

Counting On Citizenship

New England Association of Schools & Colleges
2008 Annual Meeting
Boston, Mass.
December 5, 2008

Linda Greenhouse

The other day, the Washington Post carried an article with the headline, "Virginia Math Standards' Bar Might Be Raised."¹ It reported that public hearings would be conducted around the state to discuss new approaches to insuring that all students, beginning in kindergarten, receive a foundation for going on to higher math. "Kindergartners would be expected to be able to count to 100, not just to 30," the story reported, explaining that the new standards were "part of a national movement to strengthen and streamline math education to prepare all students to learn algebra and higher concepts."

Requiring all kindergartners to be able to count to 100 is no doubt a good thing. Speaking as a non-specialist, simply as a parent, taxpayer, and citizen, I'm all for it. And speaking as one whose highest achievement in math was an undistinguished performance in Algebra 2, I wish today's students all the good things that flow from mastery of quadratic equations (whatever they are.)

However, as someone with an abiding interest in the enterprise of education, I have a somewhat contrary view – and since you have offered me this very special platform at the close of your meeting, I will share it with you in the few minutes we have together.

I'm obviously no specialist in early childhood education, so I won't presume to discuss the specifics of what kindergartners should be expected to know. But that article from the Washington Post did add to my fear that our national obsession with math is crowding out some very important subjects that we as a society need our developing citizens to master. I worry that our collective genuflection before the great Math god has, especially in an era of diminishing resources, made it almost subversive to suggest other priorities – or even to suggest the need to *consider* other priorities.

For example, the ignorance that is evident in so much of our country's discourse about science and science policy certainly indicates an urgent need to give even our youngest students a basic understanding of human biology, of energy consumption, of the natural world we live in, and of humanity's impact on that world.

Or, to shift focus, certainly the interconnected world today's students will grow up in makes it as important for kindergartners to be able to point to a dozen countries on the globe as to recite an ever-longer string of numbers.

Everyone in this room is undoubtedly a passionate advocate for some subject or collection of subjects. My daughter's talents and interest in the visual arts basically got her through high school (she is now in graduate school, by the way), and I regard the shedding or minimizing of arts education in so many school districts as a tragedy. Arts education not only performs a high function but fills a deep need for many students.

So the menu of alternatives to our math obsession is substantial. I'd like to focus on one: civics. When I was in high school in the early 1960's, the basic civics curriculum

was called Problems of Democracy – POD. I don't know if that course still exists, or if it exists by that name – perhaps the implicit suggestion that democracy might have problems made people uncomfortable. I know that many states have laws requiring students to be taught about their state at some point. This requirement often leads to perfunctory one-semester courses that do little to engage students. What I have retained from my junior high school course on Connecticut is that Connecticut used to own Ohio, a fact (or for all I know now, it may be just a purported fact) that I have been known to summon up to taunt my Ohio friends.

The point is that no matter what these courses are called, or no matter what their content, they do not seem to be achieving their goal of creating an informed citizenry. A report published last month by the American Civic Literacy Program of the Intercollegiate Studies Institute indicated that fewer than half of all Americans can name the three branches of government. (Many apparently think that the military is its own branch of government.) The study was based on a random sample of 2,508 adults of all backgrounds, those with college degrees and those without, who agreed to take a 33-question basic civics test.²

College apparently adds little to knowledge of the basic framework of American government. Only 24 percent of college-educated Americans knew that the First Amendment prohibits the establishment of an official religion. Although scores on the quiz rose with income, and varied somewhat across categories of race and age, there was not a single group that received a passing grade.

I share the concern expressed by Justice Sandra Day O'Connor, who told the National Governors Association last year that “the need to educate our youth about our government and how it works is crucial to our future as a nation.” Such knowledge is not passed on through the gene pool, she said: “We have to do it.”³

Justice O'Connor's particular concern is with public ignorance of the judicial system. We are all aware of recent threats to the very concept of judicial independence – not only direct threats, such as a South Dakota initiative that would have made judges liable to be sued for their official acts. The proposal was defeated, but it received enough signatures to get on the ballot. There are more subtle threats to judicial independence, especially given the fact that in most states, judges of at least some courts must run for election or retention. Threats of political retribution for unpopular opinions are not unknown, and the flood of special-interest money into judicial election campaigns is increasingly common.

A recent study by Kathleen Hall Jamieson, director of the Annenberg Public Policy Center at the University of Pennsylvania, concluded that “public willingness to protect the prerogatives of judges and the courts” was directly correlated with public understanding of the judicial system.

Professor Jamieson's study was published in the latest issue of the journal *Daedalus*, an issue of which I was the guest editor and which is devoted to the topic of judicial independence.⁴ To quote from her article: “Ignorance about the role and function of judges and the courts and partisan campaigning for judicial office each independently threaten public trust in the judiciary. As trust declines, willingness to constrain the judiciary rises.”

Evidence of basic ignorance was disturbing. The Jamieson study, based on a random sample of 1,514 adults in the summer of 2007, showed that fewer than one-third know that a Supreme Court decision is final. Only 15 percent could name John Roberts as Chief Justice of the United States. (However, two-thirds could name at least one judge on the Fox television show “American Idol.”)

