

BRENNAN

CENTER

FOR JUSTICE

A REPORT CARD ON
NEW YORK'S
CIVIC LITERACY

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ACKNOWLEDGEMENTS

The authors would like to thank Gara LaMarche and the Atlantic Philanthropies, Michael Waldman, Fritz Schwarz, Susan Liss, Jeanine Plant-Chirlin, Diana Lee, John Travis, and Evans Witt. The authors are also grateful to Hofstra Law students Rebecca Wilhelm and William Stoltz, Hofstra Law professors Andrea Libresco and Michael D'Innocenzo, and Dean Paul Edelson from the State University of New York at Stony Brook.

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EXECUTIVE SUMMARY

In this year's State of the Union address, President Obama called for "our generation's Sputnik moment." Before 43 million viewers, he rallied Americans to meet the new challenges of the global economy, particularly those posed by China's and India's growing economic power. The productivity of American workers is unmatched, he argued, but their deficiency in science and math puts the nation at a severe disadvantage against the global economic competition. To overcome this, the President pledged government resources, including the training of 100,000 new science and math teachers.

Of course all of this is positive. We urgently need a public commitment to science and math education of the sort that propelled us to our space race victory, putting men on the moon along the way. But with this economic focus, the President did not confront an equally urgent educational need central to our democracy, one that is at the very heart of why Americans are falling behind: civic literacy. As former Harvard University President Derek Bok observed in 2002: "Civic education in the public schools has been almost totally eclipsed by a preoccupation with preparing the workforce of a global economy."¹ As multiple national studies and our findings in this report all demonstrate, few Americans have the requisite knowledge to engage in a democratic policy discussion. Few know anything about the three branches of government, their functions, or how an idea becomes a law. And even fewer would know how to effect the changes recommended by the President, or those called for in this report.

The findings of this report are based on a telephone survey conducted in the summer of 2010 of just over one thousand registered New York voters, conducted by Princeton Survey Research Associates for the Brennan Center for Justice. We polled a diverse sample of New Yorkers on their attitudes toward civic literacy and its necessity, and we tested their familiarity with prominent elected officials, governmental and legislative processes, and the U.S. Constitution itself. Against the backdrop of previous studies, our evidence shows that New Yorkers, like most Americans, know very little about their Constitution and their government.

Without civic literacy we cannot maintain a vigorous democracy. And our civic illiteracy will only get worse if we limit our race to the top to only math and science.

Core Findings

- Most New Yorkers believe that the U.S. Constitution is very important to the success of American government.
- Most New Yorkers believe that, for American government to work, citizens must be knowledgeable about the U.S. Constitution.
- Few New Yorkers consider themselves very familiar with the Constitution. More say they are somewhat familiar.
- In fact, few New Yorkers know even a little about the Constitution. For example, less than a third know that creating a stronger federal government was one of its goals. Only 42 percent of New Yorkers know basic information about the three branches of government. And 60 percent of New Yorkers wrongly believe that the President has the power to declare war.

Core Recommendations

- Raise the alarm—a sense of urgency and a renewed public understanding of the importance of civic literacy are critical to overcoming inertia and beginning to find solutions.
- Renew civic literacy education in our schools.
- Engage the public with a campaign to reintroduce civic literacy to all age cohorts, not just students.
- Form a state commission with broad membership across many sectors to build a strategic plan and to foster innovative ideas to drive forward the renewal of civic literacy education.

I. INTRODUCTION

Meaningful democracy requires civic literacy. American democracy can only be sustained by a civically educated populace. Democratic procedures “do not work automatically,” writes scholar and President of the University of Pennsylvania Amy Gutmann. The system depends upon Americans possessing “the skills and virtues that support proceduralism, constitutionalism, and deliberation.”² If Americans do not understand the Constitution and the institutions and processes through which we are governed, we cannot rationally evaluate important legislation and the efforts of our elected officials, nor can we preserve the national unity necessary to meaningfully confront the multiple problems we face today. Rather, every act of government will be measured only by its individual value or cost, without concern for its larger impact. More and more we will “want what we want, and [will be] convinced that the system that is stopping us is wrong, flawed, broken or outmoded.”³

This is one of the important findings of scholars Michael Delli Carpini and Scott Keeter in their 1996 study, *What Americans Know About Politics and Why It Matters*. Civic literacy provides meaningful understanding and support for a number of constitutional values, including compromise and tolerance, and promotes meaningful political participation. Also, “a better-informed citizenry places important limitations on the ability of public officials, interest groups, and other elites to manipulate public opinion and act in ways contrary to the public interest.”⁴

