When faced with another conflict between a school system's obligation to inculcate community values in students and the free-speech rights of those students, the Court splintered badly, remanding for full trial a case challenging the authority of a school board to remove certain books from high school and junior high school libraries.[831] In dispute were the school board's reasons for removing the books—whether, as the board alleged, because of vulgarity and other content-neutral reasons, or whether also because of political disagreement with contents. The plurality conceded that school boards must be permitted "to establish and apply their curriculum in such a way as to transmit community values," and that "there is a legitimate and substantial community interest in promoting respect for authority and traditional values be they social, moral, or political." At the same time, the plurality thought that students retained substantial free-speech protections and that among these was the right to receive information and ideas. Carefully limiting its discussion to the removal of books from a school library, and excluding the question of the acquisition of books as well as questions of school curricula, the plurality held a school board constitutionally disabled from removing library books in order to deny access to ideas with which it disagrees for political reasons.[832] The four dissenters rejected the contention that school children have a right to receive information and ideas and thought that the proper role of education was to inculcate the community's values, a function into which the federal courts could rarely intrude.[833] The decision provides little guidance to school officials and to the lower courts and may necessitate a revisiting of the controversy by the Supreme Court.

The Court distinguished *Tinker* in *Hazelwood School District v. Kuhlmeier*,[834] in which it relied on public forum analysis to hold that editorial control and censorship of a student newspaper sponsored by a public high school need be only "reasonably related to legitimate pedagogical concerns."[835] "The question whether the First Amendment requires a school to tolerate particular student speech—the question that we addressed in *Tinker*—is different from the ques-

(e.g., payment of dues). Id. at 11–12. Thus, the Court did not address whether the application of the narrower written anti-discrimination policies constituted viewpoint discrimination against a student group that required its members to adhere to its religious tenets, including the belief that sexual activity should only occur in the context of marriage between a man and a woman. Id. at 21–23 (Alito, J., dissenting).

[831] Board of Education v. Pico, 457 U.S. 853 (1982).

[832] 457 U.S. at 862, 864–69, 870–72. Only Justices Marshall and Stevens joined fully Justice Brennan's opinion.

[833] The principal dissent was by Justice Rehnquist. 457 U.S. at 904. *See also* id. at 885 (Chief Justice Burger), 893 (Justice Powell), 921 (Justice O'Connor).

[834] 484 U.S. 260 (1988).

[835] 484 U.S. at 273.