department of Education in Alabama. The defendant-intervenors were represented by a firm from Washington, D.C. pro bono. Their expenses were paid by the People for the American Way and the American Civil Liberities Union.

The plaintiffs charged that certain home economics, social studies, history, and civics textbooks were promoting the religion of secular humanism and, thus, were in violation of the establishment clause of the First Amendment. They charged that the home economics books were espousing secular humanism and that the social studies, history, and civics books were promoting secular humanism by excluding religious contributions to history. According to the plaintiffs, the home economics books were promoting anti-theistic tenets, subjective and personal values without an external standard, anti-family, and hedonistic values. Expert witnesses critiqued the challenged portions of six home economics textbooks.

The State Board of Education's defense was that the books had been adopted through the legal due process of the state and that parents and concerned citizens had opportunities to voice complaints of any textbooks. The defendant-intervenor's main role was to defend the textbooks by first presenting evidence that secular humanism is not a

religion and then proving that the home economics textbooks neither promoted secular humanism nor inhibited Christianity.

Testimony was heard from parents, teachers, and expert witnesses. All three sides were allowed to present testimony, expert reports, and other evidence. Expert witnesses in the areas of religion, history, education, psychology, sociology, philosophy, and history and philosophy of education were heard. One author testified for the defendant-intervenors. Judge Hand called one expert witness which he appointed to determine if secular humanism is a religion.

Of the six witnesses provided by the plaintiffs who critiqued the home economics textbooks, only one expert witness, Coulson, testified that he had read all of the books in their entirety. Coulson, a psychologist, was the major witness for the plaintiffs. He was called to the stand on five different days of the 12-day trial. Coulson testified that he had read the books, highlighted the books, and then sent these marked books to the next reviewer. Baer, Strike, and Spykaman critiqued the home economics textbooks from marked passages and admitted under oath that they only read parts of the books. Hunter and Smith, in testimony, stated that they disagreed with the home economics books. In cross examination, they admitted that they had only read the reports from the other expert witnesses and not the actual textbooks.

Coulson also visited home economics classrooms in Alabama and conducted interviews with two families. Of the four home economics teachers he visited, one was sympathetic with the complaints of the plaintiffs. She, however, was afraid to take a public stand. Coulson did not talk to any students using the books or any parents of students using the home economics textbooks. His psychological profile of the families on the damage of the home economics books was done with families whose children were not taking home economics. Coulson reported that he showed the families the challenged portions of the books and they agreed that they would be upset if their children were reading them in school.

Hunter and Hitchcock testified that secular humanism is a religion. This belief was elaborated upon by the Court's expert witness, Russell Kirk, who was called by Judge Hand to testify. Kirk asserted that secular humanism is a religion and that public schools have been hurt by the humanistic influences of John Dewey. His testimony concurred with much of the testimony presented by the plaintiffs. It was brought out in cross examination of Kirk, that he had recently edited a book that was complimentary of Hand's decision in Jaffree and was dedicated to Judge Hand.

The plaintiffs charged that the home economics books promoted the religion of secular humanism. Much of the testimony involved citing passages from the books which illustrated their objections to subjective, hedonistic, anti-

theistic, and anti-family values they perceived being promoted in the books. Only one of their reviewers admitted to reading the entire books and three acknowledged that they read only the challenged sections. Others criticized the books based on the reports of other witnesses.

The plaintiffs also focused on presenting evidence that secular humanism is a religion. Numerous references were made to John Dewey, who signed Humanist Manifesto I. John Dewey was portrayed as a major influence on the current ills of education. The plaintiffs mentioned Dewey whenever possible. The extreme preoccupation with Dewey can be seen in the testimony of the State Superintendent, Teague, when he was asked to tell the court the names of his children. His son, Dewey Wayne, was named for his grandfather instead of John Dewey as revealed in cross-examination.

The parents who testified for the plaintiffs spoke of the need for private education. Three expert witnesses, Hitchcock, Vitz, and Kirk, indicated that they had publicly supported the use of tax tuition credits or vouchers for private education.

The State maintained that it had the legislative right to select and adopt textbooks and that there were opportunities for citizens to voice any concerns about the books. The state's witnesses spoke primarily on this issue. The state did call two professors from Auburn University to address the psychological and philosophical basis used in

teacher education programs. Halpin described various psychological theories of learning and indicated that she had looked at parts of the home economics books. Based on this review, she concluded that the books were not consistent with humanistic psychology. Rudder, an education professor, testified that the influence of Dewey in education today was slight and that the home economics textbooks were internally inconsistent. This conclusion was based on a reading of the reports from the plaintiffs' expert witnesses. He testified that he had not read the books.

The state also called a minister to contrast the major themes of the home economics textbooks with Christianity. Reverend Enfinger testified that the books did not inhibit Christianity and would instead be conducive to Christian beliefs.

The defense of the home economics textbooks was led by the defendant-intervenors. To give evidence that secular humanism is not a religion, they called the primary author of the Humanist Manifesto II and the Secular Humanist Declaration, Paul Kurtz. He contended that secular humanism is a method of inquiry and not a religion. Kurtz testified that he disagreed with much of what is written in the home economics textbooks and stated that the ideas presented are not consistent with secular humanism. Kurtz acknowledged that he had not read the entire books and had only seen xeroxed pages of the objected passages and expert reports

from the plaintiffs. Under cross examination, Kurtz was asked about specific passages he had written in his extensive publishing career which dealt with such topics as homosexuality, open marriages, and abortion. The plaintiffs later used these passages in cross-examining the teacher who was a defendant-intervenor and the minister who testified for the state. They were both asked if they agreed with Kurtz's passages on homosexuality and promiscuity in open marriages. The teacher, Howell, was asked if Kurtz represented her views and the minister was asked if he would counsel parishioners using Kurtz's advice. The strategy seemed to be guilt by association and no possibility for accepting only part of a person's theory or statement.

The defendant-intervenors also called two teachers from Mobile County and one author of a challenged home economics textbook. One of the teachers was a home economics teacher who used the book by the author who testified. The home economics teacher testified that the book is the best on the market and that she had used it with over 700 students and had never had one complaint on the book. She spoke on the importance of critical thinking and tolerating diverse points of view in home economics. She contended that students came to her classroom with a strong background with values already developed.

The home economics author spoke of her strong religious commitment and her belief that her books should not promote

any religion. In the wide use of her books across the United States, she testified that this was the first complaint of which she was aware. A textbook, she asserted, should help students think logically and learn to take consequences for their actions. On the stand, she stated that she did not know what secular humanism meant and until this trial had never heard of it.

Both of the teachers and the author were quizzed about the major philosophers of education they had studied. The author was asked to identify the persons from whom the theories in her book originated. Neither the home economics author nor the teacher was asked about theories in home economics or about the philosophical base of home economics.

The home economics textbooks were portrayed by the plaintiffs and defendants quite differently. Most of the charge revolved around relating themes in the books to the tenents in secular humanism. Most of the defense revolved around stating what the books were not doing. For example, Kurtz stated that the books were not promoting secular humanism and Halpin remarked that they were not reflective of humanistic psychology. The clearest position of what the defense interpreted in the books was found in the questioning of their last witness, Enfinger.

The perceptions of the home economics books reflected the different paradigms of the parties represented. For example, when the plaintiffs charged that the books were

anti-theistic, the defendants said that the books acknowledged religion as a source for determining moral values. Whereas the plaintiffs believed that the books promoted subjective and personal values with no external measure of right and wrong, the defendants argued that the books said that people must decide what their values are and that each individual is unique and people must decide what is right and wrong. Although the idea in the books that children can have different values from parents and that children will grow as individuals and become independent was viewed as anti-family by the plaintiffs, it was viewed as a healthy outcome by the defendent-intervenors. The plaintiffs maintained that the books are hedonistic and the defendants asserted that the books encourage students to fulfill their human potential.

It was revealed through testimony that only one witness had read all the challenged home economics textbooks in their entirety. As Coulson read the books to prepare his report, he marked the textbooks which were then sent to the other reviewers. The other reviewers wrote reviews on the challenged sections of the books. Expert witnesses on all three sides reacted to the passages that were identified as objectionable. The author and the teacher indicated that many of the passages were taken out of context in the home economics textbooks. It was ironic to note the objections raised by Kurtz when his work was read out of context when

his testimony regarding the home economics textbooks reflected the same course of action.

On March 4, 1987, Judge Hand agreed with the charges of the plaintiffs and ordered that the 44 challenged state adopted textbooks be banned for the entire state. Removal of the books began immediately in Mobile and continued throughout the state. On March 12, the State Board of Education voted to appeal the decision and on March 27, the 11th Circuit Court of Appeals ordered a stay of injunction which allowed the books to be returned and used until the case could be heard on appeal.

The appeal was heard in June of 1987 by a three-judge panel at the 11th Circuit Court of Appeals in Atlanta, Georgia. On August 26, 1987, the court found for the defendants and reversed Hand's ban of the books. Johnson in writing for the court, wrote that the books did not promote secular humanism, or any other religion. As the opinions of Hand and Johnson were read, differences were noted in the style of writing, length of the decision, method of arriving at the decision, and conclusion of the case. Johnson's 12-page decision was direct and straightforward as compared to the lengthy and complex 75-page decision of Hand. Hand relied on evidence from the testimony and reports presented in Jaffree as well as the trial in October of 1986 to conclude that the books promoted secular humanism and that secular humanism is a religion. Johnson noted that the

judges at the appellate court arrived at their decision on the books by examining the books, including the challenged portions. The appellate court did not attempt to define secular humanism and found that the books did not promote or inhibit any religion.

The most noticeable difference in the decision was the conclusion reached regarding the home economics textbooks. Hand wrote that the home economics textbooks were based on humanistic psychology and that certain passages were highly relativistic and individualistic and promoted the developement of moral values from within the person. Johnson wrote that the use of the textbooks had an "appropriate secular effect of attempting to instill in the public school children such values as independent thought, tolerance of diverse views, self-respect, maturity, self-reliance, and logical decision-making, without precluding possibility that religion was source of moral values" (pp. 684-685).

The attorneys for the defendants and defendant-intervenors indicated that they both expected Hand's and Johnson's decisions. Hand's decision, they reported, was consistent with his earlier decisions and comments made outside the court by him. The appellate decision had to be made in accordance with the law, according to the attorneys for the defense.

Although Attorney P was pleased with Hand's decision, he was surprised that the books were banned immediately. He considered the appellate court decision a "travesty of justice" and the result of a liberal panel of judges. He forewarned that a case like this could "bubble again" and noted the favorable changes on the Supreme Court and pointed out that Chief Justice Rehnquist had cast a dissenting vote in the Supreme Court decision of Jaffree.

According to Attorney DI and Attorney SB, this case should have no impact on home economics curriculum. Teachers and authors should not have to fear controversial topics. Attorney DI advised that authors be more bold and direct in taking stands. In contrast, Attorney P maintained that the values promoted in the books should be examined and that when this case comes up again in the courts, the focus would be on values and not humanism.

# CHAPTER 5

## CONDITIONS PRECIPITATING SMITH AND THEMES OF SMITH

Conditions which precipitated Smith were identified from from the review of literature; from the interviews conducted with the three attorneys, the two home economics witnesses, the Home Economics State Supervisor of Alabama; and from the analysis of the trial transcript. The underlying themes of Smith which related to home economics were synthesized from the trial transcript, decisions of the district and appellate courts, findings from interviews with authors, witnesses, attorneys, and data from the teacher questionnaires.

### Conditions Which Precipitated Smith

#### Finding from the Literature

Conditions which precipitate textbook censorship in the public schools were identified from the review of literature. The review of Smith identified conditions in Alabama which were consistent with the predictions found in the censorship literature. Those conditions include:

1. Ultraconservative religious groups who have expressed dissatisfaction with public schools.
2. Activities of ultraconservative groups to influence the adoption and selection of textbooks.
3. Concerns of ultraconservative groups about secular humanism in the schools.

4. Efforts by the Eagle Forum in protesting home economics textbooks two years prior to the trial.
5. Political support for the ultraconservative groups as evidenced by the enactment legislation and by political appointments of ultraconservative members.
6. No established criteria for the selection and adoption of textbooks for the state.

Growing unrest by ultraconservative religious groups in the United States over changing values and the perceived decline of public education have led to a rise in censorship of textbooks in the public schools. Secular humanism has been the primary complaint against the textbooks by these groups. These ultraconservative groups have been active in the schools, in the courts, and in the political arena. Groups such as the Educational Research Analysts (Gablers), the Moral Majority, the Eagle Forum, and Concerned Women for America have been leaders in this movement (Bowers, 1985; Bryson & Detty, 1982; Burress & Jenkinson, 1982; Pincus, 1984; Noble, 1990).

The shift of focus in home economics curriculum attracted the attention of ultraconservative groups such as the Eagle Forum. Home economics textbooks have been targeted by the Eagle Forum with charges that the books promote a feminist doctrine and reject marriage and motherhood. According to Pierard (1987), this group was active in getting

certain home economics textbooks removed from the final approved list during the 1984 Alabama textbook adoptions. Joan Kendall, chairman of the "Stop Censorship Textbook" committee of the Eagle Forum in Alabama, presented testimony in Smith which confirmed Pierard's report.

Home economics curriculum has changed in the last 30 years. Home economics curriculum specialists have advocated that home economics teachers move beyond teaching technical skills to encourage students to think critically in order to make decisions about life situations (Baldwin, 1985; Brown, 1980; Hultgren & Wilkosz, 1986; Thomas, 1986).

These ultraconservative groups, often labeled as New Right or fundamentalists, have been highly organized with large budgets and have been influential in lobbying for conservative legislation (Bowers, 1985; Bruwelheide, 1987; Stephens, 1978). Litigation in the courts has occurred as a result of the activities of these ultraconservative religious groups (Candor, 1976; Mobley, 1987). Reports have indicated that these groups have become more effective as they have employed more sophisticated methods such as computerized networks and direct mail (Bowers, 1985; Bruwelheide (1987).

Textbook challenges are more likely to occur when there is no established criteria for selecting and adopting textbooks. Bryson and Detty (1982) and Stephens (1978) have cited problems which arise when school systems do not use established criteria.

To support and add to these observations, those most involved with the trial and home economics curriculum in Alabama were asked to identify conditions which precipitated Smith. And, the trial transcript was analyzed for conditions which are predicted in the literature.

View of State Supervisor of Home Economics

The home economics state supervisor of Alabama, identified as HE Supervisor, is employed by the State Department of Education in Alabama to oversee the home economics programs within the state. She was asked about the history of Smith and what precipitated the trial. In her opinion, "the textbook trial probably was an anticlimax to the selection of our textbooks earlier--the statewide textbook selection." HE Supervisor explained that during the 1984 adoption selection proceedings, there had been a great deal of controversy over the home economics textbooks. She recalled:

> There had been so much hoopla over the books. We were so surprised when we had so much opposition to the textbook adoption that I called the Deans of the Schools of Home Economics to come for a press conference to speak about it. We tried very hard to make a case after the fact, and maybe during the adoption process. We had strong support on the textbook committee. We had one vocational director, two or three strong teachers, but our textbook committee was made up of some citizens who know nothing about education and elementary teachers, junior high and just a range of people. And somehow, the lobby within the confines of that textbook committee became so overwhelming that there was no chance that we could come out on top. We lost 11 books at the last adoption.

She explained that during the 1984 adoption, 11 books "teachers were using in the state, that they wanted," were removed from the list. She showed the researcher a folder on this 1984 adoption which she said was not directly related to the trial, "but, with the climate that preceded the Mobile case that, no doubt, influenced the Mobile case."

The folder, which was copied for the researcher, contained critiques of home economics books made by various individuals objecting to the content in the books. HE Supervisor pointed out that many of the critiques had been made by members of Eagle Forum.

HE Supervisor was asked about the conflicting reports which appeared about the titles of the books cited in Smith. One of the books, she explained, was discussed but was not banned because it was not on the state list at the time of the trial and decision. She recalled that this book was one of the 11 that had been removed in 1984. She commented that one of the critics had researched the author's background and learned that she was divorced. She explained, "They said that they didn't feel that she was moral enough to be writing a book about family life." As a further example, she added, "They went so far as to go to the college campuses and inquire about the various authors of the books they critiqued."

She cited Eagle Forum as the group most active in protesting the home economics textbooks. Groups, such as the

League of Jewish Women Voters, Alabama Council on Family Relations, and American Civil Liberties Union (ACLU), as well as individuals, supported the home economics books. HE Supervisor indicated that she appreciated the fact that a representative from the ACLU kept her informed of the critiques. The Eagle Forum attacked the books and "attacked the groups supporting us," added HE Supervisor. She remembered, "They attacked the Civil Liberties Union, they attacked the stands they have taken on other issues. It got all tangled up in that."

She named the leader of the protests as the president of the Alabama Eagle Forum. This person, HE Supervisor recalled, received an award from the national Eagle Forum in recognition of her work with the 1984 adoptions of home economics books.

"After awhile," she noted, "everybody began to say the same thing. They met in groups and critiqued the books." She speculated that there were out-of-state influences on the critiques. She observed:

> I think that much of the formatting of critiques came from out of state. You will notice that the critiques follow the same format and we began to pick up a pattern. It just hit me broadside one day when I was trying to analyze what was being written that this sounded just like the Texas onslaught when they got after them pretty strongly.

The controversy over the adoption process upset the community and the teachers, explained HE Supervisor. These

hearings attracted a great deal of attention and publicity in the communities and churches. HE Supervisor reported:

> Critics said that there were explicit pictures in the home economics textbooks, of anatomy. One minister said in the pulpit "that the illustrations curled my hair." I wanted to see what might curl his hair and we didn't find any explicit pictures at all. We realized that it was a health textbook, so they got that mixed up.

In her opinion, the controversy over textbook adoption in 1984 directly affected Smith. She elaborated:

> Well, that really probably precipitated the whole thing, and I think it was just a matter of time after there was so much public attention brought to the books, it was probably a matter of time until this occurred somewhere in Alabama.

## Views of the Attorneys

Attorney P also acknowledged the work of the Eagle Forum in bringing attention to the problems of the home economics textbooks. He explained that this group first made the plaintiffs aware of the home economics textbooks in the early 1980's. A clash between the values of educators and religious groups was the primary condition which precipitated Smith, according to Attorney P. He stated that educators and authors had different values due to their education which had been influenced by the elite universities. Attorney P explained the clash:

> I think we're dealing with really sociological explanations for a lot of this. First, schools began to get involved in values education, and once they started to get into that area, they were, by definition, going

> to clash with different religious groups because the religious groups viewed the source of all values as being their religions. There is really no way that you can teach values in a vacuum. You have to have some source for those values and what we encountered in curriculum is that the sources are not stated. But, that does not mean that there is still not a source. We, of course, did not pursue any kind of conspiracy theory, because I don't think any exists.

The plaintiffs charged that the values being taught in the public schools were inconsistent with their religious values. Attorney P explained that the values of these religious parents clashed with the values of the educators and authors of the textbooks. He explained:

> I think the sociological explanation is just that educators and textbook writers are generally educated at the upper levels as you have a multi-tier system among your educational professionals. But, most of them at the top are educated at the elite educational schools which have values that are different than the values of the parents whose children they are teaching. And those values are just reinforced repeatedly throughout the educational process at Columbia or Yale, or some of the other lead schools. We find those values passed on through textbooks and there was just, by necessity, a clash over those schools.

According to Attorney P, Smith aligned more parents against public education. He asserted:

> I had seen enrollment in religious schools dropping in Alabama prior to this case. The home schooling movement has increased dramatically since then. I think that what happened is that when education dug its heels in and resisted anybody looking over its shoulder and said we are right regardless that it really alienated more of

> the public. It served to channel students out of public schools into other means of education. And, I have to say that I was really shocked in the briefs, the state board of education said that the values education component was irrational in the home economics textbooks, they used a lot of hard language. Yet, they defended their right to adopt and use textbooks.

The frustration of the parents led them to challenge the textbooks. Attorney P predicted that since Hand's decision was reversed the parents were left with these frustrations and that the issue will "bubble up again." He added, "I just don't know when it's going to come to the surface."

The state of Alabama did not have established criteria for selecting textbooks prior to Smith. On September 11, 1986, the State Board of Education approved criteria to be used in the selection and adoption of textbooks in Alabama. Attorney P maintained that these criteria was developed as a result of Smith. Attorney P commented on these criteria:

> Well, just through the course of our discovery in conducting depositions, I have to tell you that, in my view, we had an educational group that was very proud of what they were doing, but under close scrutiny they were caught with their pants down. Because they did not have criteria. They didn't have established procedures.

Attorney DI indicated that he did not have an opinion on what precipitated Smith. Attorney DI noted that he was "the last person in the world who's qualified to talk on that. Before going down for that meeting with the parents, I had never set foot in Alabama and am not qualified to talk about what led the parents in the case to take the position they did."

Attorney SB theorized about the conditions which precipitated Smith in this manner:

> It appears that for several years the groups of religious, that are typically called Protestant Fundamentalists, whatever that label means, and I don't mean it by any stereotypical way, but that's usually how you see these groups of people referred to, had begun to make some in-roads, or thought that they had been making in-roads in returning the school systems into the prior status quo, which was using prayer in school and doing church-related activities in school. They had been very vigorous in prosecuting that group in court systems all across the country. The governor who was elected in 1982, Governor James, had as part of his platform, or program, to reinstitute that, or attempt to. And so the Alabama Legislature passed those types of bills to put prayer back in the schools and it was immediately challenged. But this provided a very good medium for these groups in Alabama to take a position and attempt to persuade the courts that this was the appropriate thing to do. As the case progressed just on that aspect of prayer, this group was also concerned about teaching methodology, teaching curriculums and what they perceived was an overabundance of secular value neutral-based curriculum with no substantial foundation in any kind of value system in the children's learning pattern or methodology. And they saw that as being antithetical to the situation of having prayer in the schools and saw that as a good avenue to attack that as well, and took this opportunity to do it. They also had the appropriate judge at the time to do it, because Judge Hand had issued previous rulings in cases where he had indicated that he was concerned about those curriculum matters and had made rulings with respect to having prayer or prayer-related activities in the schools which were reversed by the 11th Circuit as well. So, all the ingredients came together in 1982 for this group to make its position known in Alabama and attempt to influence the state of the law in the area. And it developed almost spontaneously as being a national issue because of the components that were involved in it: the prayer issue and then this curriculum issue. So, all the seeds were there for it to happen. Why it happened, I can't tell you why. I mean, I can look back and reflect and see how the pieces came together, but why, if it was a conscious decision, a deliberate decision to move in that sort of thing, I can't answer your question, I

> don't know. I don't think that Alabama's populace has changed in 1990 in their thinking than as it was in 1982. I think it's still the same, and I don't think this case had any influence on it.

The school board attorney was referring to the political conservative climate of Alabama. From the trial transcript, it was noted that in 1981, Governor James invited the State Board of Education to the Governor's Mansion to read home economics textbooks the night before a board meeting. At that meeting, certain books were rejected from the state approved list. In 1986, Governor Wallace was named as a defendant in Smith. He signed a consent decree asking that his name be dropped as a defendant since he agreed with the charges of the plaintiffs. Prior to the trial, Wallace was quoted as saying, "I don't want to teach ungodly humanism in the schools where I'm governor" (Noble, 1990, p. 138). In 1987, the newly elected Governor of Alabama, Guy Hunt, voted against the decision of the State Board of Education to appeal Judge Hand's decision. In Alabama, the governor serves as head of the State Board of Education.

## Views of Home Economics Witnesses

The home economics teacher and author who testified were asked to explain their perception of the conditions which led to Smith. Witness T speculated that the "strong Southern Baptist tenets and the lack of any ability to be

progressive," allowed the textbook trial to take place in Alabama. She added that society has changed so that we "can't use the same formula that worked 200 years ago. But, that doesn't mean that we have to suppress anything. We have to realize that these are the 90's now. While values should still remain steadfast and strong, we have to remember that they should reflect the times."

Author C indicated that some religious groups have become more political and active in the courts. She explained that the conditions which led to Smith were still there. Author C observed:

> There are different cultures that are choosing to be much more political and this is a political issue. I don't like that it is a political issue, but you can't help but see in the things that are going on in our country that there is a strength growing for religious bodies to be more involved in the political decisions in this country. Now this can be good if they recognize that they cannot put their stamp on everybody, but they should be allowed to have that opportunity to voice their opinions. Now, the separation of church and state in our constitution I think was one of the premises that is important in this country.

## From the Trial

Three parents were called as witnesses for the plaintiffs. Two parents, Webster and Whorton, were also listed as plaintiffs. In testimony, Webster explained that her children were exposed to ideas in public schools inconsistent with her family's religious beliefs. Whorton testified that his children were so confused by the

conflicting values of the public schools that they had to be sent to a private school. Three of the expert witnesses, two called by the plaintiffs and one by Judge Hand, responded at the trial that they were advocates of tax tuition vouchers for parents who send their children to private schools. The third parent, Kendall, also expressed concern with the values and the need for private education.

One of the reasons frequently cited for the dissatisfaction in the public schools is the falling test scores and shift away from basic learning skills. Kendall, who was called as rebuttal witness, expressed concern with the failure of schools to teach basic knowledge. She objected to the content in the home economics textbooks as being controversial. She testified that before controversial issues are discussed education must "get rid of the illiteracy problem and show children where the Mississippi River is ..... and bring up the ACT and SAT scores, teach them how to read and write" (Transcript, p. 2522).

John Dewey was consistently brought out in testimony during the trial by the plaintiffs. The expert witnesses for the plaintiffs traced the influence of Dewey on public education and pointed out that Dewey was a humanist and among the 33 signers of the original Humanists Manifesto. Many writers from the ultraconservative religious literature point out this connection of Dewey to humanism and blame the ills of public education on this influence. For example, the

Gablers (1987) show the pyramid structure of public education with Dewey at the top leading to public education which in turn influences humanists in the media, government and in politics. Coulson, in testimony said that educators do not acknowledge Dewey because they see through the "lens" of Dewey.

This evidence of lack of confidence and dissatisfaction with the public schools was consistent with findings from the literature on attitudes of parents who would be influential in textbook censorship (Bowers, 1985; Bryson & Detty, 1982; Burress & Jenkinson, 1982; Pierard, 1987). Mobley (1987) concluded in his research that secular humanism was used as the "catch phrase" to cover all the complaints against public education by the ultraconservatives.

## Summary

HE State Supervisor credited the actions of the Eagle Forum in objecting to the home economics textbooks in 1984 as the primary condition precipitating Smith. In describing the objections to the home economics textbooks, HE Supervisor indicated that the ACLU had been helpful in monitoring the objections to the textbooks. Attorney P agreed with HE Supervisor that the Eagle Forum had been instrumental in raising the public's awareness of the problems with the home economics textbooks. He attributed Smith to a clash of values between the authors and educators and parents. The influence of the elite universities on educators made their

values different from the religious values of the parents, according to Attorney P. The lack of criteria by the state for textbook selection and adoption prior to Smith was also mentioned by Attorney P.

