

Testimony on LD 94: An Act To Prohibit the Dissemination of Obscene Material by Public Schools

Senator Deschambault, Representative Warren, and members of the Committee on Criminal Justice and Public Safety, my name is Claudette Brassil. In 2013, I retired after 39 years teaching English at Mt. Ararat High School in Topsham. I was in the first cohort of Maine High School English teachers to earn National Board Certification in 2000 and I still hold that certificate. In 2011, I was honored to receive a High School Teacher of Excellence Award from the National Council of Teachers of English. I am a College Board Educational Consultant, who works with teachers to develop their course outlines and instructional materials for Advanced Placement English Language and Composition, which is a college level course for high school students. I have served in the roles of president, conference chair, and secretary of the Maine Council for English Language Arts, our state's affiliate of NCTE. I continue to serve on the board of that organization and am here today to express my personal thoughts and to register a response from MCELA regarding LD 94 An Act To Prohibit the Dissemination of Obscene Material by Public Schools.

As a long time teacher, I am not insensitive to the importance of making informed, well-considered, and wise choices about the texts students encounter in schools. Literature may simply entertain, but literature selected for the purpose of education is chosen for literary merit which includes the quality of the written expression and the subject matter and themes that may challenge and perplex the reader's feelings and thinking. Literature portrays complex human situations that confront the reader's perceptions and assumptions. Literature provides a window into the experiences of others that can be thoughtfully addressed in well-guided classroom discussions.

In the 21st century, given the broad access to images and words via the Internet and social media, today's students are becoming active and engaged members of our society at much younger ages than in the past. Young people today are aware of cultural and political circumstances that impact their peers and are more apt to become engaged in making change happen in regards to social justice issues. They have the opportunity to share and engage with each other in order to participate in society with maturity and compassion. To me, it seems imperative that the classroom be a guided space where students can wrestle with the varied characters, circumstances, and conflicts presented through literature. An important aspect of literary study is to consider the gray areas and to recognize and appreciate that life is full of ambiguity. This process of wrestling with complexity is empowering as students engage in broadening their understandings of human experience.

Public schools respect parental commentary and rights, and will gladly substitute texts that parents are concerned about. Removing public schools from the exception to the obscenity rule opens the door to any individual, faith-based group or special interest group making the argument that a text is obscene. Historically, *The Scarlet Letter* and *To Kill a Mockingbird* have been called "obscene". Under the proposed change to LD 94 teachers who introduced these texts to a classroom could be charged with distributing obscene material. And although the intent is not to remove such classics from classrooms, the change in wording would make it possible for new challenges to be brought forward.

This issue came from a concerned parent who felt *Kafka on the Shore*, a book with strong adult themes, was an obscene book, and while she may feel it is obscene and not suitable for her child, she should not be able to remove public schools from the exception to the obscenity law. This action could bar teachers

from introducing books that are considered classics, books that provide social commentary and challenging subject matter for their students. It would greatly inhibit the educational process and undermine teacher judgment. School districts have developed policies and procedures guiding parental and student complaints regarding classroom materials and usually these issues are satisfactorily concluded on an individual basis through candid and respectful dialogue.

This issue is not merely about a problem with a particular book; if the law changes it becomes about making the distribution of "obscene" material to public school students a criminal offense. The problem is that what is obscene to one person or group may be judged to have artistic or social merit to another. Criminalization of literary choices is a detriment to academic freedom. As in the past, contemporary community standards continue to evolve and are influenced by many forces.

MCELA is an affiliate of the National Council of Teachers of English, which has established policy statements on students' right to read and meeting obscenity challenges on reading materials. Both of these statements are attached. In regards to LD 94, the book in question is currently on the International Baccalaureate list of approved books. The International Baccalaureate, a highly respected program, was established in 1968 in Geneva, Switzerland and has spread across the world, offering a consistently challenging college preparation program. IB's mission statement reads: "The International Baccalaureate aims to develop inquiring, knowledgeable, and caring young people who help to create a better and more peaceful world through intercultural understanding and respect." Similarly, the College Board's Advanced Placement courses are intended to provide college level preparation in high school. Additionally, you might consider the complications that would occur with this law change on college credit courses now offered in high schools. The students in those classes are considered to be attending college while in high school.

On behalf of myself and the Maine Council for English Language Arts, I urge you to continue to include public schools in the exception.

We encourage the members of the committee to explore the NCTE statements and the IB reading list so that they might further understand our position and comments.

<http://www2.ncte.org/statement/obsenitychallenges/>

<https://www.stjulians.com/media/43157/A-Reading-List-for-IB-Students.pdf>

<http://www2.ncte.org/statement/righttoreadguideline/>