

The Hair Decision of 1973

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On May 4, 1973, the Supreme Court of the United States handed down the decision for which the nation had waited expectantly. For years the battle over hair had been waged in the lower courts with inconclusive results. In the late 1960s and early 1970s, judges in some state courts had ruled that school authorities had the right to exclude from school any students whose hair was excessively long, and to dismiss any teachers who grew beards despite school board rulings to the contrary. Yet other judges in the lower courts had accepted the contention of the American Civil Liberties Union that length of hair and the presence or absence of such hirsute adornments as sideburns and mustaches and beards were an individual's own business and did not constitute sufficient cause for student expulsion or teacher dismissal.

On the eve of the Hair Decision by the Supreme Court in the spring of 1973, the problem had reached critical proportions. Many bearded teachers had become panhandlers. The number of students expelled from schools had reached 742,527. The University of Wisconsin and the University of California at Berkeley were almost devoid of students, though enrollments were holding up well at Southern denominational colleges. The metropolitan high schools were especially hard-hit by expulsions, and hordes of long haired adolescents who call themselves Aquarians roamed the streets and lounged on corners. Members of the Students for Democratic Hair (SDH) mugged smooth-shaven and short-haired citizens whom they called pigs and, in the name of democracy, advocated the overthrow of all democratic institutions, especially the courts. But the nation was particularly troubled about dismissed kindergarteners and expelled first graders who ran wild, often impeding traffic and tripping pedestrians because their hair got in their eyes.

Educators made heroic efforts to solve the problem. High school principals were particularly active because they had pressed the complaints which had resulted in the wave of expulsions. For instance, the theme of the 1972 convention of the National Association of the Secondary School Principals was "The Genuine Frontiers of the Hair Crisis." The NASSP 1972 conference resolutions supported a hard hair line. Thereafter, school principals equipped with tape measures, scissors, and clippers roamed the school corridors seeking out hair violators among the student body. Male teachers lined up monthly for head and facial inspection by principals before salary checks were distributed.

Alert to the danger of youthful identification with undesirable role models, teachers clipped from textbooks and then destroyed pictures of General Burnside, Ulysses S. Grant, Robert E. Lee, and Abraham Lincoln, as well as Albert Einstein, George Bernard Shaw, and Robert F. Kennedy. For the first time in the history of the Republic, zealous teachers went so far as to discourage students from attendance at Christian churches and Jewish synagogues, but such teachers were commonly regarded as extremists.

In the fall of 1972, textbook publishers, ever accommodating, got out different editions of American history textbooks for school districts in which anti-hair court decisions were in force and for school districts in which pro-hair decisions had been rendered, much as they had published earlier in the century different editions of American history textbooks for use in Southern schools and for use in Northern schools.

Prior to the Hair Decision of the Supreme Court of the United States, the situation was particularly chaotic because of the American tradition of local control of schools. Some high school principals allowed goatees but prohibited full beards. Some banned Fu Manchus, though they sanctioned mustaches as a senior class privilege. Some elementary school principals laid hands upon children in order to shear them, while others regarded compulsory clipping as a prohibited form of corporal punishment.

And so it was in the Spring of 1973 when the Supreme Court handed down its eight-to-one decision with, naturally, Justice William O. Douglas dissenting. The majority verdict read, "Whereas a clear and present danger to the domestic tranquility of the nation exists in the present hairy conflict, it is the judgment of this court that all males enrolled in or engaged as faculty, administration, or staff in public schools shall be clean-shaven, save for sideburns no longer than two inches below the lower edge of the ear lobes, and all such persons shall have hair upon their heads which does not fall below the collar line as defined by the firm noosing of a tie."

The nation rejoiced. On Wall Street, the stocks of scissor companies and other tonsorial enterprises soared. Barbers, whose shops had formerly been deserted, returned from the fishing shacks where they had been sulking. Though the decision was a clear victory for the anti-hair forces, the pro-hair people were pleased with the sideburn concession. Those of the hairy who owned ties wore them as low as possible; fashion designers created new low-cut shirts for males. The hair problem solved, high school principals turned to other vital educational issues, such as the distance of girls' skirts above their knees.

However, in 1974, a disgruntled teacher who had been forced to shave off his beard as a condition of employment brought a suit against the superintendent of schools and three of the principals in his school district on the ground that they were bald. The teacher, who taught English and was a careful reader, had perceptively noticed that the Hair Decision specified that "all males ... engaged as faculty, administration, or staff in public schools . . . shall have hair upon their heads ..." In vain, the superintendent and the principal cited the heroic deeds of such bald men as Benjamin Franklin, Dwight Eisenhower, and Yul Brynner. The Courts ruled the administrators to be in violation of the law of the land. The balding schoolmen of the country rushed out to buy toupees and wigs. But toupees and wigs were ruled by the Courts to be an evasion of the Hair Decision of 1973.

In 1975, the turnover among superintendents and principals in the United States was twenty-seven times higher than in any other previous year in the history of the nation.

The above is an excerpt from a history of education textbook published in 1976.