Attorney SB described the national fundamentalist movement, the conservative political climate, the bills passed by the Alabama legislature, and Judge Hand's earlier decision as conditions which precipitated Smith. He concluded, "The opportunity was right." He indicated that the climate was still the same and noted that the present Governor had voted against appealing Hand's decision to the 11th circuit. The home economics teacher agreed with Attorney SB that conditions in Alabama led to Smith. She maintained that Alabama was not progressive and was influenced by strong Baptist tenets. The home economics author indicated that the increased activity of religious groups in the political arena precipitated Smith. The testimony of the plaintiffs in the trial indicated a dissatisfaction with the public schools.

Thus, the data from the interviews was consistent with the review of the literature. However, additional conditions were identified in the interviews. Judge Hand had indicated publicly and in court that his views were sympathetic to the ultraconservative religious point of view. He realigned the parties from Jaffree and called for the trial of Smith. The controversy surrounding Jaffree and the textbook adoptions in

1984 made more national groups aware of the potential of Smith. National groups such as the Eagle Forum, ACLU, People for the American Way, and the National Legal Foundation were monitoring the events in Alabama surrounding Jaffree, the textbook adoptions in 1984, and Smith.

## Underlying Themes of Smith

The predominant theme of Smith was a clash of beliefs. In the opening statements at trial, the attorney for the defendant-intervenors stated that the primary issue involved a clash of cultures. In the interview, Attorney P maintained that Smith was about a clash of values between the parents and the educators and textbook authors. The author who testified maintained that it was a clash of political views. Both court decisions acknowledged that parents were concerned about ideas in the schools with which they disagreed. The testimony transcript revealed various conflicting beliefs throughout the trial. Examples include different beliefs on religion, politics, and role of history. However, from a home economics perspective, the clash of beliefs can be found in the underlying themes of diverse views on secular humanism and different interpretations of home economics. The clash of beliefs over secular humanism and home economics resulted in state-wide censorship of textbooks when a federal judge invited the dispute into his court. This clash was intensified by the involvement of special interests groups and the publicity surrounding Smith. This section of the

chapter will examine the underlying themes of Smith and those conditions which contributed to the significance of the case from all data collected in this study.

## Diverse Views on Secular Humanism

Judge Hand opened the trial by stating that the most important issue for the court to consider was secular humanism. Much of the testimony revolved around interpreting the definition of secular humanism. The plaintiffs contended that it was a religion and was espoused in the home economics textbooks in the public schools. The defense maintained that secular humanism is a philosophy. Expert witnesses testified on both sides of the debate. To explore this underlying theme, all of the subjects of this study were asked to define secular humanism. The authors were specifically asked if their books promoted secular humanism, and the home economics teachers were asked if they believed that home economics promoted secular humanism.

### The Attorneys

Attorney P defined secular humanism as, "It's a belief system that denies the existence of a deity or the relevance of a deity and instead looks to man as the sole source of all knowledge and wisdom and morality." He stated that he believed that the home economics books promoted secular humanism and that secular humanism is a religion. When asked to explain, he cited the American Humanist Association's tax exempt number 501(c)(3) which is designated for religious,

religious, charitable, or education groups. He gave examples of humanist counselors who act as members when they perform marriages.

Throughout the interview with Attorney P, it was noted that he rarely used the term secular with humanism. He spoke more of humanism. When questioned about that, he replied, "Well, what is secular? Secular is an existence as if there is no God. The difference between that and humanism is that humanism postulates the human mind as the source of all guidance."

Attorney P believed that Smith had brought about more awareness of the term humanism. He cited Coulson's Kingdoms in Conflict as an example of a book which had been written after the trial and mentioned this case. Bloom's Closing of the American Mind, according to Attorney P, "gets to the value component of education." The White House sponsored a conference dealing with values and character in which many "of our expert witnesses participated," reported Attorney P. This conference took place in April 1986. He explained, "I think that what had happened was that we had identified these expert witnesses whose works were circulated widely."

When asked to define secular humanism, Attorney SB replied, "I have no idea how I would define it. I don't profess to know what it is." In his opinion, the footnotes in Torcaso v. Watkins and Seeger did not constitute the Supreme Court declaring that secular humanism is a religion.

When asked to define secular humanism, Attorney DI replied, "I wish I knew." He elaborated:

> I don't know. I mean, I knew how the plaintiffs defined it. The people who claimed to be secular humanists vehemently disagreed with their definition. I think it's what people want it to be. I guess the closest I could come to defining it is a set of beliefs that encourages people to act in a moral and upright way, but to do so because wisdom and experience have taught us that the best way to coexist and the fairest way to coexist is by adopting these kind of universally accepted principles. That it's you can take something like the Golden Rule, "Do unto others", and you can ground it in religious teachings from the Bible, from other religious texts, or you can ground it as a secular humanist might in a more reasoned, philosophical approach, that it makes good sense to do it this way and it's fairer to do it this way in the abstract. And, therefore, live your life this way.

Attorney DI contended that secular humanism is a philosophical belief rather than a religion and disagreed with the reasoning that the Supreme Court had declared secular humanism a religion in Torcaso v. Watkins and Seeger. He maintained:

> That issue was never presented to the Supreme Court. It was the most idle reference. The point that the other side makes in defense of their position is that secular humanism is areligious. Not anti-religious, but areligious. They tried to cast in anti-religious terms, I think that's nonsense. I think that is just flat, unadulterated nonsense. It is, and I certainly agree, areligious. It espouses its viewpoints in spite of religion, not because of religion and not against religion, or irrespective of religion, I should say. You cannot equate areligion with religion. You can't say that to ignore religion is to defile religion, and, therefore, to ignore religion is itself religious. Because, I mean you look at the Supreme Court's tests for defining religion in the first place, and it's always grounded in the secular. You can't turn around and say, "but the secular is areligious, and, therefore,

the secular is religious." It's an Alice in Wonderland proposition.

Home Economics Teachers

The home economics teacher who testified also indicated that she was unsure of the definition of secular humanism. When asked to define secular humanism, she replied that she was not sure. She added, "It's this big gray area and is lacking in a substantial definition. The plaintiffs' lawyers tried to point out that it was the fact that I didn't incorporate God in our decision-making process."

The lack of a consistent definition of secular humanism was further evidenced by the varied responses of the random sample of 82 home economics teachers who responded to the questionnaire in May of 1990. The teachers were asked to write in a definition of secular humanism and describe the extent to which they believed the home economics textbooks and home economics as a subject promoted secular humanism. Over one-half of the 82 teachers (52.4%) indicated that they somewhat understood the term. Thirty (36.6%) replied that they fully understood the term and four teachers (4.9%) responded that they had no understanding of the term. Five teachers did not answer the question.

Teachers were given the open-ended question, "What does secular humanism mean to you?" Sixty-four teachers (78.1%) wrote in a definition and 18 (22%) did not. Definitions of secular humanism varied greatly among the teachers. In

summarizing the responses, there were very few definitions noted that used the same exact words. The most common response was "believing in man over God," with ten teachers writing that definition. Eight teachers gave a similar definition which explained that "secular humanism is an individual approach to life as opposed to a belief in a Supreme Being." Eight other teachers explained that secular humanism is worldly as opposed to spiritual. Five teachers indicated that secular humanism is the exclusion of any religion in life.

Some of the definitions had no mention of God, religion, or spiritual growth. Five teachers wrote that it is believing in yourself and thinking for yourself. One wrote, "if it feels good, do it," and another replied, "self-righteousness." One teacher explained that secular humanism is a cult. "Emphasis on lasting human values and respect for scientific knowledge" was the definition offered by another teacher.

A few teachers tied the definition of secular humanism to the teaching environment. Three teachers defined secular humanism as the "teaching of values." Two other teachers stated it meant imposing your values on others. Other teachers attributed the origination of the term to fundamentalist groups. Sample definitions included:

> A contrived term without substance--from some fringe-type personality who wants to stir up trouble.

> To me, it is an old term that relates to religious fundamentalists who are trying to force their beliefs on others. They are out of touch with the 'real' world.
>
> In my opinion, the promoters of this belief are trying to hold on to old fashioned beliefs and are opposed to allowing people to make decisions.

Confusion and disagreement over the term were evidenced by the following definitions:

> Relating to a long term of indefinite devotion. I also believe in the separation of school, church, and state.
>
> I relate to humanism as a belief in one's self to the extent that one has to believe in himself in order to attain goals in life, but by the grace of God, this feeling and ability is available.
>
> Living a religious life according to fixed rules, in groups apart from the world.

Thus, over one half of the 64 teachers who wrote in a definition of secular humanism used a definition similar to that by the plaintiffs in Smith. Others, however, as revealed in the conflicting definitions did not represent a consensus of agreement over the meaning of the term.

Since the teachers in Alabama were accused of teaching a religion of secular humanism through the home economics textbooks, teachers were asked in the questionnaire to describe their religious preferences. Most of the teachers described their religious preferences as moderate Protestant. They were also asked if they believed that the books were promoting secular humanism. The majority (85.4%) of teachers described their religious preference as Protestant. There

were no Jewish teachers responding, and 2.4% responding were Catholic. The responses of five teachers who wrote in other religions indicated a Protestant denomination. Therefore, 91.5% of the teachers were Protestant. Three teachers (3.7%) declined to answer this question. Over half (59.8%) of the respondents described their religious preference as moderate and 28.1% identified themselves as conservative/fundamentalist. Eight teachers (9.8%) were classified as liberal and two teachers did not respond.

None of the home economics teachers responded that the home economics textbooks challenged in Smith promoted secular humanism, although almost half of the teachers (47.6%) indicated that they were unsure. Several teachers wrote that they were unsure because they had not seen the challenged books. An almost equal number (45.1%) replied that the books did not promote secular humanism.

Teachers were asked to explain why they believed the books were or were not promoting secular humanism. Three of the teachers wrote that it was up to the teacher to interpret the books to the students. Others explained that the concepts challenged in the books were not inconsistent with a belief in God. For example, these comments were noted:

> I feel that even though God is in ultimate control of our lives, He allows us to be in charge of our destiny.

> It was not intended by authors to be that way. Values clarification and assertiveness information was covered in an effort to help students understand themselves, not to replace religious ideas that organized religions taught.
> (The books) taught positive self-concepts and values, but did not interfere with belief in God.

Other teachers defended the books by writing:

> I believe they were just making students think about belief in self.
> All the books promoted that a person could be what they wanted by determination, work, and a good attitude.
> They define terms relating to understanding of self and others - it is not secular or unsecular.
> Simply taught decision-making skills.
> Just good, basic, rational thinking.

Other teachers were critical of the charges against the books. One wrote, it was "such a small statement that it would not make any difference one way or another." And, another added, "I believe radicals can read anything they desire to in anything!"

More than half of the teachers (64.6%) did not believe that home economics as a subject promotes secular humanism. Almost one third indicated their uncertainty and two teachers (2.4%) replied that home economics does promote secular humanism.

One of the two teachers who replied that she felt home economics promotes secular humanism explained, "In my class, we talk about being responsible for your own actions and making choices." The other teacher attributed secular

humanism to home economics because "we teach the importance of self in success in life."

Many of the teachers explained that the concepts taught in home economics are not in conflict with any religion. Comments included:

> Don't believe there is a conflict between textbooks I've used and the teachings of the Bible.
> God gave us the ability to make choices.
> I believe we teach self-concept to help students, not as a religion.
> I live in a small community that is primarily Christian in values. Most people believe that taking responsibility for your own choices and actions is part of a Christian life. That is not such a great contradiction to the material in the texts. It is also a matter of interpretation and application. God is in ultimate control - but, allows us to be in charge of our destiny.

Home Economics State Supervisor

HE Supervisor explained her interpretation of the meaning of secular humanism:

> Well, I laugh when I think about what I have said for many years that it's great to be humanistic because home economics is humanistic, but, in the sense that we had to learn new definitions of being humane and caring about others. We have to watch the language. So, my definition of secular humanism as it is perceived is that an individual is self-sufficient without need of God or that they're sufficient within themselves. Much of the criticism about our books came from the concepts that we brainstorm and find answers within ourselves or we go to counselors or our friends or peers for help and we don't say that we call upon God for guidance. In our way of looking at it, we are not leaving God out. But secular humanism as I have come to understand it is that one finds total strength within themselves rather than a higher power. But when we talked about humanism, I didn't know a thing about this being declared a religion by the Supreme Court.

HE Supervisor was asked to elaborate on the Supreme Court ruling on secular humanism. She explained that the plaintiffs in Smith had said that secular humanism was a religion as defined by the Supreme Court. When asked if she believed that the books promoted secular humanism, she replied, "Absolutely not."

Home Economics Textbook Authors

Since the five challenged home economics textbooks were charged with teaching secular humanism, the authors of those five books were asked to define secular humanism. They were also asked to indicate whether or not they believed that their books promoted secular humanism. Three of the five authors gave different definitions; the other two stated that they were unsure about the meaning of the term.

Author A said that secular humanism is a philosophical belief that "man is not subject to God, that man is subject to himself." She stated that she did not understand the tenants of the term secular humanism before her book was written and only learned of the term since her book was questioned. When asked if she believed her book promoted secular humanism, she strongly replied, "Heavens, No!" She described herself as a strong Southern Baptist and said that she did not write the book to promote any religion. She responded that she had never been a member of the American Humanists Association and did not know that any such group

existed. Author C explained:

> While I am Southern Baptist and I am a Christian, I did not write the book to promote any religion in any way. The book was simply outlined to offer assistance in developing a quality life for the reader and any thought that it promotes any kind of religion has been applied by other people. Because, I certainly made no effort to promote even my own religious values. I definitely didn't write it to promote secular humanism.

Author B referred to secular humanism as human secularist throughout the interview. When asked about her understanding of the term secular humanism, she explained that:

> My understanding is that a human secularist believes in the goodness of people and in a sense the power of people. I don't mean the political power of people, but the power that comes from within a person and the belief in the goodness of people and that people to a large degree have some control over their own lives.

She said that she did not understand the tenants of secular humanism before the book was published. She said that she thought she was a human secularist because she believed that people "to a large degree control their own lives" and that "God works through people." Later in the interview Author B said that she would not be a human secularist if it meant belief in man to the exclusion of God. When asked if she were a member of the American Humanists Association, she replied, "No, I am a church member." She believed the term secular humanism was more of a philosophy of life rather than a religion. She stressed that she believed in the goodness of people.

Author C was the only author asked to testify at Smith. She indicated that prior to the trial she had never heard of the term. She explained that she did not understand the tenets of secular humanism when her book was first written. The experience of the trial encouraged her to read more on the subject and to learn more about the term and the ultraconservative movement. A member of her family had joined a fundamentalist church, and she was currently attending Bible classes at this church to learn more about their beliefs.

In the interview, Author C defined secular humanism:

> My understanding is that secular means rather worldly - apart from God. Humanism means development of the self or the I - within yourself. So when you take the term together it's supposedly that I will make all my decisions, I am I, and I will not listen to anybody else. I don't even have to listen to a God because I am I, and this is what they were trying to say we were doing, that we were teaching young people to simply do exactly what they wanted to do and that was not at all what we were teaching.

Author C said that she had never been a member of the American Humanists Association and did not believe that her book had ever promoted secular humanism. She told the researcher that she is a religious person and cited her active church participation. She stated that the press labeled her the "Christian Grandmother." She described her religious background:

> I was brought up in the Lutheran Church. I was one daughter in a family with four brothers and very devoted

> and religiously oriented parents in a small town in northern Iowa where the Lutheran church and the Methodist church were the backbone of our community. Everything we did evolved around the church. My parents also believed very much in knowing what's going on in the world. They did not say that I should go to a religious school so that my life would be controlled. They chose to give me a very strong background in religious beliefs. I went to a major midwestern state university and there became very active in the Lutheran student groups because we're talking about a very important part of my up-bringing. So, religion has always meant a lot to me. But, I also believe that we have to accept everything in life as a part of our environment - as a part of our culture and then use our religious background to help us find the way through life and that's my real religion and that's the part it plays in my life.

Authors D and E indicated that they did not understand the term secular humanism. Author D voiced her uncertainty:

> I have never been quite clear on that, I have been accused of being one, but I'm not quite sure what that means. I guess I look at myself as a humanist because I'm interested and concerned about humans, about people and their feelings and how they grow and develop. But, when you throw in the word secular, I'm not quite sure what that does to the meaning of humanist--I guess I would have to assume that it means that there is no relation to God or a Supreme Being, and if that's what they are accusing me of being, then the accusation is incorrect. But, I believe and I still believe that if your talents and abilities are God-given then it's still your responsibility to do something with them. Some other force or being cannot do everything that is necessary. Obviously there are people who do not agree with me. I think that individuals have a responsibility to make the most of what they have to make decisions, to be aware of the decisions they make, and the impact on their lives. But, I have looked for the term secular humanism and I have not found anything that really describes it so I'm not quite sure what it was that I was accused of.

At this point, the researcher asked her, "Who accused you of being a secular humanist?" She replied that it had

come up in Texas two or three years before the Smith trial. She expanded on this experience:

> Well, the book was being bid for a ninth grade or a high school general comprehensive home economics text in Texas. The way they hold their adoption - it's a very complex situation for adoption. But anyway, at the end of the proceedings I believe the Texas Board of Education calls a hearing on the books and anybody from the public can come and make comments or complaints. I know that in relation to my own book there were several comments and complaints in relation to - well, the objections were made by the Gablers and groups that are affiliated with them and I know that they are basically fundamentalists and I remember one of the things that they objected to was the definition of a family that I had used. I used the American Home Economics Association definition of the family and we were looking at it more as a functional thing than a structural type of situation whereas they wanted the definition of a family to be blood related--Mom, Dad, and 2.2 kids type of thing--and that may be all well and good but that's not real life. But I spent two or three days writing responses to the issues raised by the Gablers and these were in turn sent back to the state.

Author D reported that the book was not adopted in Texas at that point. However, revisions were made which addressed the concerns of the Gablers and the 1983 edition was adopted by Texas as an eighth grade home economics textbook. Since that experience, Author D has read books and searched for the meaning of the term secular humanism. She voiced her uncertainty:

> I'm still not clear whether this is an implication or whether this is something I came up with on my own; that a secular humanist is very selfish and self-oriented and that's not the way I see things. That was not the intent of the way I wrote things. I believe that you make the most of what you have to make the world a

> better place to live in. And if that's the case, then if you're working to make the world a better place to live in and you're showing kindness and consideration to other people, then, that's not being selfish or focusing on the self. I think you have to have a balance between focusing on the self and those around you.

When asked if she understood the tenants of secular humanism before her book was written, she replied that she had never been "able to find out what the tenants of secular humanism are." She, again, indicated her confusion over the term when the researcher asked her if she believed her book promoted secular humanism. She responded:

> Well, it's hard to say that because this assumes that I know what secular humanism is, but I don't--if secular humanism is focusing on the self to the point of being selfish and not allowing for any Supreme Being or any, you know, anything or anybody else to have an effect on you -no, I do not think it does.

Author D stated that she was not a member of the American Humanists Association. She said that she was brought up in the Episcopal Church and believes in God.

When asked to define the meaning of the term secular humanism, Author E responded, "that is not a term I use every day--I really can't define it." She said that she did not understand the tenants of secular humanism before her book was published and that she still does not know what the term means. Author E has never been a member of the American Humanists Association. Of all the authors, Author E was the least knowledgeable about the case and the term secular

humanism. When the researcher told her that "the plaintiffs claimed that secular humanism is the belief in man over the belief in God and what the plaintiffs were trying to say was that the books promoted a Godless religion in the schools." When asked if that was Author E's intent, she replied, "Oh, my heavens no! My heavens no! We go to church every Sunday."

Therefore, the subjects in this study had varying interpretations and different levels of awareness of what the term secular humanism might mean. The testimony of the trial also reflected the disagreement over the definition of secular humanism found in the review of literature. The inconsistency in the interpretations was the only consistency among the descriptions of the term.

Different Interpretations of Home Economics

The plaintiffs charged that home economics courses in Alabama were teaching the religion of secular humanism through the use of five state adopted textbooks. The defense argued that the books were not promoting secular humanism and that secular humanism is not a religion. The trial testimony revealed stark differences of opinion from witnesses over what should or should not be included in home economics. The attorneys all had different views of home economics curriculum as expressed through the trial transcript and in the interviews. The home economics witnesses, the State Supervisor, the authors, and the home economics teachers

offered interpretations consistent with the home economics literature.

Home Economics State Supervisor

In a 1988 handout provided by HE Supervisor, home economics in Alabama was described:

> Home Economics in Alabama has taken on a new image from 1970 to 1988. It is no longer considered a program designed to teach cooking and sewing to girls only. The programs have changed from an all female enrollment to programs which have attracted 53% male enrollment to study life skill concepts such as childcare, budgeting, clothing production, insurance, consumer education, human relationships, housing, nutrition, and food preparation. The enrollment in the life skill focused programs has tripled in the period from 1970-1988 as societal expectations have become more complex for families. The home economics curriculum responded to these increased social needs of teens and their families. More than 76,547 males and females are currently enrolled in the various programs which range from a semester to two years in length.

This description of home economics is consistent with the changes in home economics which have occurred nationally. Home economics by legislative mandates has focused on societal needs and most curriculums now focus on life skills as opposed to technical skills in traditional areas such as sewing and cooking. Many teachers have been influenced by the definition of home economics from Brown and Paolucci (1979) which states that home economics enables families and individuals to function in their own strength. The American Home Economics Association states that the mission of home economics is to improve the quality of life for families and individuals.

Home Economics Teachers

In responding to the questionnaire, many teachers who wrote in responses defended home economics as a subject matter area. Comments in support of home economics from teachers were:

> We're teaching what students need to get along in the world.
> I teach decision-making and values; do not teach morals, but, I do express my opinions.
> Home is the heart of society and should be a cherished principle.
> Students are taught that they are responsible for the quality of their lives and that they will succeed or fail based on their efforts as well as their abilities.
> Home Economics promotes good work habits and positive self-image and good mental health.
> (Home economics) promotes positive self-concepts--it is not confused with religious humanism.
> We value the home and it's beliefs on the development of humans--includes religion.
> The curriculum doesn't suggest any 'way' to believe - it just defines terms and patterns of development that occur.

Plaintiffs

A different interpretation of home economics was evident from the plaintiffs. One parent, testifying for the plaintiffs, explained that she had objected to a home economics book when her daughter was in a public school 3 years earlier. Kendall's daughter is now enrolled in a private high school and is taking home economics where no textbook was used and the teacher teaches home economics, according to Kendall, "the way home ec. used to be" with sewing, cooking, and decorating (Transcript, p. 2537). She

added that the class was "not into death and stealing and those kinds of things" (p. 2537).

The attorney for the plaintiffs was also critical of the changes in home economics curriculum. Attorney P maintained that the authors and teachers were espousing philosophical beliefs for which they had no understanding. According to Attorney P, when enrollment dropped in home economics, then home economics latched on to humanistic education to attract more students. The recent changes in home economics were needed to boost enrollment due to society's lack of interest in the traditional role of the homemaker. However, this statement about enrollment was not consistent with the report of HE Supervisor.

Attorney P was critical of home economics including values in the curriculum. He explained:

> I think home economics teachers or home economics textbook writers have taken on too much. I personally don't see how they can be an expert in what used to be the core curriculum of home economics and then become an expert also in values. If there is anything to be learned, the best thing to do is to get a team of value experts to write the value content portion with an eye on what would be appropriate for the audience. I know appropriateness is a standard used in the code of Alabama (which is the collection of all laws of the state) and no parent is going to say that it's appropriate to teach my kid to be selfish and self-centered.

The core curriculum of home economics, according to Attorney P, would be "things that would really help with the house and the family." When asked to elaborate, he explained that helping with the house included "baby care, home care,

all those subjects." His wife, he added, was a home economics major in college.

When asked, "Did it ever come out anywhere that there was a home economics theory behind the books?" Attorney P replied that it was "an idea of trying to include self-esteem." Self-esteem, according to Attorney P is a new name for values. And, he expanded, "another label that it goes under is critical thinking." The researcher asked him if he would object to the terms "values, self-esteem, or critical thinking" being in any textbooks. He replied, "I don't object to the broad category - there could be ways to teach that would be good - or that I would find less objectionable. I would have to look at that particular message or methodology used in each textbook."

Defense

Attorney DI acknowledged that he knew very little about home economics prior to the case. His experience at an all-boy's school did not afford him first hand knowledge of what was covered. He expressed amazement at the range of topics covered in the textbooks. According to Attorney DI, all of the books he reviewed seem to have a common theme of telling students to resist peer pressure and to make their own decisions based on their beliefs and values. He expressed his view of what home economics should be and advised that home economics teachers should not shy away from

controversial topics. He stated:

> I would hope that in a public high school, in a class like home economics, given what is now the apparent breadth of topics in home economics class, that there is a free-wheeling discussion among the students, that the teacher monitors but doesn't direct - about religious topics, about other social topics, where kids learn to express their opinions and defend them for the sake of being able to do that. I don't think it's appropriate for a teacher to make her classroom the forum in which one 16-year- old with strong religious convictions can proselytize to the other 19 kids in the classroom. By the same token, it ought to be a forum where that 16-year-old learns how to speak to a group, says what's on her mind, defends a position, and then tolerates somebody coming back at her with a very different view and not react emotionally to it, not dismiss that person, but debate a point. I mean, that's an important skill to have no matter what you do, it's an important element of education. And, the more controversial the topic, the better learning experience it seems to me. So, I would hope that teachers would continue to address all of these and take it beyond, certainly, where the textbooks are taken.

The School Board Attorney did not address the home economics curriculum in the interview. He explained that the focus of the state's defense was to maintain the right of the state to select and adopt textbooks. Home economics teachers, he advised, should not shy away from including controversial topics and using supplementary materials. Attorney SB suggested the following to home economics teachers:

> To teachers, I would tell them that they have the opportunity to look at all supplementary materials that are available in their resource libraries and that the State Board has always felt that teachers should have the flexibility to go beyond the parameters of the textbook, to present different views of the same topic, and that discussion is healthy discussion. And I think

> that if it is presented in an educational setting as educational material and not as some particular philosophy of a particular group or organization, then discussion about different viewpoints on different topics is fine.

The State Superintendent of Public Schools of Alabama, the home economics teacher and the home economics author spoke positively about the home economics curriculum in giving testimony for the defense. Teague, the superintendent, testified that he had supported home economics for all students in Alabama. He stated that a home economics course should be required of both males and females to learn how to manage a home. He made this recommendation in his "Plan for Excellence." However, due to objections by a few parents, he indicated that this requirement would probably never be enforced by the state.

Home Economics Witnesses

The home economics teacher who testified emphasized the importance of teaching critical thinking skills in home economics. Throughout the interview, Witness T was defensive of home economics. She gave specific examples of why she thought it was an important class. She stated in light of societal problems that are facing 17 and 18-year-olds, such as the dropout rate, the drug problems, and teenage pregnancy, that home economics was an important course. She maintained that it should be a required course.

The home economics author who testified maintained that home economics can strengthen the family. She explained that

"strengthening the individual's ability to live an effective life, you are going to strengthen the family." This experience made her aware that "you can be highly criticized for things that you deeply believe in." This hurt because of all the praise and support she had received from her teaching over the many years. It bothered her to be accused of something "that was so alien from my purposes, my goals in teaching, that it hurt," she explained.

