

December 2, 2006

Robert Littlefield, Principal  
Portsmouth High School  
Education Lane  
Portsmouth, RI 02871

BY FAX AND MAIL

Dear Mr. Littlefield:

We have received a complaint from Patrick Agin, a student at your high school, and his mother regarding the controversy that has arisen surrounding your decision to ban Patrick's planned yearbook photo. As you know, in that photo, Patrick is dressed in a chain mail coat with a prop sword over his shoulder, representing his abiding interest in medieval history. In the name of both freedom of speech and common sense, the ACLU urges you to reconsider your decision and to allow this photo to appear in the yearbook as Patrick's senior photo.

It is our understanding that you have advised Patrick that he can include the photo in the yearbook – for a fee – as an advertisement, just not as his official photo. This concession appears to acknowledge that Patrick's photo is not in fact disruptive or dangerous or even inappropriate in any meaningful way. Nonetheless, you claim that it would be “irresponsible” to allow such a photograph because it could “easily be construed to mean that Portsmouth High School has anything but a no tolerance policy for weapons.” We cannot speak for any adults you may have in mind, but I feel confident in saying that no student of Portsmouth High School is going to construe Patrick's picture as meaning that Portsmouth is lax in its view about weapons. I am sure that your school has done a better job teaching your students critical thinking than your statement suggests.

When the Portsmouth High School drama club performs *Romeo and Juliet*, or when the play is assigned in English class, we trust that you do not believe that students take this as the school's official endorsement of fatal sword play, suicide or fateful boy-girl dalliances. It is just as absurd to be treating Patrick's photo as anything other than a representation of his strong and commendable interest in an important aspect of world history.

Frankly, it is difficult for us to comprehend how a student's personal photo in a student yearbook would somehow be construed as officially representing the school in *any* shape or form, much less as reflecting the school's policy on weapons. More to the point, it is *impossible* to comprehend how this particular photograph of Patrick is an extraordinary danger to school values when it appears on one page of the yearbook with other student photos, but is unobjectionable when displayed a few pages later as a “recognition ad,” which is, as the school notes, a “message [that] will be a permanent memory.”

You are quoted in one news article as stating that the “yearbook represents our school to a widespread audience for a long time to come.” If that is so, we submit that, by censoring Patrick’s photo, you are representing the school in a way that gives public schooling a bad name.

In that vein, what is perhaps most distressing of all is that this incident arises in the same school district that put Julie Cahill through the same depressing cookie cutter only a few short years ago. In 2002, as you will recall, Portsmouth school officials were horrified at the thought of having this student member of the National Honor Society, drama club, Thespian Society, school band and literary magazine, not to mention former class president, participate in a mentoring program for elementary school children – all because she dared to have purple hair. It is unfortunate that no lessons appear to have been learned from that sorry episode. As with Julie Cahill, your school district once again appears to enjoy punishing a student not for being bad, but for being different.

Ultimately, this incident only vividly demonstrates that public school “zero tolerance” policies are popular because they eliminate the need to think. For an institution of learning, this is hardly something to celebrate. By failing to distinguish between a photograph of a student who enjoys medieval studies holding a prop broadsword and a photo of a juvenile delinquent holding an Uzi, the school has promoted a vacuous concept like zero tolerance into a policy that prefers rhetoric over reality and simple-mindedness over common sense.

We urge you to consider that the message you are sending about your high school by banning Patrick’s photo may not be the one that you think it is, and to allow his unedited photo to appear as his portrait in the student yearbook.

Thank you for your consideration of our views.

Sincerely,

Steven Brown  
Executive Director

cc: Heidi Agin-Farrington  
Supt. Susan Lusi