

**State Authority v. Academic Freedom:
Can States Ban the Teaching of Certain Subjects?**

The question of whether a state can legally prohibit the teaching of certain subjects while still upholding the protections set forth in the First and Fourteenth Amendments of the U.S. Constitution has been a subject of legal and philosophical debate for years. The Supreme Court's decisions, beginning with *Meyer v. Nebraska*, have played a primary role in defining the boundary between state authority and academic freedom.

Meyer v. Nebraska (1923) was a landmark Supreme Court case that significantly influenced the prohibition of teaching certain subjects. The case involved a Nebraska law that prohibited the teaching of any subject in any language other than English in both public and private schools. The Court said that this law violated the Fourteenth Amendment's Due Process Clause and infringed upon individuals' liberty, such as the right to engage in educational pursuits. The decision essentially said that the state's power to regulate education should not unreasonably interfere with the fundamental rights of individuals.

Following *Meyer*, subsequent cases, such as *Pierce v. Society of Sisters* (1925) and *West Virginia State Board of Education v. Barnette* (1943), further backed the importance of individual rights and limited the extent to which a state could prohibit the teaching of certain subjects. These decisions established that while states have a legitimate interest in influencing the curriculum, any restrictions must pass strict scrutiny and be narrowly tailored to serve a compelling state interest.

The First Amendment's protection of freedom of speech plays a critical role in assessing the state's power to restrict certain subjects in the curriculum. The Supreme Court's ruling in *Keyishian v. Board of Regents* (1967) reaffirmed that the state cannot prohibit the teaching of subjects based on their content alone. The Court recognized the vital role of academic freedom and said that prohibiting certain subjects solely because they are unpopular or controversial violates the principles of the First Amendment.

While the First and Fourteenth Amendments protect individual rights and academic freedom, they do not grant unlimited discretion to educators. States have a legitimate role in ensuring the quality of education. The Court recognized this in cases like *Board of Education v. Pico* (1982), where it said that while a state may establish guidelines for the content of school libraries, it cannot remove books solely because they may be controversial or disagreeable to some people.

The Court has also made a distinction between regulating the curriculum's content and the method of instruction. In *Epperson v. Arkansas* (1968), the Court struck down a state law prohibiting the teaching of evolution, noting that it violated the Establishment Clause of the First Amendment. The Court stated that the state's power to regulate the curriculum must be exercised in a manner that does not promote or inhibit a particular religious belief.

In conclusion, the Supreme Court's decisions (*Meyer v. Nebraska* and others), have established important guidelines for determining the constitutionality of states' attempts to prohibit teaching certain subjects. While the Court recognizes that states have the authority to regulate education,

it has consistently emphasized the need to protect individual liberties and academic freedom. States must justify any restrictions they impose on the curriculum by showing a compelling state interest and demonstrating that the restrictions achieve the intended goals.

References:

Bernstein, D. “Meyer v Nebraska (1923)”. The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/786/meyer-v-nebraska>. Accessed May 10, 2023.

Bowman, Kristine. Epperson v. Arkansas (1968). The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/265/epperson-v-arkansas>. Accessed May 12, 2023.

Bowman, Kristine. West Virginia State Board of Education v. Barnett (1943.) The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/265/epperson-v-arkansas>. Accessed May 12, 2023.

Desai, Anuj C. Board of Education, Island Trees Union Free School District v. Pico (1982). The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/103/board-of-education-island-trees-union-free-school-district-v-pico>. Accessed May 12, 2023.

Knipprath, Joerg. Meyer v. Nebraska (1923) and Pierce v. Society of Sisters (1925). Constituting America. <https://constitutingamerica.org/meyer-v-nebraska-1923-and-pierce-v-society-of-sisters-1925-guest-essayist-joerg-knipprath/>. Accessed May 2, 2023.

Vile, John R. “Pierce v. Society of Sisters (1925). The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/445/pierce-v-society-of-sisters>. Accessed May 10, 2023.

Wermiel, Stephen. “Keyishian v. Board of Regents (1967). The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/15/keyishian-v-board-of-regents>. Accessed May 12, 2023.