It also distressed Author C that no home economics professional group participated in the trial. She expressed amazement that no one from the Amercian Home Economics Association contacted her. She commented:

> I felt I was there completely on my own. The home economics people, number one, very few of them knew what was going on. I wondered at the time if the American Home Economics Association really was aware of the case. I'm sure they were, but I thought perhaps they would contact me if they knew that I was going to appear to give me support. No, there was no outside support. I was my main support - along with my publisher and the attorneys.

Author C noted that she felt that she and the home economics teacher who testified were the "only ones fighting for home economics."

At the interview, Author C spoke of the role of home economics in today's society:

> I think what I'd like to add is that home economics, I believe, could be the most challenging - and it is but I think it could be even better - discipline to help meet the needs of this democratic society. I am concerned

> with what's going on in our country, because if you trace the problems that we have, the lack of integrity such as the S and L scandal, that's simply people looking out for themselves and trying to make money off somebody else. Now, if we're doing a good job in teaching family life education, you've got to improve some character education. I believe home economics can meet the needs for families and individuals, better than any other discipline. When you're teaching this subject you have to keep up with what's going on in the world and what's going on in the lives of people. When I first taught, the traditional family was the ideal model. Well, you can't teach any one family model in the world today. You have to recognize that there are some very effective family units that in no way compare to the traditional mother stay home, father go to work kind of family that I knew when I was growing up. You have to recognize that there are needs and families are meeting these needs. I think that the family will never be dead. It has survived and strengthened and that's what I would like to see home economics have a greater part in strengthening families to meet the needs of today's culture. There's all kinds of problems out there - the drugs, AIDS, anything that you want to name. The original way to handle it starts in the family, and that's where home economics can play a role.

Testimony of Expert Witnesses

Although there were more history, civics, and social studies books than home economics textbooks challenged in Smith, the majority of the testimony in the trial was devoted to the home economics textbooks and to the discussion of secular humanism. The charges against the history books were more straightforward and direct. Few witnesses were called to address just these books. History professors were called to talk about the inclusion or exclusion of religious historical facts in the books. Most of the expert testimony focused on secular humanism and the home economics textbooks. Criticism of the content of the home economics textbooks came

from witnesses called by both sides. The only unconditional praise for the home economics textbooks came from the author of one of the textbooks, the teacher who used her textbook, and the appellate decision written by Johnson.

A possible explanation for the lack of clarity about the role of home economics in the curriculum can be found in the testimony of the expert witnesses. Two witnesses in home economics were called as fact witnesses to give information about how one of the five books was written and used in the classroom. No expert witness in home economics philosophy, home economics curriculum, or home economics education was called by either side. This was in contrast to the arguments and defense of the history books.

In the testimony of Strike, an attorney for the plaintiffs asserted to the court that there was no such thing as a Ph.D. in home economics curriculum or education. Therefore, he reasoned that a professor of education would have to testify as to the preparation of home economics teachers. This statement was not challenged by the defense. This was an inaccurate statement, when, in fact, according to the 1990-91 National Directory of the home economics division of the American Vocational Association, there are 487 teacher educators in home economics at the college or university level. Of these, 347 (71%) have doctoral degrees.

In the interviews, all of the attorneys were asked why they did not use a teacher educator in home economics or a

home economics professor to testify. Attorney P explained his rationale:

> If we had had a good expert, one who was not caught up in the then current "in-craze" of the profession, who could give an objective report, we certainly would have used it. But, what happens, the new theory comes along and everybody jumps on the bandwagon and nobody challenges it until a few years down the road when it just proved to have had disastrous results.

Attorney SB explained that the defendant-intervenors defended the home economics books, so he was not involved in that decision. Attorney DI stated the defense of the home economics books was different from the defense of the history textbooks. He summarized this position by stating:

> The history professor was called to say is this or isn't this good history. And he says, "it's not, because it leaves out religion; and I say that because I'm an expert in history and, in particular, religious history. I know a good history presentation when I see one." On the home economics side, that wasn't an issue. It wasn't an issue of "is this or is this not good home economics presentation", but, rather, "given what's in this book, is that or isn't it religion?" So, that's why no home economics expert was called.

Most of the expert witnesses were men and stated on the stand that they had never visited a home economics classroom. None of the expert witnesses had ever taught home economics. The only expert witness who visited a home economics classroom in Alabama and read the five challenged books in their entirety was Coulson, who testified for the plaintiffs. The expert testimony concerning the home economics textbooks, from witnesses with no experience in the field and who were

not knowledgeable about the philosophical base of home economics, was incongruent with intellectual reasoning. There was no witness for the defense who had read and studied all of the challenged home economics textbooks. The strategies used by the proponents of the books were similar to those of the opponents. Kurtz, who presented himself as a proponent of intellectual inquiry and ethical behavior demonstrated behavior, in the critiques of the textbooks, irreconcilable with his stated philosophy. Rudder, who testified that (from the reports submitted by the plaintiffs) there was no consistent theory in the books, was as limited in his beliefs as those offered by the reports.

Response of the Home Economics Profession

It is important to note that at the time of the trial in 1986, all authors were active members of the American Home Economics Association (AHEA), the primary organization for home economists in the United States. The five authors regularly attended the national meetings and three of the five authors (Authors A, B, and D) had served as presidents of their state home economics association. In 1990, Author B was recognized as an Outstanding Leader by AHEA.

Attorney DI indicated that he did contact AHEA prior to the trial and could not recall the response from the association. He indicated that they had used the Association for Supervision and Curriculum Development to prepare the defense of the textbooks. During the annual meeting of AHEA

in June of 1990, the researcher asked the Division Director for Communications Research and Public Affairs of AHEA about the lack of involvement of the Association with Smith. The staff member recalled the charges made about the books and Hand's decision and indicated that she was frustrated that the Association did not actively protest Hand's decision. No official response was made by AHEA to the courts. She was requested to assist with a paper which was published about the case and remembered Ted Turner's network calling and requesting that an official from the Association participate in a televised debate on the ban. The Association chose not to send a person to this debate.

The AHEA staff member spoke highly of the authors of the challenged books:

> Many of the individuals on that list were perennial authors in home economics. So, this was not a case of some wierdo in left field writing a book and getting it adopted. These books were widely respected. Those authors were widely respected authors and were not fly-by-night authors. It was more than just an issue of appropriateness in Alabama. Those books were used across the nation. I was pleased the decision was overturned.

She noted that all of the authors were members of AHEA and bound by the code of ethics of the profession. Therefore, she stated, these authors would write materials that follow the basic philosophy of home economics.

The AHEA staff member maintained that the court decision by Hand was ludicrous and what "he perceived us doing was the

exact opposite of what we do." She interpreted his charges as "an attempt to prescribe what values ought to be and not to allow a profession to teach the right of choice." She added:

> We do not teach values, per se. But, we do teach values through saying that we value a person learning how to make his or her own decision and that's what most of the textbooks were about. That is a basic home economics tenant, and this was the case of one judge challenging something that is really basic to the philosophy of home economics in that we teach individuals A, B, C, and D, which is best for their lives, their circumstances at any point in time. His decision, in my view, was challenging that.

She contended, "I had a problem with us waiting around for the appeal. There should have been a major outcry. When asked why there was not a major outcry from the profession, the staff member informed the researcher that she could not answer that question. As was noted in Chapter 4, in the 27 Amicus Briefs filed opposing Hand's decision, no home economics association's brief was listed.

The AHEA staff member later sent the researcher copies of her file regarding Smith. She included a report from her office logs of 1987 regarding Smith, a copy of the article to which she was asked to respond with her critique and the written response to the article by the executive director, and photocopied newspaper clippings on Hand's decision. Her logs indicate that the president of AHEA in 1987 "determined that the turnaround time was too short for AHEA to field a

respondent who was adequately prepared" to participate in the debate with a representative from Rockford Institute on Hand's decision on CNN. Her logs do not indicate any official response from AHEA regarding Smith.

The Executive Secretary of the Home Economics Education Association (HEEA) was written a letter asking about the response made to Smith. The Executive Secretary of HEEA replied to the researcher that HEEA made no official response. However, the umbrella organization, the National Education Association did respond with an amicus brief. She also sent the researcher a recent publication from NEA, which included a discussion on Smith. None of the authors was contacted by any national home economics association with regard to Smith. All were members of AHEA during the 1986-87 year. None of the authors knew of any official position concerning Smith by a national home economics association. Author A reported that her local state association passed a resolution in November of 1987 supporting the teaching of values in home economics. This resolution was written as a direct response to Smith. Author E could not remember any reaction from the association but supposed that someone surely would have responded. Author A stated that there should be home economists "who are prepared and who are willing to speak out on issues of this magnitude."

In addition to the lack of contact from professional organizations to which Author C belonged, very few

professional colleagues in home economics contacted her. She expanded on the lack of professional support in this manner:

> It always amazed me that home economic professionals--I don't know of any of them that contacted me and gave me any support after--even after the trial. I don't really think that they knew what was going on and I don't think to this day that they realized the magnitude of action like this against home economics. I think too often people in home economics choose the easy way out--they say don't stir up things, don't create an issue. Well, in my mind, the issue was already created and we don't want to be on the defensive as I felt I was in the trial. I think that we need to assert the strengths that we have and we certainly have them in the area of family life. There were very few that actually contacted me and said yea or nay as to what I had done.

In the preliminary research for this study, the researcher contacted Author C and arranged an informal interview to ask the author to participate in the study. Author C's response was, "Where have you been? I have been waiting for someone in the profession to ask me what happened; you are the first."

Therefore, the lack of agreement about the purpose and philosophy of home economics was evident in Smith. The plaintiffs interpreted the basic philosophy of home economics to be the religion of secular humanism. This misinterpretation was compounded by the use of expert witnesses on all sides of the case who had little knowledge of the field and who critiqued the textbooks by reading passages out of context. It was also impacted by the lack of involvement from any home economics professional organization.

## Factors Contributing to Significance of Case

There are many clashes of beliefs in a complex society with different cultures, values, and religions. However, these clashes are usually not fought in a federal court. The vehicle for the clash of beliefs in Smith was the textbooks, the battle field was a federal court, and the result was state-wide censorship of 44 textbooks. The issue of textbook censorship attracted attention from many different national groups and from the media. Candor (1976) in describing the Kanawha County textbook controversy found that intervention of conservative right-wing groups contributed to the controversy and the extent of media attention gave rise to the unrest in the community. For these reasons, attorneys were asked to identify special interest groups who were involved in Smith and all subjects were asked to describe the publicity given to the trial and the two decisions. In order to understand the impact of the underlying themes of Smith, the conditions which made this case significant must be explored. First, the case was heard by a federal judge sympathetic to the beliefs of the plaintiffs. Second, special interest groups contributed resources to both sides of the clash. Third, the unrest in Alabama was fueled by the attention given by the media.

### Judge Hand's Views

The clash in Smith was fought in a federal court for several reasons. The fact that the plaintiffs charged that

the establishment clause of the First Amendment was being violated in the public schools made the case come under federal jurisdiction. However, the charges were made in Jaffree in an effort to keep prayer in the Alabama schools. Smith was made a federal court case by the judge whose decisions in Jaffree were reversed at the appellate and Supreme Court levels. The case was instigated by Judge Hand when he realigned the defendant-intervenors in Jaffree as plaintiffs in Smith. There was no evidence found in this study that the plaintiffs ever instigated Smith.

In the testimony given by the two parents listed as plaintiffs, neither had experiences with home economics courses or textbooks. The only witness with a personal experience concerning a home economics textbook was called as a rebuttal witness by the plaintiffs. This witness, Kendall, testified about her objection to a home economics textbook that her daughter had used 3 years earlier. She neither described her objection nor the book. Kendall also testified about her objections to home economics textbooks as a member of the state textbook committee and her involvement with the Eagle Forum. With an annual enrollment of 76,547 students taking home economics in Alabama, it seems likely that if the parents were genuinely concerned about either the textbooks or curriculum, they would have come forward to testify in Smith. Attorney P indicated that the problems with the home economics textbooks were identified by the Eagle Forum. The

plaintiffs were not the first to bring up the objections to the home economics textbooks. In reading the trial transcript, Hand's views seemed congruent with the views of the plaintiffs. His interjections in the questioning of Baer and Halpin almost appeared to be on behalf of the plaintiffs. His selection of Kirk as an "objective" witness was further evidence of his lack of objectivity. Kirk's views and written materials were consistent with the views of the plaintiffs. The dedication to Hand in a recent book which Kirk edited was not a sign of an impartial witness.

All three attorneys gave evidence of Hand's partiality in their interviews with the researcher. For example, Attorney P stated that Hand changed his views to favor the position of the plaintiffs of Smith during the trial of Jaffree. He described the moment when Hand's "turnaround" began. Attorney SB and Attorney DI described Hand's role in realigning the parties and in their expectations of Hand's decision based on Hand's earlier written statements and public comments.

Hand's sympathies with the views of the plaintiffs can be found most clearly in his written opinion of Smith. His decision interjects the testimony of Jaffree with the testimony of Smith. His views and rationale are consistent with the ultraconservative literature reviewed in this study.

Involvement of Special Interest Groups

Both sides of the trial of Smith had legal support, financial assistance, and participation from special interest groups. These groups provided funds and national awareness of the trial and decisions. Special interest groups worked through the 624 plaintiffs and the 12 defendant-intervenors of Smith. No evidence could be found that supported any outside group funding the defense offered by the State Board of Education. The State Board of Education was joined by the defendant-intervenors in the defense of the state. This was important because Governor George Wallace, who was the chair of the State Board of Education, publicly supported the plaintiffs. Attorney DI worked with Attorney SB to coordinate the defense.

Support for plaintiffs. The plaintiffs made up the list of 624 parents, teachers, and students who intervened in Jaffree to support the state statute which allowed for prayer in the schools. Judge Hand added two groups of people to the class action suit prior to the trial; all those teachers in Alabama and all parents of children in Alabama who believe and practice a theistic religion.

When asked to describe the level of involvement of the 624 parents, students, and teachers who filed the suit, Attorney SB said that although they originally lent their names to the prayer case, very few were still involved with Smith. He explained:

> You had a few of them that participated and they testified at that trial on prayer and then a few of them testified at the textbook trial. But very few of them were actual participants. They merely lent their names to the case to be able to intervene into it. Some of them are no longer residents of Alabama.

Attorney DI explained that he never saw or met "620 or so of the 624" plaintiffs. He indicated that many were involved because they either attended mass meetings or received mass mailings. It would be hard, he contended, to get direct involvement with any group that large. He recalled one plaintiff who testified:

> I remember one witness in particular, who I thought was just a very impressive lady and cared deeply about her kids and what was happening to her kids in school. I thought, I found myself agreeing with virtually 100% of her sentiment and about 75% of her reasoning. I hope most of the other people were a lot like her.

When asked if this case changed any of the fundamentalists who may have supported this suit, Attorney DI replied, "I don't know, other than continuing to wish the Lord would visit confusion upon me." When asked to explain that remark, he recalled a pretrial rally in which "hundreds and hundreds" of people attended to support the plaintiffs. At that meeting, he was told by someone who attended, that there was a prayer "to ask the Lord to visit confusion upon those godless lawyers from the North."

According to Attorney P, this case was not a fundamentalist cause. Attorney P stated that "fundamentalist" was a buzz word used by national reporters with preconceived ideas about what the trial was about. Most of the 624 plaintiffs, according to him were "by and large, Evangelicals and Catholics." He stated that reporters "do not understand the diversity within the Body of Christ. They have no sociological knowledge of religion and they don't understand the terms they use. Therefore they just make a blanket application of one label to five groups and it just won't fit." He also indicated that none of the expert witnesses were fundamentalists.

Attorney P indicated that the plaintiffs were first made aware of the home economics textbooks by members of the Eagle Forum. When asked if he considered the Eagle Forum a fundamentalist group, he replied:

> I don't. Strongly conservative, but I don't know one single member of the Eagle Forum who is from, what I would identify, a fundamentalist religion. Phyllis Schlafly, the leader, is Catholic and you never hear anybody use the term fundamentalist for Catholic. And, then the Alabama leadership is Catholic and Southern Baptist and Presbyterian, that's all.

When asked about funding of the case, Attorney P replied that, "we had contributions coming in from all over the country. The National Legal Foundation was the conduit for some of that." He was amused at the exaggerated amounts of money reported to have been spent by his side. He indicated that "Our costs, in Alabama, were about $600,000. That does

not include any costs that the National Legal Foundation had."

Attorney DI recalled that special interest groups involved with the plaintiffs during the course of the case were Pat Robertson's television ministry, National Legal Foundation, Concerned Women for America, Eagle Forum, and the Gablers from Texas. He was not sure that the Gablers were part of an organization, but, he speculated, "they had some support group for whom they were the most visible participants."

Support for the defendant-intervenors. According to DI, the twelve parents who were listed as defendant-intervenors all had children in the Alabama public schools. More citizens wanted to participate, but they did not have the perquisite of having children in school at that time. According to Attorney DI, the People for the American Way and the American Civil Liberties Union agreed to split the expenses for the defense on behalf of the defendant-intervenors 50-50.

When Kendall testified about the Eagle Forum's involvement in the protests of the home economics textbooks at the 1984 adoption, she was asked about other groups involved. She stated that the ACLU supported the books and she described the ACLU as "the ones that don't like manger scenes on public property, don't like teachers to wear crosses, and protect the porn peddlers" (Transcript, p. 2554).

Attorney P stated, "I know that People for the American Way had said that they had spent a million dollars up to the trial. I just don't know what they spent after that." From all interviews and from the review of the literature, no substantiation of Attorney P's claim of the million dollars spent could be found. Instead, it appeared as though the defense spent much less money than the plaintiffs. No fees were paid expert witnesses by either the defendants or defendant-intervenors.

Attorney DI indicated that he did not remember paying any fees for any expert witness and that the only expenses paid were for travel and lodging. This seemed to be in contrast to the expenses incurred by the plaintiffs for expert witnesses and prepared reports. Expenses were kept at a minimum for the defense.

It was the perception of the author who testified that the attorneys in Washington "took the case because they believed in it." Author C said:

> They were paid expenses, but their time as lawyers was not paid, because they realized the parents and the people who chose to challenge this case certainly could not afford it. They did not have the financial backing that I understand the other side had. There was very little money.

Author C was told in the first conversation with Attorney DI that "there was not much money, but that my hotel room would be provided." He would try to reimburse travel expenses, she recalled, but he could make no guarantees. She noted that she and her husband were both pilots and they

chose to fly their plane to Mobile. She added that her publisher had indicated that he would pay for her air fare. But, she chose not to ask for funds. Her hotel bill and meals were provided by the defendant-intervenors while she was in Mobile.

When asked about the cost of Smith by the state, Attorney SB explained that he had requested the plaintiffs to pay the state $24,000 after the appellate decision. He noted that the plaintiffs' attorney looked at the list and discounted some of the figures and agreed to pay him $9,000. At the date of the interview, this fee had not been paid by the plaintiffs.

Publicity Surrounding Smith

It was evident in reviewing Smith that there was a great deal of publicity surrounding the trial and Hand's decision. Less can be found on Johnson's decision. Each of the subjects was asked to describe the publicity of the trial and both decisions. For this study, the perceptions of those closest to the case; the attorneys, the witnesses, the State Supervisor, the authors, and the home economics teachers, will be used to describe this theme rather than a report of the actual publicity.

View from attorneys. Attorney P indicated that the trial generated more publicity than the decisions because there were lots of people to interview during the trial. The decisions required the press to search out key people for

comments. He said the "on-the-scene" reporters did a better job than the editorial writers whom he described as "divorced from the whole world in their ivory towers."

Attorney P was critical of the publicity generated by the People for the American Way as he referred to them as a "publicity machine." He stated, "They showered the newsrooms with press releases that were trying to focus the attention of the press in one direction, which was the opposite of what was occurring in the courtroom."

Attorney SB was asked to comment on the publicity surrounding the trial and decisions. The trial, he identified, had the most amount of local media attention. Members of the press were there every day in and out of the courtroom. More coverage was given initially at the trial, explained Attorney SB. The least amount of coverage was at the appellate level. Hand's decision was "more spectacular because that was the first time the court had ever said what he had said," suggested Attorney SB.

View from home economics witnenses. As a result of the testimony of the home economics teacher, her class was "besieged by the media." Witness T reported that local and network cameras visited her classroom and taped classes. Her class was part of a Public Broadcast System (PBS) special by Bill Moyer and segments from her teaching appeared on the "Today Show." The press secured permission from her and from the local and county administration prior to videotaping her classes.

The reporters returned to her classroom after Hand's decision was issued. The press asked how it would affect her teaching, to which she replied, "Not at all, if not this textbook, then another one. Because the subject matter is basically the same." She explained that the books were physically removed from her classroom for about 4 to 6 weeks. She was not contacted by the press after the appellate decision.

The publicity of the trial was intense, according to Author C. She explained that she had been accustomed to some media attention in the local community and city for her teaching. But, she was shocked at the amount of attention she received when she testified in Mobile. She recalled that in Mobile, "it was the media attention that you see politicians get, where they are trying to get to you - almost take a fragment of your clothes to say that they had actually touched you or something." Her attorneys were aware of this and protected her from the press. She granted a public interview immediately following her testimony on the steps of the court house. This interview was broadcast nationally and internationally. According to Author C, she was labeled by the press as the "Christian Grandmother."

After the court house interview, she declined all interviews even though she received requests from all over the United States. She was advised by her publisher not to

give the other side an opportunity to "twist" her words. She asserted that this case was more a national issue and not one that would affect her local community. She was no longer teaching at the time and most of her community was not aware of the case. Author C lives in a suburb of a large southern city.

She reported that she did see her court house interview rebroadcast on Ted Koppel's Nightline television program when he did a special report on Hand's decision. Some friends did call to ask her what she was doing on TV. Of the five authors, Author C received the most national attention. No one from the media called her for a comment on the appellate decision.

Views from other authors. The experiences with the publicity surrounding Smith varied from author to author. Only Author C was affected by the publicity of the trial and three of the authors were affected by the publicity of Hand's decision. None of the authors felt any impact from Johnson's appellate decision. Author B was aware that the trial was taking place, but she did know that her book was involved. Author D was informed by her editor after the trial about her book's involvement. Authors A and E were not aware of the trial taking place.

Although the March 4 decision generated more national publicity than the trial, there was still variation in the impact of the publicity on the authors. Two of the five

authors were never contacted by the press. By coincidence, both Authors D and E had married and moved to new communities since the publication of their books. Author D explained that she was using her married name which was different from the name on her book. Few people in her community knew that she was an author. Author E had moved to another state and also was not known as an author in her community. Both authors indicated that their communities did not seem to be aware of the trial or decision. Both Authors D and E live in New England states.

Author A appeared to receive the most local attention. She was teaching home economics in a high school at the time the decision was issued. Her local newspaper carried articles, letters to the editor, and editorials. A local television crew visited her classroom to film for the evening news. She declined all interviews. She considered the editorials and letters to the editor concerning her involvement to be supportive. Her local community was aware of Smith. Her students asked questions and other teachers in her school discussed the case with students. She recalled that she answered questions from her students, but she did not initiate the discussion. Author A described her community as being supportive of her due to her long-standing reputation in the school and community. Author A lives in a small city of a Southern state.

Author B was also contacted by a national and a local reporter. A UPI reporter called and asked for a statement

concerning her reaction to Hand's decision. A local newspaper did a feature story on her and Smith which appeared on the front page. This article, according to Author B, was an asset in that it let people know that she taught at the university. She had been recently hired by this university to build up the home economics education program, and this article increased the public's awareness of her. The majority of people in her community considered the banning in Alabama a positive attribute. One person told her, "if it is banned in Alabama, then it must be good." Author B lives in a New England state.

There was little publicity surrounding the reversal of Smith at the appellate level in August of 1987. None of the authors had read Johnson's opinion. At the time of the interview, four of the five authors knew that Hand's decision had been reversed. Authors A and B read about the decision in the newspaper. Author C found out about the decision from her publisher when she called about another business matter. She indicated that she never saw any article on it. She expected the reversal since that the attorney for the defendant-intervenors predicted correctly the chronological order the case would take. Author D found out about the appellate decision later but could not recall where she learned of the decision. Author E did not know that Hand's decision had been appealed and was not aware of Johnson's decision. None of the authors were contacted for a comment

by the press and they all agreed that there was much less publicity surrounding Johnson's appellate decision than Hand's.

View from state supervisor. According to HE Supervisor, the most local publicity came from the 1984 textbook adoptions in Alabama. She maintained that the public had become more supportive of the home economics textbooks and more against the conservative view. She explained, "I think people were tired of that whole notion that somebody extraneous to education could decide what should be taught." HE Supervisor added "People were just fed up with hearing it. It had kind of just worn itself out." Hand's decision, however, received more national attention as more people realized the significance of the decision. This decision had national implications and "The media got a lot of mileage out of that" remarked HE Supervisor. She recalled that "there were editorials analyzing the issues and analyzing the implications and lawyers from this university and that university who talked about the significance of it."

View of home economics teachers. The home economics teachers were asked to describe the publicity surrounding the trial, Hand's decision, and Johnson's decision. According to the teachers, the trial generated the most local publicity and Johnson's decision received the least amount of publicity. However, more than half of the teachers (62.5%) responded in the questionnaire that not much attention was

given by the press to the trial and 69.5% stated that Hand's decision did not get much publicity. A majority of teachers (73.2%) replied that Johnson's decision did not receive much attention. Some teachers wrote in comments criticizing the media for "making a mountain out of a molehill" and others wrote that they appreciated the supportive articles and editorials which appeared in their local newspapers.

## Summary

The primary theme of Smith v. Board of School Commissioners of Mobile County was a clash of beliefs. The underlying themes identified in this study were a clash of beliefs over secular humanism and home economics. This clash was fought in a federal court and amplified with the involvement of special interest groups and the publicity it generated. State-wide censorship ordered by a federal judge, sympathetic to the views of the plaintiffs, was the result of the clash.

Secular humanism was one of the main debates at the trial. Four years after the trial, however, there is little consensus about the meaning of the term among those involved with the case. The defense attorneys could not define the term. The authors and teachers accused of espousing secular humanism still are not in agreement about the meaning of the term.

The authors and the home economics teachers replied that they did not believe that the challenged home economics books were promoting secular humanism. The teachers wrote diverse definitions of the term secular humanism. The authors also had different interpretations of the term secular humanism.

Three of the five authors told the researcher about their strong religious ties and regular church attendance. All five authors stated that they believed in God. None of the authors were members of the American Humanists Association.

Several of the expert witnesses in the trial implied that the home economics authors of the challenged books may have been using theories that they did not understand. It is clear that these authors did not understand the meaning of the term secular humanism before the books were written. Four of the five authors had never heard of the term prior to their books being challenged in Smith. Author D first heard of the term secular humanism when her book was challenged in Texas by the Gablers.