What’s more, civic literacy helps create community. A common civic literacy would enable Americans to form a sense of connection with those of different views, experiences and ideologies beyond the bond of a group affinity. We may want different outcomes for different reasons, but if we understand and agree on how we might go about implementing change in our society, we would find ourselves standing together upon a priceless common ground. This point needs reemphasis. The goal of civic literacy is not the advocacy of particular policy views. Rather, it is to provide a background and a context for a richer and more vigorous public deliberation with the goal of trying to shape a consensus over the problems we confront and approaches to resolving them.

Few Americans are engaged in their democracy. How can this be surprising, when few Americans understand the process of government? Few understand, borrowing a definition from the National Conference of State Legislatures (NCSL), “what it means to participate in self-governance, engaging in that self-governance, having the knowledge to do it well, and appreciating the complexities of the process, and understanding how it works.”⁵ Many national surveys have shown this to be the case, and the results of our New York survey further underscore this point. A 2002 NCSL study found, “Young people do not understand the ideals of citizenship; they are disengaged from the political process; they lack the knowledge necessary for effective self-government; and their appreciation and their support of American democracy is limited.”⁶ A 1988 report observed significant drops in civic knowledge since 1976; another in 2002 found “that the nation’s citizenry is woefully undereducated about the fundamentals of our American Democracy.”⁷ According to the 2006 National Report Card on Civics prepared by the United States Department of Education, “About one in four students, or 24 percent, scored at or above the *Proficient* level, meaning they demonstrated at least competency over challenging subject matter.”⁸

Electoral turnout, even including the upward blip in 2008, confirms this. This year, voter turnout for the gubernatorial race in New York was only 30.5 percent, one of the lowest among states where the Governor’s office was up for grabs, and even though control of Congress was at stake, it fell off from there.⁹ Nationally, the 2010 turnout was a dismal 37.8 percent.¹⁰ Not only are citizens failing to vote, we have numerous indications that they are dropping out of the political system—feeling frustrated, alienated or marginalized, rather than invested, responsible, and engaged. A 2002 report by the Carnegie

Corporation and the Center for Information and Research on Civic Learning and Engagement (CIRCLE) concluded: “In recent decades...increasing numbers of Americans have disengaged from civic and political institutions...and political and electoral activities such as voting and being informed about public issues.”¹¹ This abandonment of political life leaves our future in the hands of angry factions of all extremes. “Politics is more polarized than ever. The two parties have drifted further to the extremes. The center is drained and depressed.”¹² Our polity is broken.

Civic illiteracy puts American democracy at risk. “How,” asks Justice Sandra Day O’Connor, “are we going to have a knowledgeable, participatory population if we don’t teach every generation about what our system of government is?” Her former colleague, retired Justice David Souter, uses even starker language as he warns the republic “can be lost, it is being lost, it is lost, if it is not understood.”¹³ The historian Sean Wilentz, in his impressive history of American democracy from 2005, emphasizes this point:

Democracy is never a gift bestowed by benevolent, farseeing rulers who seek to reinforce their own legitimacy. It must always be fought for, by political coalitions that cut across distinctions of wealth, power, and interest. It succeeds and survives only when it is rooted in the lives and expectations of its citizens and continually reinvigorated in each generation. Democratic successes are never irreversible.¹⁴

From the framers onward, civic education has been viewed as the *sine qua non* for maintaining the American Republic. “[A] well-instructed people alone can be permanently a free people,” noted James Madison, the father of the Constitution. According to his fellow convention delegate James Wilson, “Law and liberty cannot rationally become the objects of our love, unless they first become the objects of our knowledge.” George Washington provided clear detail of what such knowledge should entail:

Teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens proceeding from a disregard to their convenience and those resulting from the inevitable exigencies of Society; to discriminate the spirit of Liberty from that of licentiousness—cherishing the first, avoiding the last; and uniting a speedy, but temperate vigilance against encroachments, with an inviolable respect to the Laws.¹⁵

Madison, Wilson, and Washington echoed the views of the entire founding generation who, according to historian Gordon Wood, believed, “Monarchies could exist with a corrupt and ignorant people, but republics could not.”¹⁶

