

MESSAGE FROM THE NYCLA PRESIDENT

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## Wanted: An Educated Citizenry

One hundred fifty years apart, John Adams and Robert Hutchins (Dean of the Yale Law School 1927-28 and President of the University of Chicago 1929-45) both foretold the death of democracy arising from internal failings rather than external force. Today, there is some reason to fear that their prophecies could be realized.

In a 2006 Zogby poll, only two out of five respondents could name all three branches of government. Sixty-one percent of respondents could not name any justices of the United States Supreme Court. 15 percent could name only one justice, and 24 percent could name two justices. In contrast, 77 percent of the respondents could name two of the seven dwarfs, and 73 percent could name all of the Three Stooges.

The 2006 National Assessment of Educational Progress (NAEP) provides a more systematic snapshot of civics education. The NAEP civics assessment was based on 25,000 students in grades 4, 8 and 12. Only about one-quarter of all students in these grades demonstrated a grade-appropriate knowledge of the U.S. government. Only 14 percent of fourth graders knew that criminal defendants have a right to trial. Only 28 percent of eighth graders could explain the historical purpose of the Declaration of Independence.

Hon. David H. Souter, the recently retired Associate Justice of the U.S. Supreme Court, has joined Hon. Sandra Day O'Connor in calling for increased



civics education. At the ABA Annual Meeting last month, he said, "Judge Arnold [former chief judge of the Eighth Circuit] made the case for judicial independence in seven words, 'There has to be a safe place.' That is why citizens must be instructed in their government to be able to understand why that place has to be preserved and passed along. That is why civic education has to be raised to a new power and every one of us ... has to see to it that civic education becomes a birthright of every American." Someone who does not know the function of the judiciary, or that it is an equal branch of government with Congress and the executive, cannot be expected to understand the legal theories behind many Supreme Court cases. Was Justice Sonia Sotomayor being activist or conservative when she decided *Ricci v. DeStefano*? Was the Supreme Court being activist or conservative when it overturned

the Second Circuit decision in which Sotomayor participated? Legal scholars could debate whether the Supreme Court's decision in *Bush v. Gore* represented a departure from substantive due process precedent. For far too many laypeople, the decision – or its correctness, or both – became a simple question of political preference. If the public does not understand the principles behind checks and balances in the Federal system, or the division of jurisdiction between the Federal government and the states, how can the public recognize and resist incursions on constitutionally guaranteed rights?

Ironically, the No Child Left Behind Act, which requires mandatory testing of language, math, and science skills, may be contributing to the decline in civics knowledge.

[T]he American Youth Policy Forum and the Association for Supervision and Curriculum Development claimed that "the recent preoccupation of the nation with reshaping academics and raising academic performance has all but overpowered a task of equally vital importance—educating our young people to become engaged members of their community as citizens. . . . A fifth of America's public school students today are the children of immigrants—the highest number in the country's history. It is difficult to argue with policies aimed at improving the basic academic skills of these and other less advantaged students. Yet, the same policies that promote this goal diminish the prospect that such students will receive a satisfactory civics education. [1]

As lawyers, we can help. NYCLA and other bar associations have outreach programs aimed at students from elementary through high school. NYCLA's Law-Related Education Committee has been sending lawyers into New York City classrooms for 25 years, talking about how law affects young people and about legal careers. NYCLA helps support a high school mock trial program. In the last school year, mock trials were held at nearly 100 New York City high schools. NYCLA also sponsors an annual essay contest for high school students. This year's contest drew 155 entries from nine high schools on the topic, "As Chief Legal Counsel to President Barack Obama, discuss at least three legal issues specific to undocumented immigrants." NYCLA publishes the *New York City Youth Law Manual*, a 113-page manual with 23 chapters on an array of legal topics of importance to young people, which can be downloaded from NYCLA's website by clicking on [www.nycla.org](http://www.nycla.org) and then Justice Center, Programs and Reports. NYCLA will co-sponsor a training program for high school teachers in the fall, as well as two high school student conferences on Youth and the Law. If you would like to be part of the solution, join NYCLA and our Law-Related Education Committee by visiting [www.nycla.org](http://www.nycla.org) and clicking on Membership or by calling our Membership Department at 212-267-6646, ext. 208.

[1] "Mandatory Testing and News in the Schools: Implications for Civic Education," [http://www.hks.harvard.edu/presspol/research/carnegie-knight/mandatory\\_testing\\_and\\_news\\_in\\_schools\\_2007.pdf](http://www.hks.harvard.edu/presspol/research/carnegie-knight/mandatory_testing_and_news_in_schools_2007.pdf)