Many of the witnesses had a preconceived belief about what home economics should be. The attorneys had different interpretations. The witnesses for the plaintiffs expressed shock and concern of the changes in home economics curriculum from the stereotypical content area of sewing and cooking. The teacher and author who testified had beliefs about home economics from the expert witnesses. Although the

philosophical base of education was discussed at great length in testimony, the philosophical base of home economics was never acknowledged or explored. The frame of reference from which the case was argued reflected little knowledge of the home economics discipline. This was impacted by a lack of involvement by the American Home Economics Association and Home Economics Education Association. The major passages which the plaintiffs cited as objectionable are related to the changes in home economics curriculum which have occurred in the last 30 years. In reading the challenged sections, there is an underlying theme which was not correctly identified in Smith. Many of the passages reflect the philosophy of Marjorie Brown and Beatrice Paolucci in their influential work, Home Economics: A Definition rather than that of secular humanism. The role of home economics as defined by Brown and Paolucci (1979) is to enable families and individuals to function in their own strength. This is reflected in a shift to critical thinking and decisions about life situations.

There was much participation from outside groups on all sides of the trial. The plaintiffs received support from leading national conservative groups such as the National Legal Foundation and the Eagle Forum. The defendant-intervenors were represented by a major legal firm from Washington, D.C. whose legal work was pro bono and whose expenses were provided by the People For the American Way and the ACLU.

The publicity surrounding Smith amplified the clash of beliefs. All subjects agreed that the least amount of publicity was at the appellate decision. Most of the subjects agreed that the most local publicity was at the trial and that there was more national attention with Hand's March 4 decision.

As a result of Smith, 44 textbooks were banned in the public schools of Alabama from March 4, 1987 to March 27, 1987 by a federal court judge who was sympathetic to the plaintiffs. This conclusion was reached by studying Hand's written decisions, Hand's comments at the trial, Hand's choice of an expert witness, and from the statements made by the attorneys in the interviews. The most obvious evidence of his sympathy can be seen in the fact that Hand, instead of the plaintiffs, instigated the trial of Smith.

# CHAPTER 6

## IMPACT OF SMITH ON SECONDARY HOME ECONOMICS

The impact of Smith v. Board of School Commissioners of Mobile County on secondary home economics curriculum in Alabama was determined from the following sources: the State Supervisor of Home Economics in Alabama, home economics teachers in Alabama, the five authors of the challenged books, and the challenged textbooks. This chapter presents findings which address the following research question:

> What impact did this case have on secondary home economics curriculum as evidenced by:
>
> a. changes in home economics curriculum in Alabama,
> b. changes in Alabama textbook criteria for adoption of home economics textbooks,
> c. changes in treatment of subject matter by home economics teachers in Alabama due to Smith,
> d. changes of home economics teachers' attitudes toward home economics after Smith,
> e. attitudes of home economics authors toward subject matter after Smith,
> f. changes made in home economics textbooks due to Smith?

After all of the questions have been addressed, remarks from the attorneys on the legal implications of Smith to home economics curriculum are presented.

To address the questions regarding changes in curriculum and adoption criteria in Alabama due to Smith, the State Supervisor of Home Economics in Alabama was interviewed. The

questions relating to changes in teachers' attitudes toward home economics and treatment of subject matter were answered by 82 home economics teachers in Alabama who were teaching in 1986-87.

All of the principal authors of the home economics books banned in Smith were interviewed in June and July of 1990. In this report, each author is identified by a letter from A to E; the books are classified with the same letter. The results of each interview are presented individually with a summary at the end of this section.

All five home economics textbooks challenged in Smith had been published and revised at least once prior to the district level trial of Smith in October of 1986. A content analysis of the four books which were revised since 1987 was conducted to compare the challenged sections identified in Smith with content in the latest editions. The results of this analysis will be included with the report of each author's interview.

## Home Economics Curriculum in Alabama

### Home Economics State Supervisor

The Alabama State Supervisor provided the researcher with information about the home economics programs in Alabama. Her primary responsibility is to oversee the home economics programs in Alabama. She develops curriculum, implements federal and state mandates, reviews home economics programs, and provides technical assistance to teachers.

Reaction to Smith

As reported in Chapter 5, HE Supervisor thought the 1984 home economics textbook adoption controversy precipitated Smith. She indicated that the leaders behind the protest of home economics books were from the Eagle Forum. Their critiques reflected a pattern and appeared to be similar to book challenges in Texas. She also indicated that though she disagrees with much of the critiques of the books, the protest was a learning process and subsequent revisions made the books better. She also noted that the enrollment in home economics has tripled in the last 20 years and has increased from 70,484 students in 1986-87 to 72,507 students in 1987-88.

HE Supervisor was actively involved in the 1984 adoption proceedings. She contrasted the effort she made in the 1984 textbook adoptions to her lack of involvement with Smith. She explained, "I did not do one thing, nor say one thing about the Mobile situation." That was a local matter with their local textbooks and "was not of concern to me," added HE Supervisor.

When the books were banned for the entire state, she was asked if she made any statement at that time. She replied, "No, I did not, and I think people went right on using those books in most school systems."

She and her department were not involved in the trial of Smith. The school attorneys interviewed her and indicated

that she might be called as a witness. According to HE Supervisor, "I urged him not to, if he didn't have to, and he did not."

After the March 4 decision, a few systems called her office to ask for instructions on what to do. She referred them to their local superintendents. She asserted that her office had "no jurisdiction over such matters." All out-of-state inquires were referred to either an Associate Superintendent in the State or to the legal counsel. When Hand's decision was reversed in August of 1987 she exclaimed, "We rejoiced!"

Changes in Home Economics Curriculum

Curriculum for all public schools in Alabama comes from the Alabama Course of Study. This document indicates the minimum content that a program must include and provides the teachers with a framework for the courses offered in home economics. Included are the scope and sequence of courses, course descriptions, rationale statements, course content, and student outcomes. Most of the home economics teachers (90%) indicated in the questionnaire that the Alabama Course of Study was a primary basis for curriculum decisions.

HE Supervisor indicated that the Alabama Course of Study for home economics is revised every 6 years. Textbooks are selected on the same cycle with the course of study. A new course of study was approved in 1990 and the textbooks adoptions were scheduled for December of 1990, explained HE Supervisor.

HE Supervisor gave the researcher a draft copy of the new course of study for home economics in Alabama. When asked if Smith had any impact on this course of study, HE Supervisor replied, "Yes." When asked to explain how, she explained that language was chosen more carefully. No changes in basic philosophy were made, "but we were very careful in stating our student outcomes that we avoided words that could have been pointed to directly--as a red flag," she added.

When the researcher asked for an example, she stated:

> Well, you won't find the words "human sexuality" anywhere in our textbook, I mean in our new course of study. I think we were cautious not to include values clarification and some other things that we personally thought would raise red flags of protest for the course of study. Because the course of study includes only the minimun required content, we knew that teachers would add to it and we left most of the sections open-ended so that other things could be added. And I think that teachers have grown to understand that they have to adapt their class instruction within the guidelines of local mores. So, what we have in the new course of study did not go to the extent that it might have if we had been in a very liberal setting. We didn't necessarily leave it out, we left opportunities and obvious places where it could be taught, but we just, I guess more than anything, watched the language so that it wouldn't raise a red flag.

Course changes which occurred in the course of study were not related to Smith, according to HE Supervisor. She explained:

> We updated our course offerings to be more comprehensive and more global. We approached our course of study differently, not by subject matter, but by the way people live. Let me see if I can make a sentence that

> will sum it all up. Instead of taking our subject and breaking it down in subject matter content, we took it from the perspective of how people live, the individual and family, it's family and home, and family and society. The individual comes first. Our first course is "Home and Personal Management", which is the individual component, or the personal component, and the second component is "The Individual Within the Home and Family" and then, "Family and Society". So, it's not "Foods and Clothing" and "Child Care" anymore in our state.

She noted that decision-making was still in the course of study and critical thinking was incorporated in the new course of study. Sections referring to human sexuality were omitted.

HE Supervisor stated that Smith had impacted local school systems in that teachers are "more cautious and more careful about concepts they teach." Teachers, she added, "have become more responsible and more selective in the curriculum they use for students."

She recalled a speech that she had given to the Home Economics Advisory Committee:

> It's an exciting era to be a part of family education, because I think never have we needed more people who care about better education for family life involved in the mainstream of public issues. And I think if we are not willing to take risks to step out and make statements about what we believe and how we feel about it, people who have a narrow view of family life will take over the public school systems and be dictating what we teach and how families ought to be. So, it's simply a matter of whether you are willing to take a risk or you are willing to just sit back and take what comes. And I just happen to not be willing for that to happen; and I am thankful that our state superintendent was not and our state board was not. The image that it might have projected about people who live in our state is no different than people in other states who might be faced with the same thing. I just said, I indicated the

> move to take a closer look at textbooks has netted us gains in that companies are providing better written textbooks. I stated that we were devastated when we were critiqued, but I have learned that it can never be bad to take a look at what children are being taught.

Changes in Textbook Adoption Criteria

When asked if there were any changes in the adoption criteria for home economics books since the 1986 trial, HE Supervisor referred the researcher to the state textbook coordinator. He was most cooperative and supplied copies of the textbook adoption criteria for Alabama, a list of state approved textbooks, and a copy of the Alabama State Statute which ruled on textbook adoptions. When the books were submitted for consideration in 1990, he sent the researcher a copy of all book bids. In December of 1990, when new home economics textbooks were adopted, he sent a list of those approved by the State Board of Education to the researcher. This information will be included in the discussion of the specific books challenged in Smith.

According to the textbook coordinator, there were no specific criteria for selecting home economics textbooks. Prior to 1986, there were no state wide criteria used for selecting any textbook. Each textbook committee used whatever evaluation form they thought appropriate. In September of 1986, textbook adoption criteria for the state were developed. One item was later added to this list of criteria which addressed the role of religion in the study of history.

HE Supervisor explained that the Governor could select some members of the state textbook selection committee. She noted that Governor Hunt had appointed to the 1990 textbook selection committee members of the Eagle Forum as well as one of the attorneys for the plaintiffs in Smith. She added that this was the committee that would be selecting home economics textbooks for the state for use in the next 6 years.

Summary

Smith had some impact on the home economics curriculum in Alabama. HE Supervisor indicated that there were some changes made in the 1990 Alabama Course of Study for home economics because of Smith. Concepts were omitted, words were carefully chosen, and topics such as values clarification and human sexuality were avoided. Decision-making and critical thinking were incorporated; thus some areas questioned in Smith stayed in the curriculum. The State Supervisor also thought that home economics teachers were more careful, responsible, and selective in making curriculum decisions because of Smith.

The controversy of Smith did not appear to negatively affect the enrollment in home economics courses in the state. There was an increase from 1986-87 to 1987-88 of approximately 2,000 students in home economics programs. She concluded that it was hard to be under attack, but, "It can never be bad to take a look at what children are being taught."

The trial also impacted on the state adoption process. Prior to 1986, the state had no uniform adoption criteria. And, in 1988 a criteria was added which addressed the history books that were also challenged in Smith. No specific criterion relating to home economics was noted.

Home Economics Teachers in Alabama

Responses to the questionnaires sent to teachers indicated that the majority were experienced teachers with advanced educational degrees. Almost three-fourths of the 82 teachers (74.4%) had taught in Alabama for over ten years, with 46.3% of these teachers having 16 or more years of experience in the state. Over half (56.1%) had at least a Master's degree and 12.2% had a Sixth Year Certificate. Only 14.3% of the respondents had a minimum of a Bachelor's degree and 17.1% indicated that they had completed additional graduate work beyond their undergraduate degree.

When asked to describe the type of community in which their school was located; 45.1% replied rural, 25.6% suburban, and 28.05 city. The largest number of teachers (42.4%) taught in senior high schools and 25.9% taught in junior high schools or middle schools. Other grade combinations were indicated by 29.4% of the teachers. Of those, 10 teachers (12.29%) taught at K-12 schools, eight teachers (9.8%) taught at 7-12 schools and three (3.7%) teachers taught at K-8 schools. Other schools were described as a basic adult education school and a special program for young mothers in grades 5-8.

Most of the schools were of moderate size with 51.2% of the teachers at schools with populations between 501 and 1,000 students. A small school population of less than 500 students was checked by 29.3% of the teachers and 17% responded that they taught at large schools with student populations of between 1,000 and 2,000. One teacher indicated that she taught at a school with a population of over 2,000 students and one teacher did not respond to the question. Over half the teachers (58.5%) had taught at their present school for over eight years, with 25.6% of these teachers having 15 or more years of experience at the same school. One-fourth (25.6%) had taught at the same school for 4-7 years and 15.9% had taught at their school for under 3 years.

Teachers were asked to list all courses taught in the 1986-87 school term and to indicate the courses that were required. A variety of courses were included. The most taught class in 1986-87 by the respondents was Home and Personal Management with 69.6% of the teachers teaching this course. It was required by 35 schools and an elective in 13. Several teachers noted that it was a state required course in 1986 and was changed to an elective in 1987. This was the course which the State Superintendent had recommended as a required course for all students of Alabama in his "Plan for Excellence." In the trial testimony, he indicated that because of some parental objections, he had appointed a

committee to study this course. He indicated at the trial that it would probably never be a required course.

Teachers were asked to describe how they made curriculum decisions by selecting the top five criteria from a list of 9 items. The list in rank order by response is summarized in Table 1. Most of the teachers (91.5%) selected the Alabama Course of Study as a major criterion for curriculum decisions. Students' needs and interests was the second most often checked item. Over half (51.2%) of the teachers stated that the textbook adopted by the school system is important.

Other criteria included student requests, teacher's area of expertise, industry needs, resource materials and teacher-made curriculum. Three teachers wrote that their local school system influenced their curriculum decisions.

Table 1

Bases for Curriculum Decisions

of Alabama Home Economics Teachers

| Rank | Criteria | Percentage of Teachers Selecting |
|---|---|---|
| 1 | Alabama Course of Study | 91.5% |
| 2 | Student's Needs and Interests | 89.0% |
| 3 | Suggestions from H.E. State Staff | 68.3% |
| 4 | Societal Conditions in Community | 62.2% |
| 5 | Textbook Adopted by System | 51.2% |
| 6 | Suggestions from Other H.E. Teachers | 41.5% |
| 7 | Parental Expectations | 18.3% |
| 8 | Other Textbooks | 8.5% |
| 8 | Other Criteria | 8.5% |

Teachers were asked if any parent had ever raised objections to them in their teaching experience in Alabama. The majority of the teachers (81.7%) responded that no objections had ever been made. The reasons most frequently cited for objections were subject matter content (11%), with birth control mentioned the most, and teaching methods (7.3%). None of the complaints discussed were related to secular humanism or to the content cited in Smith as objectionable. The least mentioned source of objections was supplementary materials (2.4%) and textbooks (1.2%). Only one teacher had ever had a parent object to a home economics textbook.

Other complaints revolved around parental expectations of the subject matter in home economics. One parent was "unhappy about a unit on relationships and did not feel it was related to home economics," wrote one teacher. It was resolved when the teacher showed the parent the course of study from Alabama. A similar situation occurred when a parent complained to a principal about the subject matter in home economics. He explained that the teacher was using the state course of study.

## Awareness of Smith

The teachers were asked to indicate which of the five books banned in Smith were used by them in the 1986-87 school term. The books are identified by letters A through E in

this study since the authors were assured of confidentiality. The teachers were given the titles of the books in their questionnaire. The titles of the books are not included in the sample questonniare which appears in Appendix C. Of the 82 teachers, 69 indicated that they had used at least one of the five challenged books in the 1986-87 school term. Therefore, 69 teachers responded to questions regarding the awareness of Smith and the use and removal of the challenged textbooks.

Table 2 summarizes the perceptions of teachers about the levels of awareness of the trial by students, parents, local administrators, and system administrators. Two-thirds of the teachers (66.7%) replied that their students were not aware of the trial in October of 1986. The responses of the students who were aware ranged from unconcern to irritation about the attention to the books and classes. One student was reported to have asked, "Why do they want to bother us?" Reactions ranged from unhappy to "excited that we were involved for a short period of time." One student asked, "Is this the textbook that all the discussion is about?" Some students were amused and "thought those filing the suit were crazy." One teacher asserted that "It made them <u>want</u> to read the book and then, they couldn't find anything 'wrong' with it."

Table 2

Level of Awareness of Trial

as Reported by Home Economics Teachers

| Group | % Aware | % Unaware | % No Response |
|---|---|---|---|
| Students | 33.3% | 66.7% | .0 |
| Parents | 31.9% | 68.1% | .0 |
| School Administrators | 75.4% | 17.4% | 7.3% |
| System's Administrators | 81.9% | 14.5% | 4.4% |

As noted in Table 2, almost the same number of teachers (68.1%) replied that the parents had the same awareness level as their children. Of the 31.9% teachers who replied that the parents were aware, the reactions were described as primarily "unconcerned." Most of the teachers indicated that the parents were supportive of the home economics programs. One teacher described this reaction in her community:

> My parents never made any comments to me - not too concerned. Many Eagle Forum people in the community were writing letters to the newspapers and trying to make a big deal!

Other parents voiced disagreement with charges as evidenced by teachers reporting comments such as: "disagreed," "thought case ridiculous," "waste of time, energy, and money."

As indicated in Table 2, most of the teachers perceived that the administrators at the school and system level were aware of the trial (75.4% and 81.9%) respectively).

The general reaction to the trial by school administrators varied from unconcern to alarm. Five teachers described their school's administrators as unconcerned. Most of the teachers indicated that their county or school administrators were aware of the trial.

Impact of Trial

The trial affected the use of textbooks by 43.5% of the 69 teachers. Seven teachers were asked by their principals to stop using the books in question while the trial was taking place. Six of these principals asked that the books be removed from the classroom until the issue was resolved. Two other teachers were told to continue using the books, but to omit use of the questioned pages. Four principals were reported to have had a "wait and see" attitude.

Ten teachers were given instructions to restrict the use of the textbooks by the system administrators. Three teachers were told to eliminate certain pages. One teacher was told to keep the books on the shelf. Seven teachers received no specific reactions. One teacher received a letter of explanation and information and another teacher was told "to do whatever to comply, yet continue classes with minimum amount of interruption."

Teachers wrote about specific ways in which changes were made in the use of the challenged textbooks. Four teachers cited specific pages of the books that they did not use. For example, one teacher wrote, "omitted the first 200 pages, " and another teacher replied, "did not use pp. 1-89 of _____.' "I used only materials following page 133 of _____," responded a teacher. Other teachers described areas of home economics which were omitted from study such as: "types of families," "your choice - you determine the future." Other topics avoided were human development in the spiritual area, sex education, discussions of divorce and marriage, self-awareness, and Maslow's hierarchy of needs. One teacher added, "the students read the information anyway."

Although the majority of teachers (76.8%) responded that they did not change course content as a result of the trial, 16 teachers (23.2%) answered that their course content was changed. When asked to cite specific examples, four teachers specified that they did not discuss areas of content which were in the challenged sections of the books in Smith. Two teachers replied that they used other books. One teacher wrote that she "signed a document stating that certain sections of the book would not be used in teaching."

Impact of Ban

On March 4, 1987 when Judge Hand banned the five home economics books, the majority of the teachers (75.4%) were

still using the textbooks. Fifteen teachers had stopped using the books prior to the decision. Only 16 teachers (23.2%) reported that students had the books at home. After the decision was issued, 40.6% experienced the physical removal of the books from their classroom. Sixteen teachers explained that they were in charge of the removal. They "boxed them up" and moved them to a storage room or closet. Textbook coordinators removed the books from two of the classrooms.

The majority of the teachers (72.5%) replied that no changes had occurred because the books were removed. Eleven teachers (15.9%) wrote that changes such as the following occurred: using other textbooks, changing content of curriculum, avoiding certain topics, using own lesson plans, using handouts as alternatives to books, and requiring nightly assignments.

Reaction to Charges

Most of the teachers either indicated that they were confused (42%) or very confused by the charges (21.7%). Of the 69 teachers who were using the books, 22 of the teachers (31.9%) replied that they understood the charges. Three teachers did not respond to this question.

None of the 82 teachers agreed with Judge Hand's decision on March 4. Most of the teachers were either somewhat disturbed (51.2%) or outraged (18.3%) by the decision. Twenty-one of the teachers (25.6%) were neutral toward the decision.

Although the majority of the teachers did not spend class time discussing the case with their students, 20 teachers (24.4%) replied that they spent time discussing the trial in class. The amount of time ranged from 10 minutes to 5 days. One teacher explained that "talking about it could have created more trouble."

Teachers were asked open-ended questions about the reactions of various people to the case. The reactions of the following persons were described: students, other teachers, administrators, supervisors and local directors, community, parents, media, and friends and family. Two-thirds of the teachers (66%) wrote in responses; 34% made no comment.

The most common student reaction as described by the teachers was one of confusion and disagreement. Teachers reported that the students thought the decision to ban books was: "silly," "senseless," unnecessary," and "ridiculous." One student was remembered as saying, "He's crazy - he tried to use this case to their advantage." Some students were described as outraged and others disliked having to use old textbooks. Some students were amused by the decision and were "eager to read the challenged sections." One teacher described her students as unconcerned and a teacher wrote that "one student was glad to see the book go." Many teachers wrote that their students were supportive of the home economics textbooks.

Reactions from other teachers ranged from unconcern to outrage. Many of the responses indicated a feeling of disbelief and concern as these comments from teachers were recalled:

> concerned about same thing happening with other books.
> wanted explanation of the situation.
> It's a shame they are interrupting us like this.
> What are you going to do about the decision?

Other teachers felt the ban was "silly" and "ridiculous," or were reported to have felt "frustrated, unhappy, confused, shocked, and disgusted." Some teachers reported that other teachers were neutral and that while most disagreed with Hand's decision, there were some who agreed with the decision. Most of the teachers felt supported by other teachers and some reported that the case was discussed in the teacher's lounge. One teacher recalled that she had been teased by other teachers about using the books.

A summary of the reactions from the school administrators revealed that most of the teachers felt support and sympathy from their principals. Reactions of principals to the ban were described as: "unhappy," "unclear about charges," "disturbed about money wasted," and "resigned to comply even though in disagreement." Some principals thought the charges were "stupid," "ridiculous," and "a nuisance."

Some principals had a "wait and see" attitude and others "followed the banned books policy." One principal's main

concern was keeping the parents calm. Another principal asked a teacher to sign a document "pledging not to teach the material in question."

Supervisors at the local system level were perceived by the teachers to be supportive of the teachers and the books. They were described as cautious about the orders and against the decision. Some supervisors' reactions were cited as: very upset; concerned; thought it was silly to ban books; thought it was stupid, but complied; felt annoyed; considered it a bother.

Some supervisors were asked to oversee the removal of the books. Others discussed the ban at meetings with the teachers and one supervisor advised, "abide by decision and make very little comment to anyone."

Most communities were described as curious and supportive of the teachers. Only one teacher reported that her community had a very active Eagle Forum who actively supported the ban. Another teacher stated that articles appeared in her local newspaper against Hand's decision.

Teachers described various reactions from the parents. Some parents were supportive of the books and were curious about the content. One parent said that "my child would have never understood the humanistic approach." Many parents were reported to have considered the lawsuit "frivolous and silly." Two teachers reported that they had parents who agreed with the decision. Friends and families of the

teachers were perceived to be generally supportive and curious about the case. One teacher was asked, "Where is our freedom going?" Other reactions included:

thought it was senseless
tremendous waste of time, money and energy
thought it was stupid
silly
puzzled
outraged after reviewing the books
some felt it was unjust for a judge to make a judgement on course content and materials used
husband had to listen to complaints about the overreactions of people and the effect of this decision on lesson plans

Awareness of Appellate Decision

Teachers were asked about their awareness of Johnson's decision which reversed the book ban. Approximately half (46.3%) of the teachers replied that they were somewhat aware of this decision. Twelve teachers (14.6%) were not at all aware that the decision had been reversed and 35.4% were very aware of the decision. Three teachers did not respond to the question. One teacher indicated that she had just found out that the decision had been reversed.

Changes in Home Economics Curriculum by Teachers

The majority of the teachers (84.2%) believed that Smith had no impact on their teaching of home economics. Twelve teachers (14.6%) responded that it had impacted on their teaching as follows: changed the areas of study or the words used or made adjustments with lesson plans. One teacher

reported that she gets "permission forms signed for any questionable parts of text." One teacher summarized this omission of content by writing:

> I feel the most important areas of home economics were under attack; I have to censor anything dealing with these areas (self-awareness, behavior, and human development) to the degree that the students benefit from nothing.

Teachers were asked to reflect on their curriculum plans for the 1987-88 school year. The majority (85.4%) of the teachers answered that no curriculum changes were made from the previous year. Of the nine teachers (11%) who replied that changes had been made, only five teachers indicated that the changes were a direct result from Smith. Two teachers left out "problem materials," one selected a new textbook and one looked for new supplemental materials. One teacher reported that she began using one of the challenged books.

Other teachers expressed their frustration in dealing with higher authority and critical parents. One teacher wrote that:

> I am frustrated with one more example of a higher authority telling you one thing and changing policies midstream. I was also frustrated and angry that I wasn't notified of the appellate decision. This incident was like others in our state. For example, we were supposed to require Home and Personal Management. We went to 3 days of workshops and I personally bought the textbooks. After 3 years of saying "next year, it will be required," it was finally dropped - as was the career ladder. Do we in education ever make a straightforward decision and stick with it?

Two other teachers expressed concern about "always being aware that some parent will object to how and what is being taught," and that this case "caused others to be more critical of the program."

Two teachers expressed increased awareness of resources used in the classroom. One teacher wrote, "I don't agree with every detail of every textbook. As we disagree, it becomes a basis for discussion and value-setting."

One teacher replied that she tried to teach more from the state's requirements. And, one teacher described the atmosphere of her class as a democracy where "each of us has a responsibility to be tolerant of beliefs and views that are different from our own."

Attitude Toward Home Economics After Smith

The majority of the respondents (78.1%) replied that Smith had not changed their feelings about being a home economics teacher in any way. Of the 16 (19.2%) who replied "yes" to this question, the following feelings were noted by at least five of the 16 teachers:

Felt threatened

Felt questioned

Renewed sense of mission

Felt uncertainty about what to teach

Four different teachers checked that they felt uneasy as a home economics teacher and four felt proud of the profession. Three teachers responded that they felt distrust over changes in the curriculum. Teachers were given the opportunity to

write in other changes of feeling which were a result of Smith. One teacher responded that she felt a lack of mission in the profession. Others commented on how they changed as a teacher. One wrote, "I put less emphasis on decision making and values." Another wrote, "I felt like students were missing out on much needed discussion." A fourth teacher replied that she "just developed my curriculum to meet the needs of students - not the needs of religious fundamentalists."