(During my years covering the Supreme Court, I often saw deep ignorance on display among the tourists who were motivated enough to come and watch a court

argument session, yet knew almost nothing about what they were seeing. For example, I heard people ask the courtroom marshals where the jury and the defendant sat.)

To the point at hand – the Jamieson survey asked respondents about their exposure in school to civics education. Just over half reported either taking a class in civics or a course that focused specifically on the Constitution or the judicial system. This group not only displayed more knowledge about the judicial system, but also was significantly more disposed to protect the courts from partisan or other kinds of attacks.

So, clearly, the call to restore civics education to a place of prominence reflects not just an abstract ideal, but also a well-founded belief that the future of our institutions depends on it. Justice O'Connor has made this effort a centerpiece of her post-Supreme Court career. Perhaps you have read about her project, which she calls Our Courts (www.ourcourts.org) With participation from some smart people in Silicon Valley, the project is developing “an interactive, problem-based civics learning environment” – basically a series of computer games designed to spark students’ imaginations as they tackle problems that are relevant to them. One episode, for example, concerns the First Amendment implications of a public school’s ban on t-shirts with edgy messages. The Web site has not yet been officially launched, but it already contains quite a lot of background information about the judicial system, with links to other resources.

Obviously, this project is not a complete answer, but I think it is an important start. What it recognizes and seeks to impart is the role of the courts not as remote or irrelevant oracles, but as places where decisions are made that directly affect students’ lives. Presenting this material in an engaging way does not require a Hollywood screenwriter’s imagination. The Supreme Court’s own docket is a syllabus. You may remember the “Bong Hits 4 Jesus” school speech case of the Term before last.⁵ I’m not sure the facts of that case would have made it as a high-concept story proposal, but it was real.

I recently returned from a judicial conference in South Africa, where I was privileged to be the United States resource person. The new democracy in South Africa is a fascinating laboratory for the study of almost anything, particularly the development of legal and political institutions. The topic of this conference was the judiciary and the media. South Africa has a wonderful constitution, which grants all kinds of affirmative rights, and a fine court system with hard-working and dedicated judges. The judges feel misunderstood and even vulnerable, frustrated by their inability to make the public understand that when they issue decisions, they are not simply expressing their own policy preferences, but are applying legal rules and principles to the case at hand. There was much discussion at the conference about the need to develop a press corps with the ability to transmit to the public a basic understanding about how a legal system operates within a constitutional framework.

Some of the judges seemed quite surprised by my suggestion that what they needed to advocate for was not only a better press corps, but a national commitment to civics education in the schools, in order to give future generations of South Africans the ability to appreciate and defend the rule of law that the current generation achieved at so high a price.

The South African story is a dramatic one. Our own story, being so familiar, is less so. It is easy to take our own commitments for granted. I’m afraid that much of the education establishment has done just that. It’s notable that much of the initiative for civics education in recent years has come from judges. Justice O’Connor’s efforts are only the tip of a surprisingly big iceberg. In the same issue of *Daedalus* that I mentioned earlier, Chief Justice Ruth McGregor of the Supreme Court of Arizona recounts a variety of outreach programs sponsored by courts around the country, sometimes in collaboration with school systems.⁶ Many make use of technology. A number of them

reach out to adults as well as children. These programs are well attended, reflecting a public hunger for information about the legal issues that affect people's lives. A court-sponsored forum in Maryland on domestic violence drew 500 people to a high school auditorium.

Some state-court programs focus on training teachers. The North Dakota Supreme Court sponsors what it calls a Justices' Teaching Institute, in which the justices give summer classes for high school teachers. At the end of the program, each teacher is given a lawyer-mentor who agrees to assist in the classroom. Through the teachers who participate, this program reaches some 2,500 students a year. The Arizona Supreme Court supports a We the People summer institute for teachers in upper-elementary and high school grades. The Indiana Supreme Court launched a "courts in the classroom" program by web casting its arguments and providing on-line lesson plans to enable teachers to incorporate the court's activities into the curriculum.

Many courts are eager to engage in this kind of public education. Any part of the educational community that reaches back will find willing partners and a surprising depth of resources. Renewing our commitment to civic literacy may require reshaping the national conversation. As a goal, it is not as easily expressed as getting every kindergartner to count to 100. But I hope I have persuaded you that it is just as important, even more so and that, in fact, our future as a country depends on it.

¹ Michael Birnbaum, *Va. Math Standards' Bar Might Be Raised*, Washington Post, Nov. 24, 2008.

² http://www.americancivilliterary.org/2008/summary_summary.html

³ John Flesher, *O'Connor: Educate Youth About Government*, Associated Press, July 23, 2007.

⁴ Kathleen Hall Jamieson & Bruce W. Hardy, *Will Ignorance and Partisan Election of Judges Undermine Public Trust?*, 137 *Daedalus* 4 (Fall 2008) 11-15.

⁵ *Morse v. Frederick*, 127 S. Ct. 2618 (2007).

⁶ Ruth V. McGregor, *State Courts and Judicial Outreach*, 137 *Daedalus* 4 (Fall 2008) 129-138. All the examples that follow in the text are taken from this article.