Along with a complicated form of government, civic literacy was seen as key to thwarting what the Framers saw as a major threat to democracy: the determination of ambitious people to aggregate power and a corresponding tendency of most others to let them. “Without learning, men become savages or barbarians, and where learning is confined to a few people, we always find monarchy, aristocracy, and slavery,” wrote the revolutionary and constitutional leader Benjamin Rush.¹⁷ This warning has been renewed over recent generations, as various authoritarian regimes have suppressed the civic education of their citizens to maintain their power. This is what President Dwight Eisenhower called the “gift” that authoritarian governments give to their people: “freedom from the necessity of informing themselves and making up their own minds concerning...tremendous complex and difficult questions.”¹⁸

Civic literacy makes us Americans. America is a country of enormous diversity, a patchwork nation. And this diversity has demarked it since its founding. What has made us all Americans is our commitment to the Constitution, its principles and values, and our collective ethic of working hard to find solutions to national problems, always at a cost to some of

our own social, regional, local, or personal interests. President George W. Bush stated: “America has never been united by blood or birth or soil. We are bound by ideals that move us beyond our backgrounds, lift us above our interests and teach us what it means to be citizens. Every child must be taught these principles.”¹⁹ Among these ideals, all of which flow from the Constitution, are freedom, participation, representation, compromise, respect for the process and its outcomes, fairness, and justice.

II. THE NEW YORK SURVEY

The basic facts of the Constitution, like the names of the three branches of government and the basic responsibilities of each, are foundationally important yet fundamentally unfamiliar to too many Americans. Yet learning about our system of government requires even more than just these basics. Learning about our constitutional democracy requires an understanding of its goals and principles and the context for each, in order to evaluate its operation and weigh its successes and failures. Americans need to know, for example, why the American system of government is so complicated, why compromise is critical to the advancement of any legislative agenda, why the power to declare war resides with the Congress, how federalism works, what a special interest group is, and how the Constitution defines the common good.

**Justice David Souter warns the republic
“can be lost, it is being lost, it is lost, if it
is not understood.”**

Against this backdrop, we decided to explore what New Yorkers know about the Constitution. Our questions went a little further than the basic facts and statistics (e.g., how many branches of government were established by the Constitution, how many seats in the House of Representatives, etc.), and were instead about the ideas and principles which both undergird the Constitution and flow from it. This knowledge is critical to any evaluation and analysis of the hard questions of governance that confront us today.

III. THE FINDINGS:

New Yorkers’ Knowledge of Current Federal Representatives

- **Fifty-eight percent of New Yorkers do not respond correctly when asked to name either of the two current New York members of the U.S. Senate.**
- **Seventy percent of respondents could identify the speaker of the U.S. House of Representatives when given a list to choose from.**

Most civic literacy polls test to one degree or another whether their audience knows the names of currently elected officials. We asked these questions as well, but did not consider these questions as a critical part of what constitutes civic literacy. If New Yorkers could demonstrate that they are knowledgeable about the Constitution, its institutions, processes, and principles, but did not know or could not recall the names of their elected officials, we would consider them to be civically literate.²³ An ability to produce the names without the broader understanding referenced above is not enough.

Through open-ended questions, we asked New Yorkers if they knew the names of their current Senators and whether they could choose the name of the Speaker of the U.S. House of Representative from a list of names.

METHODOLOGY

We retained Princeton Survey Research Associates International to work with us on designing and implementing the survey.²⁰ Our efforts were designed to reach as broad a cross section of New York State residents as possible, as discussed below.

Over the course of two weeks during the summer of 2010 (June 21-July 8), Princeton Survey Research Associates International completed 1,010 telephone interviews with New Yorkers throughout the state, using both landline and cell phone numbers. Only individuals who said they were at least 18 years old and registered to vote in New York were included in the 1,010 completes. Our choice to poll only registered voters narrowed it to citizens who have participated in the political process, at least in that limited respect.²¹ The margin of sampling error for the weighted data based on registered voters is ± 3.7 percentage points.

The telephone interviews averaged 17 minutes in length, and all were conducted in English.

As is standard practice, the total sample (which included those who were not registered to vote) was weighted to match New York State population parameters to compensate for sample designs and patterns of non-response that might bias results. Generally, the sample as weighted reflects the diversity of the state's voters in terms of geography, race, household income, educational level, and other attributes.²²

Within the category of educational characteristics, we included questions about whether respondents had attended elementary, junior high, and high school in New York. Seventy-six percent of respondents were schooled in New York State, with an additional two percent reporting that they were schooled mostly in New York. Twenty-two percent went to school elsewhere.

