Textbook Lawsuit ‘Silly,’ Board Member Says

By Alicia Gooden

Attorneys from Trial Lawyers for Public Justice said Friday the state’s board of education is forcing publishers to edit textbooks to fit their own religious and political beliefs.

The network filed a class-action lawsuit against the State Board of Education Thursday, claiming its November 2001 decision to reject an environmental science textbook for use in public high schools constitutes censorship. The board voted 10 to 5 to reject the book.

Trial Lawyers for Public Justice claim the board pressured publishers and authors to change information in textbooks to suit the board’s conservative beliefs.

David Bradley, who represents Galveston County on the state education board, dismissed the lawsuit as petty. “I think this lawsuit is silly and frivolous,” he said. “I am confident that the attorney general will get it thrown out for its total lack of merit.” Attorneys from the Washington-based legal network said they don’t think it will get tossed out and have a precedent in a Mississippi case.

A school board there rejected a textbook and was later ordered to place it on an approved list because the rejection was based on the personal political views of board members.

The lawsuit filed Thursday cites examples of other publishers that were made to change textbooks to get them into classrooms in Texas.

Adele Kimmel, staff attorney at Trial Lawyers for Public Justice, says that pressure amounts to censorship and violates the First Amendment.

“Our organization only gets involved in cases where there is particularly egregious conduct,” she said. “This case is a perfect example. It is quite stunning in this day and age that there would still be this degree of censorship.”

The lawsuit was filed on behalf of Daniel Chiras, author of “Environmental Science: Creating a Sustainable Future.” The book was published by Jones and Bartlett, a Massachusetts company.

Lillian Pollak and Julia McLouth joined Chiras in the lawsuit. Pollak and McLouth are students at an advanced placement environmental science course at the Dallas Independent School District’s Gifted and Talented Magnet High School.

The plaintiffs are asking that a judge order Chiras’ book, which was recommended for approval by the top brass at the Texas Education Agency, be placed on a list of state-approved textbooks.

Chiras is seeking compensatory damages from lost sales caused by the board’s rejection, according to the lawsuit.

Bradley is being sued personally in this lawsuit. He
said he remembers Chiras’ book and the content that bothered him.

Bradley said he was “disappointed” with the way the environmental science textbook portrayed the American economy and the free-enterprise system.

He said there were also negative inferences about the petrochemical industry and offshore drilling, industries that are predominant in the Texas economy. “Maybe those people out there in Berkeley like it, but not here in Texas,” he said.

Bradley said even after recommendations were made to Chiras and the book’s publishers, they were “very defiant” about changes.

Some conservative groups, such as the Texas Public Policy Foundation and Citizens for a Sound Economy labeled Chiras’ book as anti-Christian, anti-American and anti-free enterprise, according to Trial Lawyers for Public Justice’s claims.

Bradley said there were sections in the book that showed panoramic views of housing developments. That was portrayed as a harm to the environment, said Bradley. “I’m in real estate,” he said. “I see that and I see $250,000 homes; I see mortgage bankers; I see carpenters; I see jobs. I see a tax base.”

Kimmel said the financial incentive for publishers to comply with the whims of certain members of the state education board were an infringement on the freedom of expression.

Texas is the largest buyer of textbooks behind California. The state annually allocates $500 to $650 million for textbooks.

“I really think that they (state board members) think they are allowed to reject textbooks if they don’t reflect their own religious and political beliefs,” said Kimmel. “I think they are unaware that the First Amendment prohibits that.”

No court date has been set.

Bradley said he thinks the timing of this lawsuit is suspicious. State board members will cast their final vote Friday on what biology textbooks will be in Texas classrooms next year.

There has been another huge debate this year between evolutionists and creationists, and which theory, if not both, should be portrayed in biology textbooks. “Adopting textbooks is very controversial in Texas,” said Bradley.