At the end of the questionnaire, teachers were given the opportunity to make any additional comments regarding Smith. Seventeen of the 82 teachers wrote in additional comments. The length of the comments ranged from one short phrase to attached letters. Some of the comments focused on giving the researcher additional information such as, "1986-87 was my first year of teaching," and "I wish I knew more about it." Others used this opportunity to give their opinion of the case. For example, comments included:

> I thought time and energy could have been better spent.
> Our community is better educated and therefore more liberal than rural parts of the state.
> I would like for Judge Hand to quit listening to a small group of fanatics and leave the classroom alone.
> This reminds me of those who want to ban The Wizard of Oz and other 'radical' books like that.
> It was petty.
> Mobile has always been a place where many people started lots of problems. I feel this was a group of people who didn't have enough to do, so they had to look for something to be negative about. Many love to have trouble brewing.

Other teachers used this opportunity to comment on the subject matter and books. One teacher wrote that "anything taken out of context is misunderstood." Another wrote a statement explaining Maslow's hierarchy of human needs. A teacher who wrote about the need for schools to teach values explained, "the parents and home are not doing the job for so many." She further cited problems such as: "divorce rates, family violence, child abuse, and caring for others."

"Parents," wrote another teacher, "need to be involved in the values, standards, and beliefs of their local school system." One teacher explained that she felt that there is a "group of self-conscious parents who can't handle the fact that children need to understand how humans develop and behave in different situations for the benefit of their futures." She added that these parents should congratulate teachers for "reinforcing the lesson that the decisions one makes are a part of maturing and committing to the values they were taught at home and church." A third comment about parents was, "We could use such parental involvement and concern if only it were directed in more positive areas."

Feelings of fear and embarrassment over the case were evidenced by some of the teachers' remarks. Teachers wrote:

> I think it is a pity that Alabama always gets their publicity through ignorant actions like this case.
> I am ashamed that it took place in Alabama - so <u>many</u> asinine things do! Typical.

> There is much fear when fundamentalism takes over in the thought process or in decision making. I am married to a college professor and, I have lived in different parts of the country, and I am never surprised by any group.

Another teacher expressed concern that this case would impact future textbook adoptions. She wrote, "textbook selections are being discussed now and our supervisor has told us that only certain textbooks will be listed because of this."

One teacher expressed anxiety over the case and her willingness to help further by including her name, home address and home phone number with the suggestion that the researcher contact her if additional help is needed. She wrote, "Eagle Forum scares me. I feel people are really searching and twisting to find something wrong." Another teacher advised, "Just let the case rest in peace! It is forgotten - why dig it up again?"

Summary From Home Economics Teachers

Of the 82 teachers responding, 69 had used at least one of the five books challenged in Smith. Censorship of the books began with the trial according to 21 (30.4%) of the teachers. Six teachers were asked by their principals to remove the books from the classroom until the issue was resolved. Two other teachers were asked to omit use of the challenged pages of the books. System administrators told ten different teachers to restrict use of the books and three teachers were told to eliminate certain pages of the books.

The trial affected the use of the books by almost half of the teachers (43.5%). Although this questionnaire was completed by the teachers over 3 years after the trial, several teachers were able to cite specific pages of books which they were told not to use. Other teachers specified content areas which were omitted from their curriculum. Yet, the majority of the teachers (76.81%) responded that they did not change course content as a result of the trial. The teachers who indicated a change in curriculum due to Smith cited specific examples of how they omitted certain topics. One teacher was requested to sign a document stating that "certain sections of the book would not be used in teaching."

By the date of the decision on March 4, 1987, 15 of the 69 teachers were not using the textbooks. Four out of ten teachers experienced the physical removal of the books from their classroom. Almost half of these teachers were in charge of collecting the books and storing them in storage rooms or closets.

The majority of the teachers (72.5%) responded that no changes occurred because of the removal of the books. Of those 15.9% who were affected, changes involved using other resources, changing content of curriculum, and avoiding certain topics. Most of the teachers did not understand the charges against the books by Hand. Two-thirds of the teachers indicated that they were either confused by the

charges (42%) or very confused by the charges (21.7%). None of the teachers agreed with Hand's decision. Most of the teachers reacted negatively toward his decision as either disturbed (51.2%) or outraged (17.3%).

One out of ten teachers questioned was not aware of the appellate level decision of Johnson which reversed the ban. One-third of the teachers replied that they were very aware of this decision and almost one-half indicated that they were somewhat aware.

When asked to reflect upon the curriculum changes made from 1986-87 to the year 1987-88, the majority of the teachers stated that no curriculum changes were made. Of the nine teachers who made curriculum changes, only five attributed the changes to Smith. The majority of the teachers (85.2%) believed that Smith had no impact on their teaching of home economics. Of those teachers who were affected by Smith, reports of self censorship of materials were noted. One teacher wrote that she gets "permission forms signed for any questionable parts of the text." Other teachers expressed their anxiety about being ready for the next attack.

The impact of censorship tended to be more implicit than explicit on those teachers surveyed. It was implicit in that the teachers described attitudes and behaviors that changed as a result of Smith. When asked what changes occurred due to Smith, teachers in open ended questions explained such

things as avoiding certain pages of the book and using other materials. They spoke of feeling frustrated, questioned, angry, and leary of the next attack. However, when asked if their curriculum changed, the majority explicitly said, "no."

Evidence of behavior change can also be seen in the ways in which teachers responded to a change in attitude towards home economics. One out of five teachers changed her feelings about being a home economics teacher because of Smith. Teachers reported that they felt threatened, questioned, uneasy, and uncertain about what to teach. Others replied that they had a renewed sense of mission and felt proud of the profession.

Teachers in their written comments expressed more anxiety and impact from Smith than in their responses to specific questions. Individual teachers wrote about the confusion and frustration which they felt as teachers dealing with this case. Some of the comments appeared defensive of home economics and many expressed concern over the trial and Hand's decision. A few teachers wrote notes of appreciation to the researcher and one teacher advised the researcher to let the case "rest in peace."

The results of these findings are consistent with the research of Herzog (1988) who concluded that censorship experiences tended to change a teacher's attitude in complex negative ways.

## Home Economics Authors

To determine the impact of Smith on the challenged home economics textbooks, the principal authors of each of the books were interviewed. They were asked questions about their books, their awareness of Smith, and any changes in their books which occured due to Smith. Four of the five textbooks have been revised since Smith and these four textbooks were analyzed in relation to changes made in the challenged passages. After the findings from each interview, results of the content analysis of the books will be presented. Summaries of the interviews and book analyses will be included at the end of this section.

### Author A

Book A has been in publication since 1981. The book was written by a single author as a result of her experience in teaching high school home economics for 15 years. She still teaches home economics and the researcher visited her at her school in June of 1990. Book A was revised in 1984 and in 1988. During the interview, the author indicated that she had been contacted by her publisher to prepare the book for a new revision. Author A has been recognized as an outstanding teacher and has been active in professional organizations. She has served as president of the state home economics association. She has a Master's degree in Home Economics Education and is a certified home economist.

Author A described her book as successful and indicated that it had been adopted in most states which have a state adoption process. She has always used her textbook with her students and stated that she receives input from her students as well as subject matter specialists in completing revisions. Of the 69 teachers who responded to the questionnaire, nine teachers (11%) used Book A in 1986-87.

Awareness and Reaction of Smith

When asked questions about the trial, Author A indicated that she was first aware of the trial on March 5, 1987 after the decision had been made by Judge Hand. She was not aware of the trial in the fall of 1986. She described her first reaction to this by saying:

> I came to school that morning and I had an appointment before school and had not had an opportunity to read the paper that day. When I walked in the office, the secretary said, 'Well, how does it feel to be the author of the banned book?' And, I said, 'What in the world are you talking about?' And she said, 'Well, it's in the paper today .... I was sort of overwhelmed, so, she got the paper to show it to me and that was the very first knowledge I had.

Later in the interview, Author A expanded on how the publicity of the decision affected her. She explained:

> When I first found out, my heart I think was in my throat, because I am not accustomed to being a controversial person and I thought for a moment and then I realized that I had not done anything to merit this - that it was a problem because of a misunderstanding. I thought I couldn't allow that faraway problem based on lack of communication spoil my day, and so I was able to put it in perspective. And, I felt calm and I went about my day as I had planned. It was really

> interesting in that the lesson I had planned for that day was on values and I had an observer coming to second period to observe. So, as I walked from the office to the classroom, I thought - what shall I do? - and then, I thought - I will do what I planned to do - and, I did. She came at the beginning of the period and said, 'I assume that you will not want an observer today.' And I said, 'Oh, yes, come on in.' And, she did. And, we learned just what I had planned.

When asked if she had read the complaints of the plaintiffs in the Smith trial, she stated that she had not. She indicated that the only objections that she knew about were the ones that appeared in the publicity surrounding the March 4 decision. She noted that there was more publicity surrounding the ban in March than the appellate decision in August.

Impact of Smith

Author A's publisher was surprised at the decision. She indicated that there had been some concern with her books over the term, values. Because of these earlier objections, she changed the term, values to priorities. This change in content was made in the fall of 1986 before the author was aware of the decision in March of 1987. The revision appeared in 1988. She said that her editor asked her to change the values terminology. She said that values had always been a part of the teaching of home economics as she explained:

> I was so steeped in home economics and the teaching of values, because that has always been part of our program, that it never occurred to me that the terminology would be distasteful - that after the book was printed and the concept of humanism began to draw

> some study among other people, I began to realize, from the media that the term, values, was indeed offensive. But I did not realize that when the initial book was written.

However, Author A explained that in "good communication you don't use words that will offend your listener and if values and priorities mean the same thing - then, I had no problem with making the change." Other changes in the text were made to update the material in the content area of the financial system and housing regulations.

She described the reaction of her students as supportive. Some of the teachers in her school led discussions about the case and Author A indicated that she discussed the trial with her students if they mentioned it. According to Author A:

> When they initiated the subject, I talked. I did not usurp my instructional time or their instructional time to air my problem. If they initiated it and showed concern, then I helped alleviate their concern as best I could, and then we went on with instruction, but I did not spend any class periods talking about it.

She continued to use her book and taught more about priorities than about values. This was consistent with the changes she had made in her book.

When asked about the impact on home economics in Alabama, she stated that the books were removed for a few days and then returned with the instruction that the teachers not use the "controversial portions of the different books."

She added that since the controversial portions of her book were in Chapter One, that perhaps the teachers had already covered that chapter by March.

When asked about the impact on authors, she was uncertain. She did not believe it would impact "across the board." She added that:

> It might impact on some. Although, I do think it's rather widely recognized that values is a controversial term and home economists are good communicators and we know not to use words that offend the listener. If you practice that particular communication skill, I guess you would have to avoid using the term values when you are working with groups who would be offended by it. So, I think you would follow the lead of the particular group that you are dealing with. If I were in Mobile, I would not do a lecture on values.

When asked about the impact of the case on her, she responded that she was most impressed with the positive support which she received from her family, friends, and publisher. She also spoke of the sensitivity which her local newspaper editors treated her. She avoided publicity about the court case and the paper respected her wishes.

When asked if the sales of the book had been affected by the publicity surrounding the Alabama trial, she indicated that it was difficult to answer. Her royalties had not diminished, so she concluded that it had not had a negative impact. She added that "I have certainly not been disappointed in my royalties, but on the other hand, had it not happened I might be getting twice as much as I ever had."

Changes in Book A

The 1984 edition of Book A had 33 passages cited in Appendix N of the Smith trial. The number of citations are summarized by Categories as follows:

| | |
|---|---|
| Anti-theistic teaching | 1 |
| Subjective and Personal Values | 19 |
| Hedonistic | 5 |
| Anti-Family | 8 |

The major change which was noted in the 1988 edition was substituting the term values to priorities. Consistently throughout the revision, the word "priorities" was used in place of "values." Author A noted that this change had been suggested by her publisher prior to her knowledge of Smith.

Other changes noted were in updating photographs and adding a glossary of terms. The title of the textbook was shortened. Most titles of the chapters stayed the same. The chapter titled, "Living and Dying" was changed to "Healthy Living." The researcher counted 14 passages cited in Smith that remained the same as in the 1984 edition. Minor changes were made in other passages such as the reference to decision making that was frequently quoted in the publicity surrounding the case. The original passage in the 1984 edition of Book A read:

> As you can see, the steps in decision-making can be applied to something as simple as buying a new pair of shoes. They can also be applied to more complex decisions such as those which involve religious preferences; education and career choices; the use of alcohol, tobacco and drugs; and sexual habits. (p.26)

The next edition had the same basic content, but omitted the phrase about buying shoes. The revised passage from the 1988 edition of Book A reads:

> As you can see, the steps in decision-making can be applied to simple decisions you make daily. They can also be applied to more complex decisions such as those which involve your education, your career or major purchases. (p. 26)

According to the June 1990, "Tabulation of Textbook Bids" from State Department of Education in Alabama, Book A was not submitted to Alabama for consideration of the 1990-91 adoption.

Author B

Author B is a widely published home economics author of books, articles, and resource guides. During the interview at the annual meeting of AHEA in 1990, she explained that she had close to 100 publications, including four textbooks. She was asked in 1970 to contribute creative teaching activities to Book B and she was paid a flat fee for her work. She later was listed as a junior author on the next edition. Eventually, as other authors did less and less work, she assumed the role of senior author. In the 1985 edition, which was cited in Smith, she was the principal author with two junior authors. In the last edition of 1990, she was listed as the only author. The book was first published in 1961 with revisions in 1967, 1972, 1977, 1982, 1985, and 1990.

Author B cited this book as one of the first big sellers in the comprehensive home economics textbook market and said that it had been adopted in about 22 states. In 1986-87, 46.3% of the teachers who responded to the questionnaire indicated that they were using Book B in the Alabama schools.

Author B described her rationale for becoming involved with the book in this way: "It was an opportunity to be creative and to share what I considered creative ideas with others to make home economics more exciting." She was first contacted by her publisher and asked to work on Book B.

Author B's professional experience includes teaching home economics at the junior and senior high school level and at the university level. Most of her career has been at the university level as a teacher educator of home economics education. At the time of the interview, she was a professor of home economics education at a New England university. She holds a Ph.D. degree in Home Economics Education and is a certified home economist. She has been active in professional organizations and was recognized by the American Home Economics Association with an Outstanding Leader Award in 1990. Of the four books she has authored and co-authored, one is a methods of teaching home economics textbook which has been widely used by college methods courses in preparing home economics teachers.

Awareness and Reaction of Smith

Author B learned of the Smith trial from the publicity which appeared in magazines such as Time and from newspapers. However, she was not aware that her book was involved. None of the articles she read cited her textbook. In March of 1987, she was first informed of this when a UPI reporter called to ask her reaction. She thought it was a practical joke. She described her initial response as, "almost disbelief, really, I was just totally astounded. In fact, I said, 'Oh, this just blows my mind.'" The only other contact she had was an interview she granted with her local newspaper. She described to the researcher that she was shocked to see her picture on the front page of her newspaper:

> And, I went off skiing for the day--so, I didn't have to face them and answer the phone all day. Well, I really did. I knew that there was going to be an article in the paper. I mean a reporter had come to my house and taken a picture and so forth, and I thought it would be the size of a classified ad--that it would be so small.

She was also asked to speak at a sociology class at her university on this subject. She stated that no one from Alabama had ever contacted her about the trial, either before or after the trial and the decision. She was not asked to testify and her publisher did not contact her about the trial or the decision.

Impact of Smith

Author B, at the time of the interview, had not seen a copy of the complaints. She did remember the passages from her text which were publicized, however. When asked if she ever had any desire to read the complaints, she replied, " I don't know, I'm sure that I would find it interesting, just--life moves on, and I have just forgotten about that."

When asked if any changes were made in the textbook as a result of the passages that she had read in the publicity of the ban, she replied, "yes, I would say that they were very careful next time not to make the comments that would sound at all like a human secularist talking." To which the researcher replied, "like a human secularist?" Author B answered, "you know, things like you can be anything you want to be." This statement, she explained, was taken out. When asked if anything else was taken out, she replied:

> No, I think we still continued to talk about the different types of families--both traditional and non-traditional and cooperative and blended and so forth. I don't think that part of it changed at all. My understanding was that it was the one paragraph that said--I may not have it in the exact words - but, you can be anything that you want to be, you don't have to take life as something that just happens. As one person said, you might--this person felt that to have that paragraph accepted by those folks in Alabama, you would have to say you could be anything you wanted to be with the help of Jesus, Buddha, Allah, and you could go on and on.

She indicated that there were some concrete changes as a direct result of the trial in Alabama. When asked if it was her suggestion or that of her editor, she replied that "it was understood that we would not do anything to go out of our way to offend outspoken fundamentalists in Alabama." When asked if there was still a section on decision making and values, she responded that it was probably a more factual approach to decision making in this section. When asked if this trial had any impact on her other books, especially her methods book, she replied "no."

When asked about the effect of Smith on her personally, she replied that it had been an asset. She explained that she had just moved to a new state to rebuild a home economics education program. The publicity made people in the state aware that she was there. Some of the people in her state, according to Author B, would jokingly say, "Oh, if the book is banned in Alabama, then it must really be good." Most of the publicity and community support was favorable. She indicated that she knew of one conservative staff member at her university who agreed with the ban.

Author B did not know if this case had any impact on home economics curriculum. She elaborated by saying that the case may have had a short-term effect; and that for a time teachers could not talk about values in the classroom, and a lot of content was eliminated from the curriculum. But, she

added, "we are beginning to talk about values again." She said:

> But, I think that reemphasizing it, well at least, if not emphasizing it, we have brought it back into the curriculum. And realized that it is important that young people need to talk about values and where they get their values with teen pregnancy and relations and drugs and other types of substance abuse, and show them the necessity for analyzing where we get our values.

When asked about the effect this case would have on other home economics authors, she replied that:

> Everybody probably wanted to be very careful not to offend any particular sect or group of people. I think we've watered down what we said for a while. I probably still, as a matter of fact, want to be careful that any statement cannot be labeled as a religious statement or a human secularist statement.

She indicated that she thought that it was important as an author not to offend any group of people. The impact of Smith on her as an author was that she would be more careful not to offend anyone or any group--"racial group, cultural group, or religious group."

The sales of her book were not affected by this case, according to Author B. If there was any drop of sales, she attributed it to the fact that there were more home economics books on the market.

Changes in Book B

Ironically, Book B had the fewest number of passages cited in Smith and was one of the most cited books in the

publicity surrounding the trial. There were only five citations listed in Appendix N of the district court opinion written by Hand. Yet, two of these passages were noted by the researcher to be in many of the newspaper reports which appeared nationally. These quotations are as follows:

> Do you know the saying, "Man cannot live by bread alone?" This means that if people are to find life rewarding, their whole beings must be nourished, not just their stomachs. (p.21)
> Nothing was "meant to be." You are the designer of your life. If you want something, you can plan and work for it. Nothing is easy. But nothing is impossible, either. When you recognize that you are the one in charge of your life, you will be way ahead of where you would be if you think of your life as something that just happens to you. (p.62)

Four of the five citations were under the heading of "anti-theistic teaching" and one was labeled "anti-parental, anti-family." In reviewing the next edition which had a 1990 copyright date, no exact words in these five passages remained exactly the same. The two passages which were frequently publicized were completely omitted. The topic of self-direction was included in the 1990 edition, but stated in a milder manner. For example, on page 23 of the 1990 edition, Book B has the following passage:

> Above all, you begin to think for yourself and realize that if you want something, you can plan and work for it. This is called self-direction. It can be a powerful force in helping you explore options, set goals, and overcome fears.

The content of the other passages remained in the text with much different examples, less discussion, and a less direct message.

One major change which occurred in content was the use of the term, values. In the 1985 edition, the only mention in the book regarding value had to do with the section on color where value is defined as the "lightness and darkness of a color." Two paragraphs on values appeared in the 1990 edition which stated that, "(y)our values include the principles and standards you use for determining what is acceptable or worthwhile." Book B was submitted in June of 1990 to Alabama for adoption consideration. It was approved for adoption by the State Board of Education of Alabama on December 13, 1990 for use in public schools of Alabama.

Author C

The researcher interviewed Author C at the Annual Meeting of the American Home Economics Association in San Antonio, Texas in June of 1990. Author C has been active in local and national home economics associations. She is a certified home economist and a certified family therapist.

Author C first wrote Book C in the 1960's to use with her high school students in a family life education class. She explained that she could not find a suitable textbook for her students:

> So I started writing everyday some mimeograph forms of the material that I liked to used in the classroom

> because I felt my students were at a disadvantage at the time of testing if they didn't have something other than their own handwritten notes. I wanted them to have something in writing. This continued throughout the year and by the year's end I had accumulated quite a sizeable amount of notes which I then, at the suggestion of my principal, had copyrighted. He said that if I did not copyright it, someone could take it and use it as theirs.

She explained that she first used the mimeographed pages and charged the students for the cost of the paper. Soon, other teachers in her school system started using her book of mimeographed pages. She reported that she received requests for this book from other states and from Canada as students moved to other schools. Her role, she explained, was that of "the editor, I was the marketer, I was the mail room clerk." In 1968, she had the book professionally printed. About a year later she was contacted by a national publisher and asked if she would be interested in writing on a national level. The first edition published by this company was issued in 1979. She is listed as the only author.

When asked to describe her teaching, Author C told about how her classes grew in numbers and new sections were added. "My classes grew from one section up to 13 sections in one year. We finally had to hire two other teachers to help me teach," explained Author C. She spoke with pride about her former students and community support from parents. She

described her home economics program:

> The parents were particularly supportive of the class and they knew that they could walk into my classroom at any time. I used them quite often in panels. I used a lot of speakers from the community - the professional community around the school. And, the course got quite a lot of notoriety. I served on panels on television. Because they realized it was meeting the needs of the student and the ugly term sex education was implied - but, every time that I was able to, I tried to broaden the term into family life education. They were amazed - everyone was amazed that there was such a course being given to high school students and, that it was available for parents to have input in it. I felt that I was the luckiest teacher in the whole district, because I was teaching something that I enjoyed and it was being accepted well and I felt that the students were getting what they wanted.

Awareness and Reaction of Smith

As was discussed in Chapter 4, Author C was first notified of the challenge of her book by the attorney for the defendant-intervenors. Attorney DI called and asked if she would be willing to testify. After discussing the pros and cons with her publisher, she agreed to participate as a witness. She recalled the shock at hearing that her book had been questioned. She indicated that she had had only support in the past for this book and had never known of any objections to it.

Author C's publisher was supportive of her decision to testify. The president of her company told her that they would support her if she testified and would understand if she chose not to go. She recalled that he said, "It has to be a personal decision." She added that "he was the one that very definitely told me that they can bring up things about

Washington, D.C. was working on behalf of the defendant-intervenors. She was given a copy of the objections 3 months after the trial. She felt that the complaints were narrow in their scope and taken out of context. She said:

> I thought they were narrow. I thought they would take half of a sentence and choose to criticize it. They chose to use some of the wording and compare it to Biblical teachings. I am very much a religious person and I felt that young people have a right to have all of the information including religious information. Now the law contends that we cannot teach a religion in a classroom and I chose not to do that. I did, in such things, as the wedding, as in dating procedure, I would have speakers and I would very pointedly have all religions represented - the Jewish faith, the Protestant faith, and the Catholic faith. If I had one on a particular subject, I had the other two representing the three large branches because, I had students in my classroom from all three large branches. I also had Chinese students. I had a very homogenous grouping of students but I tried to present the material so they would have background knowledge, that in no way did I try to tell them how to believe because I feel that students need to be given information. Then, with their parents very actively involved in the course, they were able to make decisions that would work in their lives.

Impact of Smith

When asked if, as a result of the objections to certain passages in her book, any changes were made, she replied that there were changes at the next printing. Author C

elaborated:

> A textbook is constantly revised and we were in the process of doing the revision at the time. We did not make any major changes in the subject area but in the use of words. We softened - probably is the best description that you can say. We softened the wording so that it would not imply that we were telling students to make their own decisions. We tried to bring out even more, even though we actually were doing this in the original book, but we were trying to bring out the fact that an individual student needs to be responsible for their decision making, but, they need to take the advice and the counsel of a lot of other people as they make these decisions and certainly parents and a religious person would be the most appropriate people to use as they seek advice.

Future plans for the book were not affected by this trial, according to Author C. However, she added, "I think that it opened our eyes to the fact that there are factions and there are beliefs in this country that represent certain areas of our population." She contended that the challenge of a publisher is to try and produce a book that will meet the diverse needs of a population. She said:

> I am sure that the Alabama experience is always going on - it's part of our experience as an author - when I write now, I try to choose words that would not stir up somebody. In my estimation, I try to choose words that show what I really want to do.

Author C has also written a parenting textbook and the researcher asked her if the trial affected the writing of that book. She acknowledged, "Yes, I wrote as a parent and I think of how would I want them to accept what I'm writing. So yes, I think it did."

Author C believed that Hand's decision impacted the home economics curriculum both in Alabama and nationally when it happened. She said that from March until August of 1987, "it certainly affected the Alabama schools and the teachers made that known." She explained that one "can't expect to teach students without textbooks and the teachers that I knew in Alabama supported my book completely, so their main teaching tool was taken out of their hand." The national publicity surrounding the decision impacted home economics on a national level. She believed that other authors of home economics textbooks would also be affected. Only those books adopted in Alabama were challenged and she believed that others on the market would have created problems with some parents had they been available.

The impact on her as an author was described in this manner:

> Well, it made me realize that your written word is subject to being interpreted in many different ways and that you must be very careful in how you present what you believe. Now you still need to present what you believe but you have to take into consideration that your choice of words may be accepted or may be not accepted by others. In my publishing company--I don't know if they all function this way - but their editors take an author's manuscript and redo it very stringently. I mean an author probably rewrites a chapter up to five times. Your original manuscript is certainly not the one that's going to be ultimately published. In my case, I'm very wordy and because they can't use every word that I write, they eliminate a lot--condense is probably a better word.

According to Author C, the sales of her book were not affected by the trial in Alabama. She explained that it had always been one of the biggest sellers in family life education in the country. There were no drops in her royalties.

Changes in Book C

Book C contained more passages cited in Smith than any other challenged home economics book. There were 61 citations from the 1985 copyrighted version of Book C and they are summarized as follows:

| | |
|---|---|
| Anti-theistic | 14 |
| Subjective and Personal Values | 34 |
| Hedonistic | 6 |
| Anti-Parental, Anti-Family | 7 |

Book C was used in 1986-87 by 20.73% of the teachers in Alabama who responded to the questionnaire.

The book was revised in 1987. Two new chapters were added, "Decisions Affecting Health" and "Lifestyles and Health." The other titles of the chapters stayed the same. There were new pictures and graphics.

In examining the 61 citations, the researcher counted 29 passages that remained the same. No changes were made. The most noticeable change was that the term "priorities" was substituted for the word "values." This was done throughout the book. Most of the content remained. A few sentences

were left out. As the titles of the the new chapters suggest, an approach to healthy living was focused in the 1987 edition.