Participants were asked whether, at the time of the interview, they considered themselves to be a Republican, Democrat, or Independent. Participants were not asked to report their actual party registration. 23 percent identified as Republicans, 39 percent as Democrats, and 31 percent as Independents.

The main body of the survey consisted of a series of questions assessing respondents' views of the United States Constitution and testing their understanding of the principles underlying the Constitution, as well as the structure and processes it sets out. The questions were divided into the following groups:

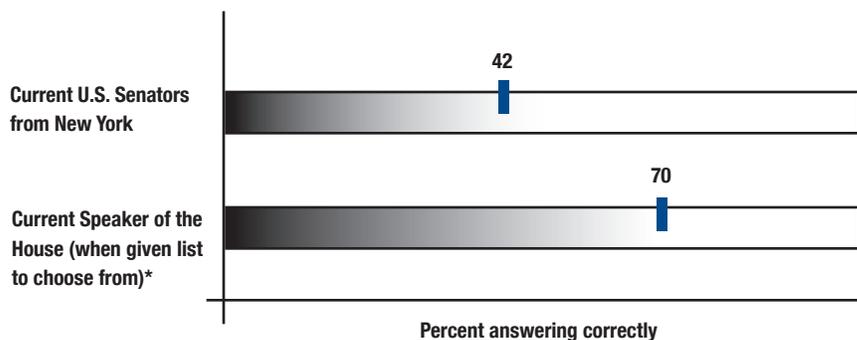
- New Yorkers' knowledge of currently elected officials;
- New Yorkers' attitudes about the Constitution;
- New Yorkers' knowledge of the foundational ideas on which the Constitution was built; and
- New Yorkers' knowledge of the institutions and processes of American government and governance.

Differences in levels of civic literacy are not consistent across most demographic groups. And perhaps most surprisingly, higher levels of education do not translate consistently into higher levels of civic literacy. In fact, on some questions, those with college degrees are just as likely to answer incorrectly as those who have never attended college.

We should note at the outset that New Yorkers are generally not familiar with their current representatives. While they think highly of the Constitution and strongly believe in its centrality to the maintenance of American democracy, they acknowledge their own unfamiliarity with the Constitution. The significance of this gap is made even more apparent when comparing their belief in the importance of civic literacy with the little they actually know.

The survey questions and top-line summary statistics of the responses are provided as an appendix to this report. Further information on the survey results, including cross-tabulations, may be found at the Brennan Center's website, <http://www.brennancenter.org>.

Percentage of respondents who know...



* Respondents were asked to choose among Nancy Pelosi, Condoleezza Rice, Barbara Boxer and John Boehner.

Fifty-eight percent of New Yorkers do not respond correctly when asked to name either of the two current New York members of the U.S. Senate.

Respondents were not given any list to choose from, so they had no opportunity to guess or “refresh their recollection.” Kirsten Gillibrand, New York’s junior Senator, was appointed less than two years ago, after then-Senator Hillary Clinton was appointed Secretary of State. Senator Gillibrand had never previously run for statewide office, and the fact that her name wasn’t widely known is not surprising. Chuck Schumer, though, has represented New York State since 1999 and is a major national player on the political stage. It is significant that so few New Yorkers were able to provide his name when asked, especially when we consider that both senators’ names were on the ballot in the November 2010 elections and both were campaigning during the time the poll was conducted.

When New Yorkers were given a list to choose from, they did much better. Seventy percent of respondents identify Nancy Pelosi as the Speaker of the U.S. House of Representatives in 2010 when asked to choose among Nancy Pelosi, Condoleezza Rice, Barbara Boxer and John Boehner.

New Yorkers’ Attitudes about the U.S. Constitution

- **Almost eight out of ten New York voters believe in the central importance of the Constitution, but fewer than two in ten consider themselves very familiar with the document.**

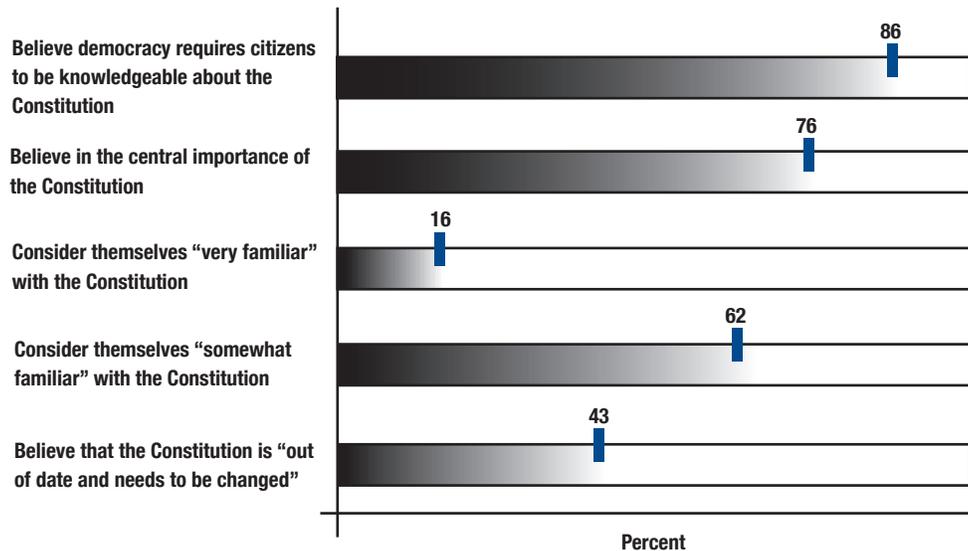
More than three quarters of New York voters assert that the U.S. Constitution is very important to the proper functioning of the American government, and only five percent dispute the importance of the Constitution when thinking about American government today. In fact, 86 percent indicate that to work as intended, American democracy requires citizens to be knowledgeable about the U.S. Constitution.

The view that an understanding of the Constitution is not simply a good thing—but a necessary component of our democracy—is one of the primary points of agreement among New York voters.

But despite this appreciation of the Constitution’s significance, New Yorkers rate themselves as having relatively little knowledge about it. Almost eight out of ten New York voters believe in the central importance of the Constitution, but fewer than two in ten consider themselves very familiar with the document. The New Yorkers who describe themselves as

very familiar with the Constitution include only 21 percent of respondents with some college-level education, 29 percent of respondents with a bachelors degree and 24 percent of respondents with a graduate degree. Another 62 percent of New Yorkers say they are somewhat familiar with the Constitution.

Percentage of Respondents who...



The returns on our poll point to a big gap between what people think is important to know and what they think they know. These gaps grow yet more sobering when we examine what New Yorkers actually know, as discussed below.

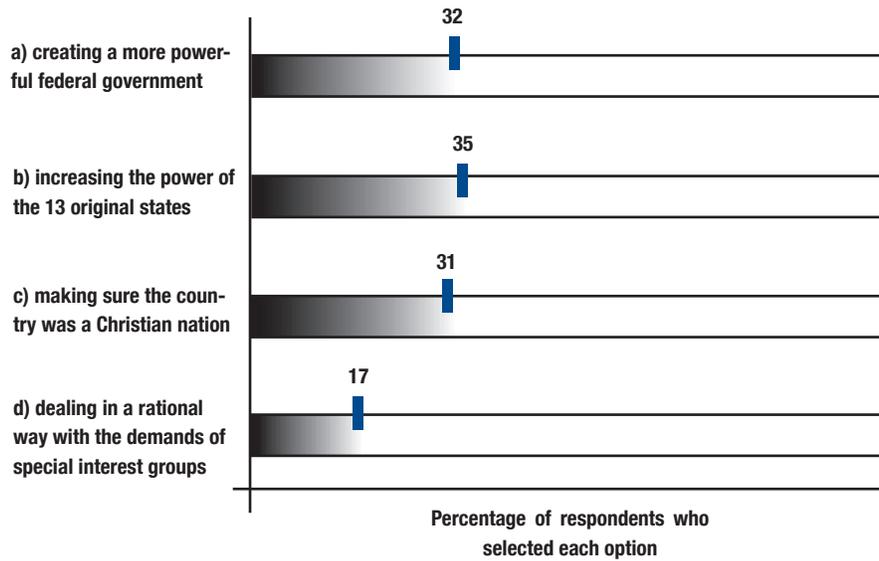
While the Constitution’s importance is largely unquestioned, New Yorkers are more divided about whether changes are needed in the nation’s founding document to modernize it for the twenty-first century. Fully 43 percent say they agree that the Constitution “is out-of-date and needs to be changed to keep up with the times,” while 53 percent report mostly or completely disagreeing about the Constitution needing changes. But since, as we will discover, New Yorkers know little about the Constitution, calls for changing it seem to be problematic.