Book C was submitted for the 1990 adoption in Alabama. At the December 13, 1990 meeting of the State Board of Education, the textbook committee recommended that Book C be adopted. At this meeting, a minority report was submitted which objected to this book because of two sentences in the textbook. The two sentences gave suggestions for dealing with stress. Because meditation and Yoga were included in the list, the minority report suggested that a Far Eastern Religion was being advanced and would be harmful to the students in Alabama. Joan Kendall and other Eagle Forum members spoke in opposition to this book as well as other home economics, career education, and health textbooks. The minority report had a cover letter signed by Attorney P and included reports from members of the Eagle Forum. With Governor Guy Hunt using his right to vote on the Board as an exofficio member, the book was rejected by the State Board of Education. Other home economics books were dropped from the list. (Ingram, 1990, Staed, 1990, Lindley, 1990). Articles and editorials in Alabama labeled this incident as the recurring "textbook controversy." Ingram (1990) quoted one member of the State Board of Education as being concerned with the constitutional issue of church and state as he said, "Why can they mention yoga and TM (transcendental meditation)

and not mention prayer and reading the Bible? I want a level playing field" (pp. 1C-2C). Ingram also quoted a member of the State Board of Education who voted to approve the books. He wrote:

> Mrs. Hall, a retired University of Alabama professor, scolded opponents for not reading the books but making judgments from isolated passages. "I received 50 or 60 phone calls" from the books' opponents. Mrs. Hall said, "Some called at 5:30 in the morning and some called as late as 11 at night. Some were extremely nice. In some of the conservations we prayed at the end. At one, we cried. But, I asked one question of everybody. I asked them how many of them had read all of the books. Only one had." (p. 1C)

## Author D

Author D was interviewed in San Antonio, Texas at the June 1990 Annual Meeting of the American Home Economics Association. Author D was an active member of the Association and had served as president of her state home economics association. At the time of the interview, Author D was completing a school term teaching middle school home economics. She had been a home economics editor for a national book company and an in-service teacher educator for a state department of education. She is a certified home economist and has a Master's degree in Home Economics Education.

Author D's book was first published in 1980 and revised in 1983. The 1983 edition was challenged in Smith. She was contacted by the same company for which she had formerly been

employed as an editor to write a comprehensive junior high textbook. She explained that she wrote the book because she felt that there was a need for a book to deal with home economics "in it's broadest sense." Book D was widely used in the United States with many major adoptions, according to Author D. She was the only author of Book D.

Awareness and Reaction to Smith

Her editor first informed Author D that her book was involved in a trial in Alabama in the fall of 1986. She recalled that she purchased a copy of Newsweek to read about the case. She remembered her editor's remarks:

> That was quite a while ago. I think basically what she did was she informed me that Alabama was trying to ban all of the home economics books, and I think she basically outlined the reasons as that we seemed to be promoting people having the power and ability to make what they want of themselves, rather than ascribing this power to a Supreme Being.

When asked to describe her initial response, Author D elaborated:

> I just kind of shook my head - because the accusations against the books, mine included, implied that none of the authors believed in God or that God had any part of anybody's lives and that's not the way I feel. I believe that there is a Supreme Being, I am not an atheist. But, I also think that individuals have a responsibility to make the most of the talents and the abilities that they have and that is what I was trying to encourage in the book. It was that people look at themselves and see what their strengths and weaknesses are, and be honest in their appraisal and take it from there and work to improve yourself, but recognize your limitations and make the most of what you have to get what you want out of life.

This basic philosophy, according to Author D, was not incompatible with the belief in God.

Author D was never contacted by anyone from Alabama before, during, or after the trial. She was not asked to testify. And, she did not contact anyone about the challenge. She said that her publisher was supportive of her and shared her beliefs that the suit was "just a misinterpretation of the way the material was presented and kind of much ado about nothing."

Impact of Smith

When asked if she had a copy of the complaints, Author D indicated that she had been given a "notebook" copy of the complaints by her new publisher. She explained that in 1985 her original textbook company had been bought out by another book company and merged with other textbook companies. As a result, she was assigned new publishers with which to work. In the summer of 1987, she met with the new publishers to discuss plans for revision of Book D and was given the complaints at that time.

She described her reaction to the complaints:

> I felt that they were being very picky and reading things out of context. They would pull individual statements from any one of the books and attack that individual statement and when a statement is pulled out of context it can have a completely different meaning

> than it does when it is read within the context of - a page or a chapter or a section of a chapter. I read the complaint, and I still believe very firmly in what I had stated in the book, and I did not feel that they were justified in their criticism of the material.

When asked if she made any changes in the book as a result of the challenge in Smith, Author D explained that the book had not been revised. She responded:

> No, I did not. At the time that the complaints were brought against the book, the book had already been published. It was not due for revision for another year or two, I think that the reason that the publisher sent me the copy of the complaints was the see if there were areas where changes could be made. The publisher decided not to revise the book. They're just letting it die basically, so there would not have been an opportunity to make any changes in it but I'm not sure that I would have made changes. If I had made any changes in it, they would not have been major changes. There might have been some changes in wording, but I'm not sure that there would have been. I would have to look at the specific complaint in relation to the specific areas of text.

If another revision is made of Book D, the author acknowledged that she would examine those complaints again. She said that she would consider the points made and "it would probably have to be a joint decision between the publisher and myself."

Author D did not believe that the challenge in Alabama had any effect on the decision not to revise the book. She attributed that decision to an internal decision within the company and a difference in philosophy of home economics from this company and her former company. She cited examples of

where other authors from her former company had been let go or bought out. Her former company's president was called as any expert witness in Smith and was quizzed about all the home economics textbooks published by his company.

No other textbooks have been written by Author D since 1987. She contended that this case had little effect on her personally as she stated:

> Personally, I don't believe so. Now I don't know whether this decision had any effect on sales. But personally, I felt quite strongly that what I had in my book was right and, the book ban did not make me think, Oh my goodness, I really have to change my thought processes or give serious consideration to changing my philosophy because I felt that what I had published was right and appropriate for the students that the book was written for.

Author D was never contacted by the media, either national or local. One local newspaper in her state carried an article quoting another author, remembered Author D. She received no community reaction to the trial or ban. She explained that she lived in a very small community and few people knew her as an author. "I'm kind of incognito," expressed Author D. Since she wrote the book, she has married and assumed her husband's last name and moved to a small community in a New England state. She reported:

> Yes, I have married since I wrote the book, and I have taken my husband's name and a lot of people don't know that I am the same person. Now in talking with family

> members and friends who know that I have written a book, their reaction was basically the same as mine. They said it was a little ridiculous to pull statements out like that and look at them out of context.

Author D predicted that the case would have little impact on secondary home economics curriculum on a national level. She acknowledged that there may have been impact in Alabama and "in some other states that have very strong fundamental religious groups in them."

When asked if she had experienced a drop in royalties after 1987, Author D said that she had. But, she added, that it was not necessarily due to this case. She asserted that the book was getting older and that since the book had been acquired by another company, it was not actively promoted. She considered it a normal drop in sales.

She was not certain of the impact Smith would have on other home economics authors. Authors may look "at their manuscript in relation to the decision, the complaints, and maybe rewrite something so that there is less chance of things getting misinterpreted or taken out of context." She surmised that authors not involved in Smith would probably not know of the case unless they had been informed about it by their publishers or had contact with Alabama.

She concluded that Smith had little impact on her as an author. Since she is no longer actively writing, she felt no impact at all. However if she were to return to a career in

writing, she would "probably go back and look at the complaints to see if I felt that there was anything that I could change without sacrificing my own beliefs." Author D predicted that a trial such as Smith could happen again.

Content in Book D

As Author D reported, there has been no revision completed of Book D since 1983. Book D was the most used book by the teachers of Alabama who responded to the questionnaire. Of the 96 teachers who were using a challenged book, 58 (70.7%) were using Book D during the 1986-87 school year. This was the most used book by the teachers who responded to the questionnaire.

There were a total of 21 citations in Smith from Book D. These passages are summarized as follows:

| | |
|---|---|
| Anti-theistic teaching | 4 |
| Subjective, personal values | 12 |
| Anti-Parental, Anti-family | 5 |

There were no sections from Book D under the category of Hedonistic.

It was noted that some of the same passages were objected to in more than one category. For example, on page 20 of Book D, the following sections were cited as examples of subjective personal values as well as being anti-family:

> A major influence has been the attitudes and behaviors of each of your parents or guardians as male and female. You probably have learned some fairly traditional ideas about sex roles.

> You may not agree with these ideas about what males and females should or should not do. Many people believe that these traditional attitudes hinder growth and development of a person because they limit possibilities.

Sentences were taken out of the same paragraph and cited separately. In the following paragraph which appeared on page 21 of Book D, the objectionable sentences are underlined:

> Your ideas about sex roles are related to your values and your self-concept. If you have a positive self-concept, you feel comfortable with your abilities and interests. You are not afraid of what others will think if you pursue a career or have interests traditionally assigned to the other sex. You will also not hesitate to follow your dream if it happens to fit into the more traditional mold. In other words, you think well of yourself and value your individuality.

Another example of a challenged sentence can be found on page 67, "People of all races and cultural backgrounds should be shown as having high ideals and goals." This was cited under the heading of personal and subjective values.

As in other texts, any example of parents making mistakes or being human was considered to be anti-family as illustrated in the sentence on page 75 which refers to parents, "Just as you make mistakes, so do they."

According to the 1990 "Tabulation of Textbook Bids" for the State Department of Education, Book D was not submitted to Alabama for the 1990-91 adoption.

Author E

Since Author E lives in a New England state and did not attend the AHEA meeting in San Antonio the researcher was unable to interview her in person. The interview was thus conducted by telephone.

Author E is a full-time free lance writer and has written four different textbooks. One of the books includes a well known methods of teaching home economics textbook which she coauthored with Author B. She is a former home economics teacher in New York, Maryland, and Florida at the junior and senior high school levels. She has also taught at colleges in Florida and Texas in the home economics departments. Her undergraduate degree is in Home Economics and her Master's and Ed.D. are in Education. Book E was first published in 1977 and was revised in 1981 and 1988. The 1981 edition was challenged in Smith. In explaining the history of Book E, she explained that she was originally contacted by the publisher to revise another textbook owned by the publisher. The original author had retired and the company wanted Author E to submit new material for the revision. During the process, Author E asked another person to join the project as a coauthor. After new material was submitted, the company decided to publish their material as a new book instead of incorporating it with another book in their line. Author E is listed as the senior author with one other person as the coauthor. She described the book as

successful with many major state adoptions, including Texas, North Carolina, and Illinois. Book E has been owned by several companies as a result of two different mergers. As a result, Author E has worked with different editors and publishers. According to the results from the teacher questionniare, 22% of those teachers responding were using the books in 1986-87 in Alabama.

Awareness and Reaction to Smith

At the beginning of the interview, Author E expressed concern to the researcher about her limited knowledge of the court case. She explained that she "wasn't really too familiar with what happened to the book in Mobile County."

The first knowledge Author E had of Smith was after the March 4 decision when she received a clipping in the mail. She said,"It just came to me informally through a friend who sent a newspaper article." She described her initial response:

> I thought that the points they were making were stupid. But then, I also at the same time respected the fact that it was a very conservative area of the country and I perhaps was more liberal in my attitude. I certainly understood that this was a possibility - that it was in the realm of possibility that people would start to nitpick at some small points that probably students would never have been aware of.

Author E contended that she was never contacted by anyone from Alabama either before, during, or after the trial. She was not aware that the trial in the fall of 1986

was taking place. She was not asked to testify. Her publishers have never discussed the case with her and she has not seen a copy of the complaints.

Impact of Smith

Her only memory of the complaints came from the article which a friend sent her. She reiterated her disagreement with the challenged portions by saying that "they were very picky points that I would think almost seem to be blown out of proportion. I thought they distorted the meaning, the intent, and the concept."

When asked if any changes were made in Book E as a direct result of the court case, Author E was unsure. She explained that her coauthor had worked on the sections of the book which were challenged. In citing the books, the court documents and resulting publicity only listed the principal author which is the first author listed. She stated that if changes were made, they would have been made by her coauthor and editor. Because of the mergers and change of editors, she was unsure who would have made the changes. She recalled that "there was some discussion at the time that one had to be very careful about the wording of certain concepts." One conversation revolved around the discussion of the definition of a family. She expanded:

> I remember at one point when we were working in the book there was a lot of concern about how one could discuss the definition of a family. It's just as basic as that, I mean, and there are a lot of groups of people living

> together who consider themselves family. But not necessarily by virtue of a heterosexual marriage. So there were things like that people were, I think, very concerned about--the use of terms and the way they were defined.

She recalled that her editors had been "extremely careful" with such issues that had been raised by the Gablers in Texas. Publishers, according to Author E, consider Texas "to be almost the pinnacle." She stated that she had written the areas of the book that were less objectionable, such as the foods and nutrition chapters. And, because of that, she was less involved in working on the challenged sections.

When asked if the Alabama case had any effect on future plans for the book, Author E replied, "Oh, I wouldn't think so at all." She described the book as a good seller and very popular and profitable for the the publishers.

Author E stated that Smith had no direct impact on her writing of other textbooks. She reiterated her lack of knowledge of the trial and said that as an author she was aware that there were different groups such as "women's groups, conservative groups, little groups out there who certainly evaluate the books in terms of their criteria." As an author, she asserted, "you are aware of some of the pressure groups out there." She had never been told what she could or could not write as she explained:

> I think you're just more conscious of it as you write, but I have never been given directives by a publisher or

> an editor. I think they simply react to what you write. They don't tell you how to write or what content to include.

Author E concluded that she was not affected by Smith because of her lack of awareness of the trial and decisions. She never read it directly in a newspaper and/or saw firsthand any of the publicity which surrounded the trial or decisions. The only article which she read was the one that was sent to her by a friend. She was never contacted by the media. She was not interviewed and to her knowledge, no one in her community was aware of the court case.

She explained to the researcher that part of her lack of involvement could be a result of her recent marriage and move East to a New England state. She was no longer teaching at the university and she worked out of her home as a free lance writer. Had she been still at the university, she contended, "I would have been more actively involved in it." She did not believe that Smith affected the sales of her book in other states. Author E acknowledged that it would be difficult to ascertain the effect this court case had on sales because of the age of the book in 1986. She explained:

> Because it was just about that time that it was at the end of one of the second revisions of that book. So, as the book gets older and other newer books are being published in the interim, then your sales obviously decline. Whatever book is first published rather than the first copyright year usually sells the largest.

> It's given so much promotion and so forth. It would be difficult to determine if it had an impact. I think there were other variables operating there -one of which was the fact that it was close to the end of the publication cycle of that text and a new edition was being readied.

The impact of Smith on the home economics curriculum in Alabama could not be assessed by Author E. She also indicated that she did know how much impact Smith had on home economics curriculum nationally. She predicted that it would affect other home economics books through the publishers as she stated:

> Oh, I would think so, I'm sure that publishing houses were aware of this and as they began to revise books and/or design new books they certainly would take this into consideration.

In Author E's opinion, Smith could happen again. As was stated earlier, of the five authors this author knew the least about the case. For example, Author E was unaware that the books were actually removed from the classrooms in Alabama. She expressed shock that the books were removed. At the end of the interview, she told the researcher, "I think you've told me more than I've told you. It is interesting. I have really dismissed it from my mind. I really haven't thought very much about it."

Changes in Book E

Book E had 42 passages cited in Smith. The citations are summarized as follows:

Anti-theistic 5

| | |
|---|---|
| Subjective and Personal Values | 19 |
| Hedonistic | 5 |
| Anti-Parental, Anti-Family | 13 |

A major revision was completed in Book E in the 1988 edition. Of the four books which were revised, the most changes were noted in this book. The 22 chapters were made shorter and expanded to 46 in number. The most noticeable change in content with respect to the challenges in Smith was with the term "values." There was no mention of values in the 1988 edition. In the 1981 edition, values are described and illustrated throughout the sections on decision making and goals. In the 1988 edition, values are not mentioned. In the 1981 edition, the following paragraph is used to introduce the concept of goals:

> Values serve as the basis for decision making. However, many values are vague and hard to define. How can you describe love, honesty, and freedom? Sometimes you may not even be aware of your values. Goals are more specific. They provide a way of putting action to your values.

This differs from the description of goals which appears on page 23 of the 1988 edition, "goals stem from dreams or hopes."

In the discussion of standards, there was no mention of values in the 1988 edition. Values, according to the 1981 edition of Book E, influence your standards and "Standards are a personal decision and will vary with each person" (page 30). In the 1988 edition, the words were changed with the

same implied meaning. On page 25, these sentences are found, "The standards you choose depend on what's important to you," and "Standards vary from person to person."

The following paragraph which appears on page 23 of the 1981 edition was the most heavily cited passage (from Appendix N) in Book E:

> What happens if you continue acting against your conscience? At the moment, you may be able to push away your guilt. However, you may end up losing respect for yourself. Have you ever looked back at something you did the day before and wondered why you behaved like that?
>
> On the other hand, teenagers should not judge themselves too harshly. Remember that adolescence is a time of trial and error. You are likely to make mistakes. That is a part of learning. Too strict a conscience may make you afraid to try new ventures and meet new people. It may make you feel different and unpopular. None of these feelings belongs to a healthy personality.
>
> You can learn about yourself when you listen to your conscience. It is you talking to yourself, guiding you. It is the part of you that is concerned with your own goodness.

It was heavily cited in that four different references to this section were made in Hand's decision. The discussion of conscience was changed in the 1988 edition to read:

> How you deal with the challenges that come your way has a lot to do with the role of your conscience. A conscience is a set of internal guidelines that help you tell the difference between right and wrong. Most guidelines come from your family, from religious beliefs, and from society in the form of laws and customs.

> If someone tries to talk you into doing something you think is wrong, you feel unsure. That feeling is your conscience suggesting that you not do it. When you fail to follow your conscience, you may feel guilty or depressed. In a sense, you let yourself down when you act against your conscience.

One citation attributed to Book E under the heading of "anti-family" was written in the court decision incompletely. On page 55 of the 1981 edition, this sentence appears: "Generally speaking, a family is a group of people who live together in one house and who are related by blood or by marriage." In Appendix N, this sentence is cited as "Generally speaking, a family is a group of people who live together in one house." This citation omitted the phrase "and who are related by blood or by marriage."
In the 1988 edition, no definition of family was found by the researcher. Chapter 9, "Building A Strong Family," described the role of the family, different types of families, ways to strengthen relationships within a family, and ways to cope with problems.

Of the 42 citations, the researcher could find only two challenged passages that remained exactly the same from the 1981 edition to the 1988 edition. Those included a description of the three types of maturity: emotional, physical, and mental, and a list of guidelines to help the student get along with his or her parents. In the 1981 edition, the type of maturity could be found on page 18 and

the same basic list was found on page 88 and 89 of the 1988 edition.

A list of guidelines to help the student create harmony in the home was listed on page 61 of the 1981 edition. The guidelines were written to help the student get along better with his or her parents. The same basic list was found on page 86 and 87 of the 1988 edition with this introduction: "To strengthen your relationships with your parents, follow these guidelines:" The 1981 edition passage cited in Smith under the heading of "Anti-Family" was:

> Here are some guidelines that can help you to create more harmony in your home.
>
> Be dependable. Keep your promises. If you promised to mow the lawn, make certain you do it.
>
> Be honest. No one likes to be lied to.
>
> Let your parents know where you are going. People who care for you want to know where you can be found if an emergency should come up.
>
> Let your parents know you like them. Everyone needs to know this at some time or another. Knowing that your children like you can make parenthood more pleasant.
>
> Be thoughtful and considerate. Think about your parent's needs. Compliment them and thank them when they help you.
>
> Help your parents to understand you. Talk to them. Share some of your thoughts and dreams with them. Don't make them guess about what kind of a person you are.

The last sentence, "Don't make them guess what kind of a person you are," was omitted in the 1988 edition.

Slight changes were noted on some of the challenged sections. For example, the stages of development of children on pages 78-84 in the earlier edition was changed slightly in

the latest edition on pages 98-99. The stages in the 1988 edition included: physical growth, intellectual growth, emotional growth, social growth, and moral growth. In the earlier edition, the term used was "development" instead of growth and "personality development" was used instead of social growth. Book E was submitted for consideration for adoption in the 1990 textbook adoption bids in Alabama. On December 13, 1990, it was approved for adoption for the state by the State Board of Education.

Summary From Authors

Of the five authors, only Author C was aware of Smith before the trial took place in the fall of 1986. She was first notified by an attorney, representing the defendant-intervenors, asking her to testify. Author D was called by her editor after the trial had occurred. Author B stated that she knew of the trial, but did not know that her book was involved. Authors A and E did not know of Smith until the March 4 decision by Judge Hand. Author A first found out about Smith through an article in her local newspaper on March 5, 1987. Author E was sent a clipping describing the decision by a friend. A UPI reporter first informed Author B when he called her for a comment on Hand's decision.

As a result of the interviews, it is the conclusion of the researcher that two of the five authors felt little impact from Smith. Author E knew very little about the case and Author D concluded that since she was no longer writing

it would have little impact on her. She also stated that it was important to write what you believe. Author B indicated that the impact of Smith was positive in that it gave her professional role added visibility.

Authors A and C discussed ways in which Smith impacted their lives. It might be explained that since Author A was in the classroom during the trial and decisions, there was more local attention given to her. Author C was the only author who testified and had personal contact with the plaintiffs, defendant-intervenors, attorneys, and Judge Hand. Both Authors A and C live in the South. Both authors appear to have received more attention from the media in the publicity surrounding the case and both authors appear to take the challenges addressed in Smith more seriously.

There was no evidence to support a change of attitude by the authors towards home economics. All of the authors articulated support for the subject matter. Author C voiced concern about the lack of involvement of the American Home Economics Association.

Of the five authors, only Authors C and D had seen a copy of the complaints in Smith, citing their books. Author C received a copy three months after the trial, and Author D received a copy from her publisher so that she could consider making any changes before the next revision. The other three authors knew of the complaints through either the publicity surrounding the decision or through discussions with their publishers.

Future publication plans for the books were not affected by Smith, according to the five authors. All of the books were revised since the trial with the exception of Book D. Although Author D's publishers had discussed a revision and the challenges of Smith, it was the opinion of Author D that this case had no bearing on the decision not to publish a new edition of Book D. She stated that it was an internal decision made by a new company about how home economics books should be written. The new company's trend was to hire a committee to write the book as opposed to paying one author royalties. This decision also affected other books in the home economics line. She concluded that the decision not to revise resulted more from a change of ownership and merger than from any impact of Smith. If she decided to revise Book D in the future, Author D predicted that she would look at the challenges in Smith before writing.

The four authors asserted that changes had been made in the latest revisions of their books because of Smith. Author A stated that the new edition "omitted words" and replaced the term "values" with the term "priorities." Words were also omitted in Book B. Words that implied "you can be anything you want to be" were omitted in Book B, as Author B explained that they did not want to sound like a "human secularist talking." She also explained that a more factual approach was used in illustrating the steps to making a decision. Author C contended that although no basic content

was changed, words were "softened." Author E was less sure of the changes made because of Smith. She recalled a discussion with her editor over the definition of the term "family." And, she said that there was more of a struggle over words that could be used.

The five authors agreed that Smith would impact the writing of other authors in home economics. Author A predicted that there would be less emphasis on the term "values." Author B explained that texts would be "watered down" so as not to offend. Author C felt that other books would have been under attack in Alabama had they been on the state adoption list. More rewriting would be done so that terms would not be misunderstood, predicted Author D. And, Author E stated that publishers would more carefully treat certain subject matter and take the challenges into consideration.

All authors predicted that a trial such as Smith could happen again. Author C elaborated by saying that the political involvment of religious groups have made a case such as Smith more likely.

## Summary of Changes in Textbooks

The objections to the five textbooks are summarized in Table 3. The least cited book was Book B and the most cited was Book C. In analyzing the challenged passages cited in Appendix N of Hand's decision, there were some errors noted. There were 3 passages contributed to the wrong book. Some of

the citations included incomplete sentences and many of the passages were taken out of context. Table 3 accurately reflects the passages in the correct books. There was one passage cited that the researcher could not find in any of the five books. Passages were also cited for the sixth book which was challenged. It was not banned because it was not a state adopted textbook.

The home economics textbooks challenged in Smith were revised with the exception of Book D. The revised books have changes that are a result of Smith. Two of the four authors acknowledged in the interview that changes were made in the next revision as a result of the challenges in Smith. Author A indicated that she had been advised prior to Hand's decision that there was concern with the term "values" and that word had been taken out. She was asked to make the changes after the trial date, however.

Author E expressed uncertainty over changes made due to Smith. She explained that her coauthor had written the chapters that were challenged. And, of the five authors, she was the least knowledgeable about Smith. Of the four revised books, Book E was the most changed. Of the 42 challenged sections, only two remained the same in the 1988 edition. The challenged passage on the role of a conscience was brought out in testimony by several of the expert witnesses. The 1981 edition of Book E devoted 12 paragraphs to this discussion and the 1988 edition had 2 paragraphs on the

role of a conscience. The role of a conscience was described in the challenged edition as a personal guideline. In the 1988 edition, conscience was described as an internal guideline of right and wrong based on "your family, from religious beliefs, and from society in the form of laws and customs" (p. 38).

Table 3

Number of Objections to Home Economics Textbooks in Smith by Category

| | Number of Passages Cited | | | | |
|---|---|---|---|---|---|
| Category | A | B | C | D | E |
| Anti-Theistic Teaching | 1 | 4 | 14 | 4 | 5 |
| Subjective & Personal Values | 19 | 0 | 34 | 12 | 19 |
| Hedonistic | 5 | 0 | 6 | 0 | 5 |
| Anti-Family | 8 | 1 | 7 | 5 | 13 |
| Totals | 33 | 5 | 61 | 21 | 42 |

All four books changed the content regarding values. Three of the four books omitted any discussion or mention of

values. In Books A and C, the term "priorities" was substituted for "values." In Book E, "values" was replaced with "hopes and dreams" or "those things important to you." Book B did not have a section on values in the challenged edition. However, in the 1990 edition, two paragraphs describing values were added.

Book B had the fewest challenged sections. All five sections were either changed or omitted in the 1990 edition. Books A and C changed approximately one-half of the challenged sections. The others can be found word for word as they appeared in the challenged edition.

In the 1990 textbook adoption for Alabama, Books A and D were not submitted for consideration. Books B and E were adopted and Book C, though recommended by the textbook adoption committee, was rejected by the State Board of Education on December 13, 1990.

Therefore, as predicted by Rogers (1988) and Yen (1987), there were fewer words for writers to write. The changes resulting from Smith in the textbooks were in alignment with the impact which the attorney for the plaintiffs forecasted.

# CHAPTER 7

## SUMMARY AND RECOMMENDATIONS

The overall purpose of this study was to examine Smith v. Board of School Commissioners of Mobile County to determine: (1) the conditions which precipitated Smith; (2) the underlying themes of Smith; and (3) the impact of Smith on secondary home economics curriculum. To meet the objectives of this study, a triangulation approach was used to collect data from document analysis, content analysis, interviews, and a questionnaire. The trial transcript and decision of the district and appellate courts were analyzed. The challenged home economics textbooks were reviewed. And, a content analysis of the four home economics textbooks, which were revised after Smith, comparing changes in content relating to Smith was completed.

Interviews were conducted with attorneys representing the plaintiffs, the defendants, and the defendant-intervenors; the Home Economics State Supervisor, two witnesses in Smith from the home economics field, and the five authors of the challenged home economics textbooks. All of the interviews were face-to-face with the exception of one, which was conducted by telephone. A questionnaire was sent to a random selection of home economics teachers in Alabama in May of 1990 with a response rate of 58%.

## Summary of Findings

The primary purpose of the study was to conduct an in-depth analysis of Smith. Following a brief summary of case, a list of the research questions and the major findings related to each are presented.

### Summary of Smith

Smith began in 1982 when Ishmael Jaffree charged that the constitutional rights of his three children were violated by practices in the Mobile County Schools and by state statutes in Alabama which allowed prayer in the schools. The bench trial was heard by Judge Brevard Hand in the Federal District Court of Mobile, Alabama. Hand allowed the 624 parents, teachers, and students to intervene with the state due to their contention that prayer in the schools was needed to express their freedom of religion and to offset the secular humanism which pervaded the schools.

Jaffree's charges were dismissed by Hand and he that should the higher courts reverse his decision, he would reopen the case and hear the claims of secular humanism in the public schools by the defendant-intervenors. After the appellate court found for Jaffree and was affirmed at the Supreme Court, Hand, as forewarned, realigned the defendant-intervenors as plaintiffs and asked them to bring their evidence before his court.

The charges by the plaintiffs were made against the Mobile County Schools, the Governor, the State Superintendent

of Public Schools, and the State Board of Education. Governor George Wallace indicated publicly that he agreed with the charges and signed a consent decree stating that he would not fight the charges. The Mobile County School Commissioners signed this decree with Wallace. The plaintiffs were represented by attorneys from Montgomery and Mobile, Alabama and from the National Legal Foundation. Much of the fund raising was done through Pat Robertson's Christian Broadcasting Network television ministry.

Hand allowed 12 parents to intervene with the state. The defendant-intervenors were represented by a legal firm from Washington, D.C. which provided their work pro bono. The operating expenses of the trial were paid by the People for the American Way and ACLU.

The plaintiffs charged that certain home economics, history, civics, and social studies books were promoting the religion of secular humanism by either teaching the tenants of secular humanism or by excluding the role of religion in the treatment of history. Expert witnesses from universities all over the United States were called to testify, to present expert reports on the textbooks, and to support the theory that secular humanism is a religion. Parents also testified that the secular humanism in the schools created a conflict of values for their children due to their religious beliefs.

The state defended its right to select and adopt textbooks, and the defendant-intervenors argued that secular humanism is not a religion and that the books did not promote secular humanism. Expert testimony was heard from witnesses who supported their defense. Testimony was also heard from a parent, various school officials, a home economics teacher who used one of the books, and from an author who wrote one of the challenged home economics textbooks.

Much of the 12-day trial was spent focused on the home economics textbooks and the debate on secular humanism. Only one witness for the plaintiffs testified that he had read all of the home economics textbooks in their entirety. The other reports from the plaintiffs were based on reading certain sections of the books that were highlighted and sent to them from other reviewers. The expert witnesses for the defense also indicated that they had read only challenged sections of the textbooks or copies of the challenged passages which were listed as objectionable by the plaintiffs.

The charges against the home economics textbooks by the plaintiffs stated that the books promoted subjective, hedonistic, anti-theistic, and anti-family values. It was further charged that these themes promoted the religion of secular humanism and that the public schools were promoting this religion as a result of the influence of John Dewey.

On March 4, 1987, Judge Hand found for the plaintiffs and ordered the immediate removal of 44 home economics, history, social studies, and civics books from the public schools of Alabama. The Alabama State Board of Education voted to appeal, and on March 27, a stay of injunction was granted by the 11th Circuit Court of Appeals, which allowed the books to be returned and used until a decision was reached by this court.

In June of 1987, attorneys for the three parties presented brief arguments before a 3-judge panel at the 11th Circuit Court of Appeals in Atlanta, Georgia. The appellate court reversed Hand's decision on August 26, 1987. The court found that the textbooks did not promote secular humanism or any other religion. Based on an examination of the home economics textbooks, Johnson, for the court, wrote that the home economics textbooks promoted such values as "independent thought, tolerance of diverse views, self-respect, maturity, self-reliance, and logical decision-making, without precluding possibility that religion was source of moral values" (Smith v. Board of School Commissioners of Mobile County, 827 F.2d 684 (11th Cir. 1987) p. 684). This decision was not appealed to the Supreme Court.

## Summary of Research Questions

Therefore, censorship did take place in Alabama, due to Smith, from March 4, 1987 to March 27, 1987. To further summarize this case, the following section will answer the three research questions.

1. <u>What were the conditions which precipitated Smith?</u>

The result of the review of literature, interviews with the attorneys, interviews with the State Supervisor of Home Economics, and interviews with the home economics witnesses indicate that the following conditions precipitated <u>Smith</u>:

1. Ultraconservative religious groups were active in protesting textbooks in the public schools.
2. Organized ultraconservative groups were instrumental in challenging books in the courts on the basis of secular humanism.
3. Home economics shifted curriculum emphasis in the last 30 years from technical skills to critical thinking and a focus on making decisions about life situations.
4. The Eagle Forum in Alabama was active in protesting the home economics textbooks in the state adoption hearings in 1984, two years prior to <u>Smith</u>.
5. The controversy with the 1984 Alabama textbook adoption hearings brought public attention to the home economics textbooks.
6. No criteria were established for the selection and adoption of textbooks in Alabama prior to <u>Smith</u>.
7. The political climate of Alabama was sympathetic to the conservative groups as evidenced by the actions of the last three governors.

8. State statutes in Alabama had been passed which were supportive of the conservative movement.
9. Judge Hand, who heard Smith, had indicated publicly and in court that his views were sympathetic to the ultraconservative religious point of view. He realigned the parties from Jaffree and instigated the trial of Smith.
10. The controversy surrounding Jaffree and the textbook adoptions in 1984 made more national groups aware of the potential of Smith. National groups such as the Eagle Forum, ACLU, People for the American Way, and the National Legal Foundation were monitoring the events in Alabama.

2. What were the underlying themes of Smith?

The predominate theme of Smith was a clash of beliefs among different groups of people. The underlying themes were evidenced by diverse views of secular humanism and different interpretations of home economics. This clash was fought in a federal court and heard by a judge sympathetic to the views of the plaintiffs. The clash was intensified by the involvement of special interest groups and the attention from the media. The result of the clash was state-wide censorship.

None of the authors of the challenged books believed that their textbooks promoted secular humanism. It is a finding of this study that neither the expert witnesses nor

the attorneys understood the theories nor the philosophical base of the home economics textbooks with the exception of the home economics teacher and Author C. No connection was ever made between the challenged themes of the books and the philosophical base of home economics as defined by Brown and Paolucci, i.e., to enable families and individuals to function in their own strength. This lack of understanding was compounded by no involvement of any home economics professional organization in the case.

3. What impact did this case have on secondary home economics curriculum as evidenced by:

a. changes in home economics curriculum in Alabama,
b. changes in Alabama textbook criteria for adoption of home economics textbooks,
c. changes in treatment of subject matter by home economics teachers in Alabama due to Smith,
d. changes of home economics teachers' attitudes toward home economics after Smith,
e. attitudes of home economics authors toward subject matter after Smith,
f. changes made in home economics textbooks due to Smith?

Changes in home economics curriculum. According to the State Supervisor for Home Economics, changes were made in the Alabama Course of Study as a result of Smith. Words were more carefully chosen and certain concepts such as values and

human sexuality were omitted. The State Supervisor of Home Economics in Alabama also indicated that teachers were more careful, responsible, and selective in making curriculum decisions because of Smith.

Changes in textbook adoption criteria. Prior to the trial of Smith, there was no state adoption criteria for textbooks in Alabama. Textbook adoption criteria were adopted one month prior to the trial and although criteria were added which addressed the history books no criteria relating to home economics books were found.

Treatment of subject matter by home economics teachers. Censorship of home economics textbooks began in October of 1986 with the trial of Smith. Almost one half of the teachers (43.5%) who responded to the questionnaire were asked to either remove the challenged books from the classroom or to stop using certain passages of the textbooks. However, the majority of the teachers (76.8%) replied that they did not change course content as a result of the trial. When the ban was issued in March of 1987, four out of ten teachers had their home economics textbooks physically removed from their classrooms. The majority of teachers (72.5%) replied that no course content changes occurred because the books were removed. One out of ten teachers were not aware that the ban had been reversed at the appellate level. The majority of teachers (85.4%) stated that no curriculum changes were made for the next year (1987-87)

because of Smith. Those who did change content cited "omitting certain topics."

Attitude change towards home economics by teachers. One out of five teachers stated that they changed their feelings about being a home economics teacher due to Smith. These teachers responded that they felt threatened, frustrated, uneasy, and uncertain about what to teach. An analysis of the responses to the questionnaire indicates a more implicit change due to the censorship from Smith than an explicit one. The change was more implicit in that attitudes and behaviors were changed. Teachers cited specific behaviors and attitudes which resulted from Smith, such as feeling frustrated and threatened. Most teachers verbally stated (at the explicit) level that Smith did not change the way in which they taught. This finding is consistent with the research of Herzog (1988) on teachers' experiences with censorship, where she described the subtle "chilling" effects of censorship experiences.

Attitude change toward home economics by authors. The awareness of Smith varied greatly among the five authors. The author most aware was the author who testified. She and Author A seemed to receive the most publicity from the ban. Author C was the only author aware of the trial as it occurred. Authors B, D, E felt little impact from the trial. Author B indicated that being banned in Alabama was an asset to her in her university community. There was no evidence to

support a change of attitude toward home economics due to Smith. Author C was concerned with the lack of involvement from the profession, especially from AHEA.

Changes in challenged home economics textbooks. Of the four textbooks revised after Smith, all were changed due to the challenges. The most consistent change was with the term "values." Three of the four books omitted the term and it was added to the other book. All four books had some challenged passages changed. In books A and C about one half of the specific passages cited in Smith were changed. All of the passages in B were changed and almost all of the challenged content was changed in Book E. Books B and E were adopted in Alabama in the 1990 adoption process. Book A was not submitted for bid and Book C was recommended by the textbook selection committee but was rejected by the State Board of Education.

It has been stated that censorship took place in Alabama from March 4, 1987 to March 27, 1987. The findings of this study do not support that statement. Censorship began when the trial started and has continued to this day, as there are fewer ideas for teachers to teach and fewer words for authors to write. The impact of Smith can be seen as the controversy over the home economics textbooks has continued with the 1990 textbook adoptions. The Eagle Forum and the efforts of the attorney for the plaintiff are still at work as evidenced by the 1990 textbook adoptions. The uncertainty of the new

objections will make this censorship controversy harder to predict and more difficult to fight. It has also been done under the protection of the State Board's right to select and adopt textbooks. It is ironic that the statute which preceded Jaffree's first lawsuit in Alabama allowed for a moment of meditation in the schools. Almost 10 years later, the people who fought for that statute all the way to the Supreme Court are now censoring books which suggest meditation as a way to cope with stress. The editorials in Alabama suggest that there are people who continue to be outraged at this one-world interpretation. The clash continues.

## Implications and Recommendations

### For Home Economics Educators

There are reasons why home economics will continue to be a target for the ultraconservative religious groups in the courts. First, the curriculum trends of home economics seem genuinely offensive to special interest groups, such as the Eagle Forum and Educational Research Analysts. The one discipline, according to the New Right, that should be encouraging girls to stay at home in the traditional homemaking role has not met with their stereotypical expectations. Second, the discipline is small in comparison with other areas of study and is female dominated. The judges and attorneys are typically male and unfamiliar with the discipline of home economics as illustrated in Smith. Third, there are some similarities in home economics and the

various interpretations of secular humanism. The subject is secular in that the needs of society are reflected in the curriculum as mandated by legislation and as encouraged by leading writers in home economics curriculum. Since the mission of home economics, since 1909, has been to improve the quality of life for families and individuals, the focus of the discipline is human beings and grounded in humanistic thought. This does not make it a proponent of secular humanism or of any one religion. Therefore, the following recommendations are made to the home economics profession:

1. Home economists must be prepared to face future challenges. The debate over secular humanism needs to be understood by home economics educators.

2. All home economics educators; teachers, teacher educators, and supervisors need to be able to offer morally defensible curriculum as described by Brown (1980) and interpreted by Laster (1987) as the ability to make morally defensible judgments about what is taught based on an evaluation of values, dominate philosophical positions, and a consideration of the probable consequences.

2. Within the home economics profession, intellectual discussion must be held on the role of values in the curriculum.

3. The genuine concerns of parents who may bring charges against home economics need to be understood by

teacher educators and by teachers. Teachers need to be prepared to respond to challenges of subject matter, methodology, and curriculum materials.

4. Home economics authors need to band together and discuss the role of home economics and the treatment of controversial subject matter. A support group for home economics authors could provide a forum for such a discussion and offer financial and moral support for its members in times of challenge. A consensus from within the profession could assure publishers of work that reflects scholarly integrity.

5. Teacher educators need to ask, "Am I adequately preparing my students with an understanding of the knowledge base and philosophical base of the subject they will be teaching? Could they withstand being questioned on a witness stand as to why they are teaching certain concepts?"

6. Home economics teachers need to ask, "Could I testify as to what I teach and why? What is the philosophical base from which I teach? How do I handle the role of religion in the classroom? How do I teach about values and decision-making? How do I encourage critical thinking? How could I cope with censorship?"

7. State Supervisors who plan in-service programs for teachers need to select speakers with a philosophical knowledge base. Workshop topics which raise the awareness of home economics teachers to the ultraconservative religious

movement and their objections to home economics need to be planned.

For Home Economics Professional Associations

When the basic philosophical belief of a profession is challenged in the courts and the organization charged with promoting the mission of home economics does not respond, then the future of that profession is in jeopardy. Due to the continued activity of organized groups such as Eagle Forum against home economics, then it is recommended that the American Home Economics Association prepare someone to respond to such charges. The legal implications of Hand's decision, though overturned, should be examined carefully by AHEA and HEEA and other organizations such as the American Vocational Association (AVA) and the National Council on Family Relations (NCFR).

For Educators

There are other disciplines within the public schools which promote themes similar to those identified by Johnson in the home economics textbooks. Themes such as independence, respect for diversity of thought, and logical decision making are found in literature, social studies, history, civics, and other areas of study. Teachers need to be able to identify their knowledge and philosophical base in order to defend their curriculum.

All school systems, local and state, need to have established criteria for the adoption and selection of

textbooks. How these committees are selected needs to be carefully scrutinized by the educational community. The efforts of the groups such as the Citizens for Excellence in Education in getting members appointed to such boards needs to be followed.

The debate over secular humanism needs to be discussed by educators. The religious right appears to have unlimited finances and energy to fight the ideas which they consider offensive. The battle over basic philosophical beliefs among different groups is unevenly matched in our society today. The time, money, and energy of those dogmatic in their promotion of self-righteous views cannot be taken lightly by opponents who value diverse points of view--even those of their opponents. There are many in education who do not see the seriousness of such a clash. Many parents are genuinely concerned by the changes within the public schools and they are influenced by organized ultraconservative religious groups.

With upcoming changes on the Supreme Court and the growing number of conservative appointments in the lower courts, the outcome of a case such as Smith may be different in the future. If so, it is likely that public education will change in the United States. If it is found that a religion is being promoted in the public schools, then the funding of private Christian schools seems likely.

## For Future Research

Research needs to be continued in the area of school censorship. The research for this study was begun in the fall of 1986. For the past four years, computer searches in the education, censorship, and legal literature have been conducted. During 1986 and 1987, there was an abundance of articles written in response to the textbooks trials in Tennessee and Alabama. However, since 1987, there has been a decrease of publications each year. While the publications on censorship are less, surveys report that censorship has continued to increase in the schools. The scholarly research in this area is limited. More studies are needed to critically examine the impact of censorship and the influence of the religious right. There are many questions left to answer about Smith. Future recommendations for study include:

1. In view of the limited number of studies focused on censorship in the schools, it is recommended that this study be replicated with other major court cases.

2. Since the analysis of the trial transcript revealed a different perspective than the opinions of Hand or Johnson, it is suggested that future censorship studies use the triangulation approach to validate and cross check findings. Trial transcripts as well as interviews with attorneys representing all parties and witnesses in a court case provide a more in-depth study.

3. It is suggested that this study be replicated to study the impact of Smith on the history, civics, and social studies books.

4. Due to the implicit changes described by the teachers who experienced censorship in Smith, it is recommended that follow-up studies with these teachers be implemented. In-depth interviews, such as those conducted by Herzog (1988), could be conducted with those teachers, identified in the sample, who had books removed from the classroom due to Smith.

5. The publicity surrounding the different decisions of Smith needs further study. The contrast between the attention given to the decisions of Hand and Johnson by the media merits study.

6. In view of the continued rise of textbook censorship, the impact on authors and publishers needs further study.

7. In view of the implications of the objections of the ultraconservative religious groups on home economics education, researchers in the field are urged to critically study the concerns of these groups and develop strategies for raising levels of awareness to the conditions and consequences of censorship.

# BIBLIOGRAPHY


Alabama Judge bans 45 secular humanist' books. (1987, May). Newsletter on Intellectual Freedom, pp. 75, 104-107.

Alabama, Tennessee textbook decisions overturned. (1987, November). Newsletter on Intellectual Freedom, pp. 217-221, 238.

Alabama textbooks banning threatens school librarians. (1987, April). American Libraries, pp. 241-242.

American Home Economics Association. (1989). Home economics concepts: A base for curriculum development. Washington, DC: Author.

Arons, S. (1981, June). The crusade to ban books. Saturday Review, 17-19.

Baldwin, E. E. (1985). Home economics curriculum: Political-moral aspects. Journal of Vocational Home Economics Education, 3(3), 3-17.

Barkely, M. (1987, March 5). Greensboro, Guilford schools use texts banned in Alabama. The Greensboro News and Record, pp. C1-C2.

Beall, M. L. (1987). Censorship and self-censorship: A problem in the schools. Communication Education, 36, 313-316.

Bjorklun, E. C. (1988). Secular humanism: Implications of court decisions. The Educational Forum, 52, 211-221.

Blankenship, M. L. & Moerchen, B. D. (1979) Home Economics Education. Boston: Houghton Mifflin.

Bobbitt, N. (1986). Summary: Approaches to curriculum development. Journal of Vocational Home Economics Education, 4, 155-161.

Books returned to Alabama students. (1987, July). Newsletter on Intellectual Freedom, p. 118.

Borowiak, R. E. (1983). Textbook and library censorship in Illinois public high schools (Doctoral dissertation, Northern Illinois University, 1983). Dissertation Abstracts International, 44A, 27.

Bowers, L. R. (1985). Religion and education: A study of the interrelationship between fundamentalism and education in contemporary America (Doctoral dissertation, East Tennessee State University, 1985).

Brown, M. (1980) What is home economics education? Minneapolis: University of Minnesota.

Brown, M., & Paolucci, B. (1979). Home economics: A definition. Washington, D.C.: American Home Economics Association.

Bruwelheide, J. H. (1987). Reasons to fight censorship. Clearing House, 60, 416-417.

Bryson, J. & Detty, E. (1982). Censorship of public school library and instructional material. Charlottesville, Va.: Michie Company.

Burress, L. (1989). Battle of the books. Metuchen, NJ: The Scarecrow Press, Inc.

Burress, L. & Jenkinson, E. (1982). The students' right to know. Urbana, Ill.: National Council of Teachers of English.

Candor, C. A. (1976). A history of the Kanawha county textbook controversy, April 1974 - April 1975. (Doctoral dissertation, Virginia Polytechnic Institute and State University, 1976).

Clawson, B. (Ed.). (1986). Journal of Vocational Home Economics Education, 4(2).

Demac, D. (1988). Liberty denied: The current rise of censorship in America. New York: PEN American Center.

Detty, E. W. (1981). The legal aspects of censorship of public school library and instructional materials. (Doctoral dissertation, University of North Carolina at Greensboro, 1981).

Downs, R. B., & McCoy R. E. (Eds.). (1984). The first freedom today. Chicago: American Library Association.

Falwell, J. (1980). Listen, America. Garden City, NY: Doubleday.

Gabler, M., & Gabler, N. (1987). Humanism in textbooks. Communication Education, 36, 362-366.

Gablers still at work. (1989, July). Newsletter on Intellectual Freedom, p. 123.

Glatthorn, A. A. (1987). Curriculum renewal. Alexandria, VA: Association for Supervision and Curriculum Development.

Goldberg, K. (1986, October). Vitz report on textbooks is attacked. Education Week, 6(8), 6.

Hawke, S., & Davis, J. (1986, January). A small publisher's perspective on the textbook controversy. Social Education, 50(1), 68-69.

Heady, B. D. (1988). Constitutional law: What offends a theist does not offend the establishment clause. Southern Illinois University Law Journal, 13, 153-174.

Herzog, M. J. (1988). Teachers' experiences with censorship: A qualatative study (Doctoral dissertation, University of Tennessee at Knoxville, 1988).

Home Economics Division of the American Vocational Association. (1990-91). The national directory of the home economics division of the American Vocational Association. Author.

Hudgins, H. & Vacca, R. (1985). Law and education: contemporary issues and court decisions. Charlottesville, Va.: Michie Company.

Hughes, R. P. (1986). Foreword. Journal of Vocational Home Economics Education, 4, 95-96.

Hughes, R. P., Rougvie, B., & Woods, B. (1980). The national census study of vocational consumer and homemaking programs. Ames, Iowa: Iowa State University Research Foundation, Inc.

Hulsizer, D. (1987). Public education on trial. Educational Leadership, 44(8), 12-16.

Hultgren, F., & Wilkosz, J. (1986). Human goals and critical realties: A practical problem framework for developing home economics curriculum. Journal of Vocational Home Economics Education, 4, 135-154.

Ingber, S. (1989). Religion or ideology: A needed clarification of the religion clauses. Stanford Law Review, 41, 233-333.

Ingram, R. (1990, December 14). Dissidents win in textbook controversy. The Montgomery Advertiser, pp. 1-2 C.

Jenkinson, E. (1990). Child abuse in the hate factory. In A.S. Ochoa, (Ed.), Academic freedom to teach and to learn: Every teacher's issue (pp. 10-20). Washington, D.C.: National Education Association.

Jenkinson, E. (1986, April). Coping with schoolbook protesters. Tech Trends, 31(3), 39-40.

Jenkinson, E. (1988). How an imaginary movement is being used to attack courses and books. Educational Leadership, 46(2), 74-77.

Jenkinson, E. (1985, January). Protecting Holden Caulfield and his friends from the censors. English Journal, 74(1), 23-33.

Jorgenson, E. D. (1986). Trends: Implications for curriculum. In J. F. Laster & R. E. Dohner (Eds.) Vocational Home Economics Curriculum: State of the Field (pp. 121-126). Washington, D.C.: American Home Economics Association.

Kline, M. (1984, Winter). Social influences in textbook publishing. The Educational Forum, 48(2), 223-234.

Krug, J. (1986, January). Sources of censorship pressures. Social Education, 50(1), 14.

Kurtz, P. (1989). Eupraxophy: Living without religion. Buffalo, NY: Prometheus Books.

LaHaye, T. (1980). The battle for the mind. Old Tappan, NJ: Fleming H. Revell Co.

Lamont, C. (1981, December) The mad moral majority. Bill of Rights Journal, 21-22.

Larson, M. (1988). Censorship: The new religious right and the public schools (Master's Thesis, Pacific Lutheran University, 1988).

Last, E. L. (1984). Textbook selection or censorship: An analysis of the complaints filed in relation to three major literature series proposed for adoption in Texas in 1978 (Doctoral dissertation, University of Texas at Austin, 1984).

Laster, J. F. (1987). Ethics in home economics curriculum. In H. T. Spitze (Ed.), Proceedings of Ethics in Today's World (pp 20-26). Champaign, IL: University of Illinois.

Laster, J. F., & Dohner, R. E. (1986). Vocational home economics curriculum: State of the field. Washington, DC: American Home Economics Association.

Lindley, T. (1990, December 12). State education board again facing ruling on controversial textbooks. Birmingham News, pp. 1-2E.

Lee, S. M. (1988). Smith v. board of school commissioners: The religion of secular humanism in public education. Notre Dame Journal of Law, 591-627.

Lorence, J. (1987). A defense of the Tennessee textbook case. Communication Education, 36, 378-389.

McFadyen, C. (1987). Secular humanism ruling: No surprise; before a 'sympathetic' judge? National Law Journal, 9, 3.

McHenry, D. (1987). A discussion of the movement to desecularize public education. West Virginia Law Review, 90, 171-203.

Mitchell, G. (1987, March 4). Judge bans 'pro-humanism' texts in Alabama. The Greensboro News and Record, pp. A1, A6.

Mobley, P. A. (1987). The legal impact of conservative new right influences on public school curriculum (Doctoral Dissertation, University of North Carolina at Greensboro, 1987).

Montgomery, Alabama. (1985, March). Newsletter on Intellectual Freedom, p. 42.

Moore, K. M. (1988). Influences of censorship challenges on state textbook adoption criteria which affect school curriculum. (Doctoral dissertation, University of the Pacific, 1988).

Moyer, W. (1985, January). How Texas rewrote your textbooks. The Science Teacher, 52(1), 23-27.

Muther, C. (1985). What every textbook evaluator should know. Educational Leadership, 42 (7), 4-8).

Niebuhr, R. G. (1989, September 25). Spent crusade: Why moral majority a force for a decade ran out of steam. The Wall Street Journal, pp. A1, A9.

Noble, W. (1990). Bookbanning in America. Middlebury, VT: Paul S. Eriksson, Publisher.

NOLPE (1979). Contemporary legal issues in education. Topeka, Kansas: National Organization On Legal Problems of Education.

Park, J. C. (1987). The religious right and public education. Educational Leadership, 44(8), 5-10.

Parker, T. F. (1987). An attorney's view of the Alabama textbook case. Communication Education, 36, 367-377.

Patton, M. Q. (1980). Qualitative evaluation methods. Beverly Hills, CA: SAGE.

Pierard, R. V. (1987). The new religious right and censorship. Contemporary Education, 58, 131-137.

Pincus, F. (1984, Fall). Book banning and the new right: censorship in the public schools. The Educational Forum, 49(1), 7-21.

Poppel, N. & Ashley, E. (1986, July). Toward an understanding of the censor. Library Journal, 111(12), 39-43.

Quade, V. (1984, August). Book censorship: whose 1st amendment is it? American Bar Association Journal, 70, 32.

Report Finds Censorship on Rise. (1986, November). Newsletter on Intellectual Freedom, p. 203.

Rogers, D. J. (1988). Banned! Book censorship in the schools. New York: Julian Messner.

Schlafly, P. (1985). Child abuse in the classroom. Westchester, IL: Crossway Books.

School censorship on rise. (1990, November). Newsletter on Intellectual Freedom, pp. 201-202.

Schools sued over secular humanism (1986, March). NEA Today, 4(6).

Schwartz, J. (1987). Alabama schools can keep books on shelves. National Law Journal, 9, 31.

Secular humanism suit ends; Church Hill decision appealed. (1988, March). Newsletter on Intellectual Freedom, p. 1.

Schomberg, C. (1986, January). Texas and social studies texts. Social Education, 50(1), 58-60.

Shribman, D. (1989, September 26). Going mainstream; Religious right drops high-profile tactic, works on local level. The Wall Street Journal, p. A1, A19.

Smith, F. M., & Morgan, J. (1986). Concepts and generalizations revisited. Journal of Vocational Home Economics Education, 4, 97-108.

Staed, J. (1990, December 14). Board folds the pages on 10 textbooks. Birmingham Post-Herald, p. A1.

Stake, R. Seeking sweetwater-case study methods in educational research. University of Illinois: AERA Cassette Series, 1980.

Stephens, R. W. (1978). A study of U.S. Supreme court decisions from 1970 to 1977 as the basis for developing policy for censorship of curriculum materials by American public schools. (Doctoral dissertation, The University of Nebraska at Lincoln, 1978).

Stout, B. L., & Smith, J. B. (1986). Competency-based education: A review of the movement and a look at the future. Journal of Vocational Home Economics Education, 4, 109-134.

Thomas, R. G. (1986). Alternative views of home economics: Implications for K-12 home economics curriculum. Journal of Vocational Home Economics Education, 4, 162-188.

Thomas, R. G. (Ed.) (1986). Higher order thinking: Definition, meaning and instructional approaches. Washington, DC: Home Economics Education Association.

Tulley, M. A. (1983). A descriptive study of the intent of state level textbook adoption. ERIC ED 245 256.

Vitz, P. C. (1986). Censorship; Evidence of bias in our children's textbooks. Ann Arbor, MI: Servant Books.

Weathersby, D. T. (1975). Censorship of literature textbooks in Tennessee: A study of the commission, publishers, teachers, and textbooks (Doctoral dissertation, University of Tennessee, 1975).

White, H. (1986, July). Majorities for censorship. Library Journal, 111(12), 31-38.

Yen, M. (1987, March 27). Alabama board to appeal ban on humanist texts. Publisher's Weekly, p. 14.

# TABLE OF CASES

Aquillard v. Edwards, 765 F.2d 1251 (1985), 107 S.Ct. 2573 (1987).

Cary v. Board of Education of Adams-Arapahoe School District, 427 F.Supp. 945 (D. Colo. 1977), aff'd, 589 F.2d 535 (10th Cir. 1979).

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

Grove v. Mead School District, 753 F.2d 1528 (1985), cert. denied, 106 S.Ct. (1985).

Jaffree v. Wallace, 705 F.2d 1526, (11th Cir.) reh'g en banc denied, 713 F.2d 614 (11th Cir. 1983), aff'd 105 S. Ct. 2479 (1985).

Lemon v. Kurtzman, 403 U.S. 6202, 612, S.Ct. 2105, 2111, 29 L.Ed. 2d 745 (1971).

Loewen v. Turnipseed, 488 F.Supp. 1138 (1980).

McLean v. Arkansas Board of Education, 529 F.Supp. 1255 (1982).

Minarcini v. Strongsville, 541 F.2d 577 (1976).

Mozert v. Hawkins Public Schools, 582 F.Supp. 201, 202 (E.D. Tenn. 1984), 827 F.2d 1058, 1065 (6th Cir. 1987), cert. denied, S.Ct. (1988).

Smith v. Board of School Commissioners of Mobile County, 655 F. Supp. 939 (S.D. Ala. 1987), 827 F.2d 684 (11th Cir. 1987).

Todd v. Rochester Community Schools, 41 Mich. App. 320, 200 N.W. 2d 90 (1972).

Torcaso v. Watkins, 367 US 488 (1961).

Williams v. Board of Education of the County of Kanawha, 388 F.Supp. 93 (1975).

Zykan v. Warsaw Community School Corporation, 631 F.2d 1300 (1980).

# APPENDIX A

# LETTERS

meredithcollege

Department of
Home Economics

May 10, 1990

(Teacher's Name)
(Name of School)
(Address)
(City), AL (Zip)

Dear (Teacher's Name):

On March 4, 1987, there were 44 textbooks banned by a federal court judge from all public schools in Alabama. Although this decision was overturned in August of 1987, it has been suggested that many schools were affected by the removal and return of these textbooks. Much has been written about the court case, Smith v. Board of School Commissioners of Mobile County. Yet, there has been no scholarly research in the area of home economics. Since 5 of the 44 textbooks were home economics books, I am conducting an analysis of this court case. My study, "An Analysis of Smith v. Board of School Commissioners of Mobile County: The Impact On Secondary Home Economics Curriculum," will be my doctoral dissertation for a Ph.D. degree in Home Economics Education from the University of North Carolina at Greensboro. I am currently a home economics teacher educator at Meredith College.

To analyze the effect of this court case on home economics curriculum, I must first look at the impact this case has on home economics teachers in Alabama. Your name was drawn from a random selection of all of the currently home economics teachers in Alabama. Would you be willing to assist me in this study by completing the enclosed questionnaire? In order that the results of this study truly represent the opinions of the home economics teachers in Alabama, it is important that each questionnaire be completed and returned. I would appreciate your response in the enclosed self-addressed envelope by May 25, 1990.

You may be assured of complete confidentiality. This questionnaire has an identification number for mailing purposes only. This is so that I can check your name off the mailing list when the questionnaire is returned. Your name will never be placed on the questionnaire.

3800 Hillsborough Street
Raleigh, North Carolina 27607-5298
Telephone (919) 829-8395
Fax (919) 829-2828

1891-1991
Honoring Our Heritage...Expanding Our Vision

meredithcollege

As a former home economics teacher, I know how hectic the last month of school can be. Your prompt response will be greatly appreciated. The results of this study will be helpful the home economics profession, particularly to the teachers, supervisors, and teacher educators. You may receive a summary of the results by writing "copy of the results requested" on the back of the return envelope, and printing your name and address below it. Please do not put this information on the questionnaire itself.

I would be most happy to answer any questions you might have. Thank you for your assistance.

Sincerely,

Deborah T. Tippett,
Assistant Professor

Barbara Clawson,
Professor University
of North Carolina at
Greensboro

meredithcollege

Department of
Home Economics

June 8, 1990

TO: Selected Home Economics Teachers
FROM: Deborah Tippett, Assistant Professor
RE: Questionnaire

About four weeks ago I wrote to you seeking your opinion on the 1987 textbook trial, Smith v. Board of School Commissioners of Mobile County. As of today, I have not received your completed questionnaire.

As I mentioned to you in my first letter, this will be the first scholarly research in Home Economics on this court case. Your perception of the case is important in interpreting the impact of Smith on home economics curriculum. I have undertaken this study for my doctoral dissertation to complete the requirements for a Ph.D. in Home Economics Education from the University of North Carolina at Greensboro.

I am writing to you again because of the significance each questionnaire has to the usefulness of this study. (State Supervisor's Name) provided me with a list of all of the home economics teachers in Alabama to use for this study. From this list, your name was drawn through a scientific sampling process. In order for the results of this study to be truly representative of the opinions of all Alabama home economics teachers, it is essential that each person in the sample return the questionnaire.

In the event that your questionnaire has been misplaced, a replacement is enclosed. If you would like a copy of the results, please write "copy requested" on the back of the envelope. Do not write your name on the questionnaire. I hope to summarize the results of the questionnaires in July. A complete copy of my dissertation will be sent to (State Supervisor's Name).

Your cooperation is greatly appreciated.

3800 Hillsborough Street
Raleigh, North Carolina 27607-5298
Telephone (919) 829-6395
Fax (919) 829-2928

1891-1991
Honoring Our Heritage...Expanding Our Vision

Last May, I sent you questionnaire seeking your opinion about the 1987 textbook trial in Alabama. In June, I sent a second questionnaire. Several Alabama teachers have written to me to explain that the second questionnaire did not reach them before their summer vacation began. In the event that you just received your questionnaire in your school mail box, would you please complete the questionnaire and return it to me as soon as possible. Because it has been sent to a representative sample of Alabama teachers, it is extremely important that yours also be included in the study if the results are to accurately represent the opinions of the Alabama home economics teachers.

If by some chance you did not receive the questionnaire, or it got misplaced, please send me a note to Meredith College, Home Economics Department, 3800 Hillsborough St., Raleigh, NC 27607 and I will get another in the mail to you. Thank you for your assistance.

Sincerely,

Deborah Tippett

meredithcollege

Department of
Home Economics

July 5, 1990

(Attorney's Name)
(Firm)
(Address)
(City, State Zip)

Dear (Attorney's Name):

Thank you for agreeing to talk with me on Thursday, July 12 at 10:30 am about the case of Smith v. Board of School Commissioners of Mobile County. As I mentioned to you by phone, as a doctoral student at the University of North Carolina at Greensboro, I am conducting an analysis of Smith v. Board of School Commissioners of Mobile County. My study, "An Analysis of Smith v. Board of School Commissioners of Mobile County: The Impact On Secondary Home Economics Curriculum," will be my doctoral dissertation for a Ph.D. degree in Home Economics Education. I am currently a home economics teacher educator at Meredith College.

In conducting the review of literature of this court case, I have found no scholarly research on Smith v. Board of School Commissioners of Mobile County. My focus will be on the home economics textbooks and the impact on home economics curriculum. This study will be helpful to school administrators, teachers, and school boards. The research questions which are guiding my study are as follows:

1. What were the societal conditions which precipitated Smith?
2. What were the underlying themes of Smith?
3. What impact did Smith have on secondary home economics curriculum?

3800 Hillsborough Street
Raleigh, North Carolina 27607-5298
Telephone (919) 829-8395
Fax (919) 829-2828

1891-1991
Honoring Our Heritage...Expanding Our Vision

meredithcollege

(Attorney's Name)
July 5, 1990
Page 2

Your perception of the trial and decisions at the district and appellate level will be most helpful to this study. As I mentioned to you, I have interviewed both (Attorney's Name) and (Attorney's Name) in Alabama. Thank you for taking the time to talk with me. I look forward to seeing you on Thursday, July 12.

Sincerely,

Deborah Tippett
Assistant Professor

meredithcollege

Department of
Home Economics

November 12, 1990

(Author's Name)
(Address)
(City, State Zip)

Dear (Author's Name):

Thank you for all of the help which you have given to me with my dissertation on the Alabama textbook trial. You added an important perspective from the author's point of view.

Enclosed is a transcribed copy of my interview with you on June 24, 1990. Since you were my sixth interview, I identified you as #6. If there are any corrections or additions that you would like to make, please indicate those on this copy and return it to me in the self-addressed envelope.

I appreciate all of your help and look forward to sharing the results of this study with you. Best wishes for a successful school year.

Sincerely,

Deborah Tippett
Assistant Professor

Enclosures

3800 Hillsborough Street
Raleigh, North Carolina 27607-5298
Telephone (919) 829-8395
Fax (919) 829-2828

*1891-1991*
*Honoring Our Heritage...Expanding Our Vision*

# APPENDIX B

## CONSENT TO ACT A HUMAN SUBJECT FORM

THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO

Consent to Act as a Human Subject
(Short Form)

Subjects's Name _____

Date of Consent _____

I hereby consent to participate in the research project entitled An Analysis of Smith v. Board of School Commissioners of Mobile County: The Impact on Home Economics Curriculum.
An explanation of the procedures and/or investigations to be followed and their purpose, including any experimental procedures, was provided to me by Deborah Tippett _____. I was also informed about any benefits, risks, or discomforts that I might expect. I was given the opportunity to ask questions regarding the research and was assured that I am free to withdraw my consent to participate in the project at any time without penalty or prejudice. I understand that I will not be identified by name as a participant in this project.

I have been assured that the explanation I have received regarding this project and this consent form have been approved by the University Institutional Review Board which ensures that research projects involving human subjects follow federal regulations. If I have any questions about this, I have been told to call the Office of Research Services at (919)334-5878.

I understand that any new information that develops during the project will be provided to me if that information might affect my willingness to continue participation in the project. In addition, I have been informed of the compensation/treatment or the absence of compensation/treatment should I be injured in this project.

_____ _____
Subject's Signature Witness to Oral Presentation & Signature

If subject is a minor or for some other reason unable to sign, complete the following:

Subject is ____ years old or unable to sign because _____

_____

_____
Parent(s)/Guardian Signature

SHORT.FRM

# APPENDIX C

# QUESTIONNAIRES AND INTERVIEW SCHEDULES

Questionnaire for Home Economics Teachers in Alabama

Directions: Please answer the following questions by placing a check beside the phrase that best describes your response. Do not place your name on this questionnaire. All responses will be recorded anonymously. Thank you for your cooperation.

1. Were you teaching home economics in Alabama during the school year 1986-87?

___ 1. yes, please continue with question 2

___ 2. no, please return this questionnaire in the self-addressed envelope. Thank you.

2. How many years have you been teaching home economics in the state of Alabama?

___ 1. 2 to 5 years
___ 2. 6 to 10 years
___ 3. 11 to 15 years
___ 4. 16 years or over

3. What is the length of time you have taught in your present school?

___ 1. 1-3 years
___ 2. 4-7 years
___ 3. 8-15 years
___ 4. over 15 years

4. Which best represents your school population:

___ 1. less than 500 students
___ 2. between 501 and 1,000 students
___ 3. between 1,001 and 2,000 students
___ 4. over 2,000 students

5. Which best describes the community in which your school is located?

___ 1. city
___ 2. suburban
___ 3. rural

6. Which best describes the organization of your school? Please fill in the blanks to indicate grades.

___ 1. senior high, grades _____
___ 2. junior high/middle school, grades _____
___ 3. other combination, grades _____

7. What are the major bases for curriculum decisions concerning your home economics program? Please check the top 5.

___ 1. societal conditions in the community?
___ 2. students' needs and interest
___ 3. parental expectations
___ 4. suggestions from other home economics teachers
___ 5. suggestions from Home Economics State Staff
___ 6. Alabama Course of Study
___ 7. textbook adopted by school system for course
___ 8. other textbooks
___ 9. other, please describe _____

8. In your teaching experience in Alabama, has a parent ever objected to any of the following? (check all that apply)

___ 1. your subject matter content
___ 2. your method of teaching
___ 3. your supplementary instructional materials such as filmstrips, films, booklets, etc.
___ 4. your textbooks
___ 5. other, please describe _____
___ 6. no objections have been made

If you checked any of the above responses (1 through 5), please describe the objection(s) below. Was it resolved? How?

9. In the fall of 1986, 624 parents, teachers, and students charged that five home economics books used in Mobile County were promoting the religion of secular humanism. Were you using any of these books during the 1986-87 school year?

| | Yes | No |
|---|---|---|
| 1. (Names of Books were listed) | ___ | ___ |
| 2. | ___ | ___ |
| 3. | ___ | ___ |
| 4. | ___ | ___ |
| 5. | ___ | ___ |

If you checked no to all of the five books, please continue with question 16. If you checked yes to any of the books, please continue with question 10.

11. During the trial which took place in October of 1986, were your students aware of the case?

____ 1. no
____ 2. yes, please describe their general reaction:

During the trial, were the parents of your students aware of the case?

____ 3. no
____ 4. yes, please describe their general reaction.

During the trial, was the administration of your school aware of the case?

____ 5. no
____ 6. yes, please describe their general reaction.

During the trial, was the county or city administration aware of the case?

____ 1. no
____ 2. yes, please describe their general reaction

12. As a result of the trial in October of 1986, did you avoid sections of the book that were under question?

___ 1. no
___ 2. yes, please cite examples.

Did you change your course content as a result of the trial?

___ 3. no
___ 4. yes, please cite examples.

13. On March 4, 1987, Judge Brevard Hand banned five home economics textbooks from all public schools in Alabama. On this date, were you using any of the books in your classroom?

___ 1. no
___ 2. yes

Did any of the students have these books at home?

___ 1. no
___ 2. yes

Were the books physically removed from your classroom?

___ 1. no

14. Did any changes occur as a result of having these books removed?

___ 1. no
___ 2. yes, please describe any changes which occurred.

15. How did you feel about the charges made against the challenged textbooks?

__ 1. I understood the charges
__ 2. I was somewhat confused by the charges
__ 3. I was very confused by the charges

16. How did you react to Judge Hand's decision which banned the books?

___ 1. I agreed with his decision.
____ 2. I was neutral toward his decision.
____ 3. I was somewhat disturbed by his decision.
____ 4. I was outraged by his decision.

17. Did you spend any class time discussing this trial with your students?

____ 1. no
____ 2. yes, please indicate the approximate amount of time devoted to this discussion _____.

18. What reactions did you experience from the following people?

students

other teachers

administrators

supervisors, local directors

community

parents

media

your friends, family

19. In August of 1987, Judge Hand's decision to ban the books was overturned at the appellate level. How aware were you of this written decision?

___ 1. not aware at all
___ 2. somewhat aware

20. When you planned your course outline for the next year (1987-88), did you make any curriculum changes?

___ 1. no
___ 2. Yes. Were any of these changes related to the court decision of Judge Hand? If so, please describe.

21. How would you describe the publicity which surrounded the trial in October of 1986?

___ 1. not much attention given in my area
___ 2. moderate amount of interest in my area
___ 3. highly publicized

22. How would you describe the publicity which surrounded the decision of Judge Hand in March of 1987?

___ 1. not much attention given in my area
___ 2. moderate amount of interest in my area
___ 3. highly publicized

23. How would you describe the publicity which surrounded the appellate decision of August of 1987?

___ 1. not much attention given in my area
___ 2. moderate amount of interest in my area
___ 3. highly publicized

24. Do you believe that this court case has an impact on your teaching of home economics?

___ 1. no
___ 2. yes, please describe the impact.

25. Did this trial change your feelings about being a home economics teacher in any way?

___ 1. no
___ 2. yes, please check all that apply

____ felt threatened
____ felt questioned
____ felt uneasy
____ proud of profession
____ renewed sense of mission
____ uncertainty about what to teach
____ distrust over changes in curriculum
____ other, please explain

26. To what extent do you understand the meaning of secular humanism?

____ 1. I fully understand the term.
____ 2. I somewhat understand the term.
____ 3. I do not understand what it means.

27. Do you believe that the home economics books listed in this court case promoted secular humanism?

____ 1. no, please explain your response

____ 2. I am not sure.
____ 3. yes, please explain your response

28. Do you believe that home economics as a subject matter area promotes secular humanism?

____ 1. no, please explain your response

____ 2. I am not sure.
____ 3. yes, please explain your response

29. What does secular humanism mean to you?

30. How would you describe your religious preference?

___ 1. Protestant
___ 4. Jewish
___ 5. Catholic
___ 6. other, please list _____
___ 7. no religious preference

31. How would you describe your religious preference?

___ 1. liberal
___ 2. moderate
___ 3. conservative/fundamentalist

32. What is your highest degree earned?

___ Less than a Bachelor's Degree
___ Bachelor's Degree
___ Bachelor's Degree with additional graduate work
___ Master's degree
___ Sixth year certificate
___ Ph.D.

33. Are there any additional comments that you would like to make about the court case of <u>Smith v. Board of School Commissioners of Mobile County</u>?

INTERVIEW QUESTIONS FOR HOME ECONOMICS TEACHER WHO TESTIFIED

Interview Date: Wednesday, May 30, 1990
Place: Mobile, AL

Think back to the school year of 1986-87.

1. What were you teaching? Where?

2. Describe your school and student population.

3. Which textbooks were you using?

4. From my reading of the court decision, you were the only home economics teacher who testified? Am I right? Why were you selected? Why did you testify?

Who contacted you?

You are listed as a defendant in the court decision. Why were you classified as a defendant?

5. How did you prepare for the court trial?

6. Describe the trial experience.

To what extent were your ideas fairly represented or interpreted?

7. Describe the publicity surrounding the trial.

8. How did your students react to your testimony?

parents of students?

members of the community?

members of your church? your colleagues?

your administrators?

9. If you could do it over again, would you? Why or why not?

10. How did this experience affect you as a teacher?

11. Did you change your treatment of the subject matter in home economics as a result of this trial?

12. Did you change as a teacher? In what way?

13. Did you continue to use the same textbooks?

14. Were you asked after the March 4 decision to remove your textbooks?

15. I am trying to understand the factors in society which led to this trial. What factors do you think led to the trial?

16. How would you define secular humanism?

17. Do you believe that the textbooks in Smith promoted secular humanism?

18. Do you have any additional comments to make on this court case?

INTERVIEW QUESTIONS FOR ATTORNEYS
Interview Date:
Place:

1. When were you first involved in the case Smith v. Board of School Commissioners?

2. What was your role in the case?

3. Who assisted you with the trial? other attorneys?

4. How would you describe their role?

5. I am trying to understand the social factors which led to this case. Could you help me understand your perception of of the social conditions in Alabama prior to this court case?

6. I am primarily interested in the part of the case which dealt with the home economics books. How did you prepare for your defense of the home economics books?

7. How were the expert witnesses selected?

8. Who contacted the expert witnesses for the state? Who prepared the witness?

9. How involved were the 624 parents, students and teachers who filed the case?

10. What was your reaction to the March 4 decision by Judge Hand?

What implications for home economics authors, teachers, teacher educators, and supervisors were made? by whom?

11. What was your reaction to the August appellate decision? What impact did that decision have?

How were you involved in this case?

I am interested in reading some of the friends of the court briefs which were filed. Do you have copies? Are you aware of any briefs which were filed by home economics groups?

12. Why do believe that this decision was not appealed to the Supreme Court?

13. What impact do you believe that this court case had on textbook selection?

home economics curriculum?

attitudes of fundamentalist groups who supported suit?

public schools in Alabama

14. Do you know what costs were involved in this case for the taxpayers of Alabama?

15. Can you further describe your role in the case?

Why were you hired?

Who hired you?

Who paid for your services?

16. How would you define secular humanism?

17. Are there additional comments that you would like to make on this case?

INTERVIEW QUESTIONS FOR AUTHORS

1. I would like to find out about the home economics book _____ that you wrote.

How long has it been in publication?
Why did you write the book?
Did you go to your publisher or did your publisher contact you to write this book?
Where has it been adopted?

2. When were you first made aware of the suit against your book
_____ in Alabama?

3. Who informed you?

4. What was your initial response?

5. Did anyone from Alabama contact you prior to, during, or after the trial? If so, who and when?

6. Did you contact anyone in Alabama during the trial or after the decision was made?

7. Were you asked to testify? By whom?

8. What was the reaction of your publisher?

9. Do you have a copy of the plaintiffs objections?
Have you read their complaints?

What is your reaction to the complaints?

10. As a result of the objections to certain passages, have you made any changes in your textbook? If so, in what way?

11. Since the court trial, have you worked on a revision of this text?

12. Were any of the content changes a direct result of the trial?

13. Are different editions of this book published for different areas of the county? Please explain.

14. Do you believe that your publisher changed any future plans for this book as a result of the Alabama case?

15. Have you written another textbook since 1987? Do you have other books on the market? Did this trial affect those books in any way? How?

16. How were you affected by this trial?
by media?
by community?
by other professional?

17. Do you know of any home economics group that responded to this court case.

18. What impact do you believe that this case had on the secondary home economics curriculum in Alabama? nationally? home economics authors?

19. What is your understanding of the meaning of secular humanism?

20. Did you understand the tenets of secular humanism before your book was published?

21. Do you believe that your books promote secular humanism?

22. Is there anything you would like to tell me about yourself as an author as it relates to this case?

23. Would it be helpful for you as an author to understand more about the fundamentalist movement? In what way? Why or why not?

24. Do you believe that this case could happen again?

25. This case was appealed in the 11th Circuit Court in August of 1987. How aware were you of the appellate level decision to reverse the ban? Have you read the opinion of Judge Johnson?
Compare the publicity of this decision to the decision of Judge Hand.

26. What impact did this case have on you as an author?

INTERVIEW QUESTIONS FOR AUTHOR WHO TESTIFIED
ASK OTHER AUTHOR QUESTIONS.

Now I would like to find out from you as much as possible about the actual time you testified in the Alabama trial.

1. Who contacted you to testify?

2. What was your reaction?

3. Who provided the funds for you to travel and stay in Alabama?

4. Who prepared you for the trial?

5. How were you prepared?

6. Describe this experience.

To what extent were your ideas represented or interpreted in the trial?

7. How did this experience affect you as a writer?
   as a home economist?
   as a person?

8. Did your publisher support you in this case? If so, how?

9. Did any professional group provide support to you? Explain.

10. Did you talk to any of the other authors?

11. Did you make any changes in future revisions as a result of this case?

12. If you could do it over again, would you testify? Why or why not?

INTERVIEW STATE SUPERVISOR OF HOME ECONOMICS FOR ALABAMA
Interview Date: Thursday, May 31, 1990
Place: Montgomery, AL

1. What information could you give me about home economics in Alabama?

state course of study
enrollment figures for the following years:
1984-85
1985-86
1986-87
1987-88
1988-89
1989-90
teacher turnover rates for the same dates

2. Are home economics courses in Alabama considered an elective or required course?

3. How are books adopted in Alabama?

What input do you have?

What input do home economics teachers have?

4. How is the public involved in textbook selection and adoption process?

5. You mentioned on the phone that fundamentalist groups had been active in removing home economics books from Alabama's state list. Could you elaborate?

Which books?
On what grounds?
Which books were students statewide allowed to use?

Were there specific groups involved? Can you cite names?

Could local school systems get around this removal and use books of their choice? If so, how?

6. I am interested in learning more about the factors in society which led to the Smith v. Board of School Commissioners of Mobile County. What factors do you think contributed to this trial?

7. When did you first learn of the plans of a group of parents, students, and teachers to file a law suit against the schools?

8. How were you and your division involved in the trial?

9. How would you describe the reactions of the home economics teachers during the trial?

during the 1986-87 school year?

when the decision was announced on March 4, 1987?

when the injunction was sought and won?

when the decision was overturned?

10. In examining the charges of the plaintiffs, did you think that home economics curriculum emphasis of your state course of study was unduly involved?

11. Could you describe what occurred in your office during the trial? after the decision? after the appellate decision?

12. How aware are your teachers about the charges brought forth by the plaintiffs?

13. Have there been any home economics curriculum changes as a result of this court case?

14. How aware are your teachers of the rationale of Judge Johnson's decision to overturn the court decision?

15. What is your definition of secular humanism?

16. Do you believe that the five banned textbooks promoted secular humanism?

17. State superintendent Wayne Teague said that the reversal gave Alabama good publicity. Do you agree? How do you feel about the public image of home economics in Alabama?

18. How are in-service programs planned for your state?

19. Has your agency sponsored any in-service programs to help teachers understand the trial?

reactions of the fundamentalist groups

curriculum changes

20. Would such a workshop be helpful to your state?

21. What do you believe is the lasting impact of Smith v. Board of School Commissioners on secondary home economics curriculum?

Locally

State wide in Alabama

Nationally

22. Do you believe this is an ongoing issue?

23. I understand that Alabama is getting ready to adopt new home economics books? Have the adoption criteria changed since your last adoption? If so, how? Will any of the five banned books be considered for this adoption? Are you aware of any changes in the textbooks which were banned as a result of this court case?

24. Do you have any other comments you would like to make about this case?