New Yorkers’ Knowledge of Foundational Ideas

- Fewer than one-third of New Yorkers surveyed could identify strengthening the federal government as a goal of the Constitution.
- Just over a third of respondents are sure that one of the Constitution’s goals was to increase the power of the 13 original states.
- Nearly a third of New Yorkers surveyed incorrectly believe the Founders were seeking to create a Christian nation as they drafted the Constitution.
- Fewer than two out of ten know that dealing with demands of special interest groups in a rational way was a goal of the Founders.

In question eight we asked what goals the U.S. Constitution was designed to achieve when it was written in 1787. We provided a list of possible choices: (a) creating a more powerful federal government, (b) increasing the power of the 13 original states, (c) making sure the country was a Christian nation, (d) dealing in a rational way with the demands of special interest groups. Only (a) and (d) are correct.

What goals was the U.S. Constitution designed to achieve?



Note: Only (a) and (d) are correct.

New Yorkers fared very poorly on this question. Just less than one-third (32 percent) say that creating a more powerful federal government was a goal of the Constitution. Almost half (47 percent) say it was not a goal and one in five (20 percent) do not know. Sixty-two percent of those who report being very familiar with the Constitution incorrectly state that a more powerful government was not a goal. When asked essentially the same question in a different way—Was making the 13 original states more powerful one of the Framers’ goals?—New Yorkers splinter. Just over a third (35 percent) of respondents are sure that one of the Constitution’s goals was to increase the power of the 13 original states and another 32 percent do not know. Less than one-third of respondents are able to state correctly that it was not a goal.

Strengthening the Federal Government

Fewer than one-third of New Yorkers surveyed could identify strengthening the federal government as a goal of the Constitution, yet in reality this was probably the single most important goal of the Constitutional Convention of 1787. The Framers had concluded from the events that marked the 11 years between Independence and the Convention that the weak form of national government under the Articles of Confederation could not hold together the new nation. “[A]n unequivocal experience of the inefficiency of the subsisting federal government” was how the opening to the Federalist Papers described the situation. What was needed, observed George Washington, was the “intervention of a more coercive power.” They accomplished this through the Supremacy Clause (Art.6, §1) which provides that the Constitution and laws of the United States shall be the supreme law of the land.

Understanding this constitutional goal remains critical today. For example, without this knowledge it would be difficult—at best—to understand today’s arguments over whether the federal government has the power to enact health care legislation or whether it can determine the educational curricula of schools, despite the states’ historic control of these systems.

Christian Nation

Perhaps reflecting their own religious sensibilities, nearly a third of New Yorkers incorrectly believe the Founders were seeking to create a Christian nation as they drafted the Constitution and yet there is no evidence whatsoever that a goal of the Framers was to assure a Christian nation.

Some scholars and representatives of the religious right have argued that America is and has always been a Christian nation, and in support of their arguments, they stress that all of the nation's founders were religious men. Even if correct (which it is not), that observation cannot speak to the question of whether the Framers sought to create or sustain a Christian nation. The Constitution itself is agnostic about religion except inasmuch as it declares, in the starkest possible terms, that there will never be a religious qualification of anyone seeking public office. Americans were as religious before as they were after the Constitution, and America's commitment to Christianity was not an issue to the Framers, nor the public. There is evidence that some Americans opposed ratification of the Constitution because of its "Godlessness," but this would appear to counter the notion that the Framers were seeking to institutionalize Christianity in the constitutional system.

Special Interests

Fewer than two out of ten know that dealing with demands of special interest groups in a rational way was a goal of the Founders in drafting the Constitution and constructing our system of government, even though it was exceedingly well-publicized at the time that this was one of the Founders' goals.

James Madison concentrated specifically on this subject, and how the new Constitution was calculated to deal with it, in Federalist No. 10. The Framers believed the tendency to organize around special interest groups, or "factions" as the Founders termed them, was part of human nature, neither repressible nor suppressible. Responding to this reality, the Framers sought to turn this "vice" into a "virtue" through broad representation (at least broad for its time) and separation of powers.²⁴ By having as many interests represented in Congress, but making it hard for any single group to get its way, a "policy of supplying by opposite and rival interests, the defect of better motive," the Framers shifted the notion of freedom to the expression of views rather than to their realization.²⁵

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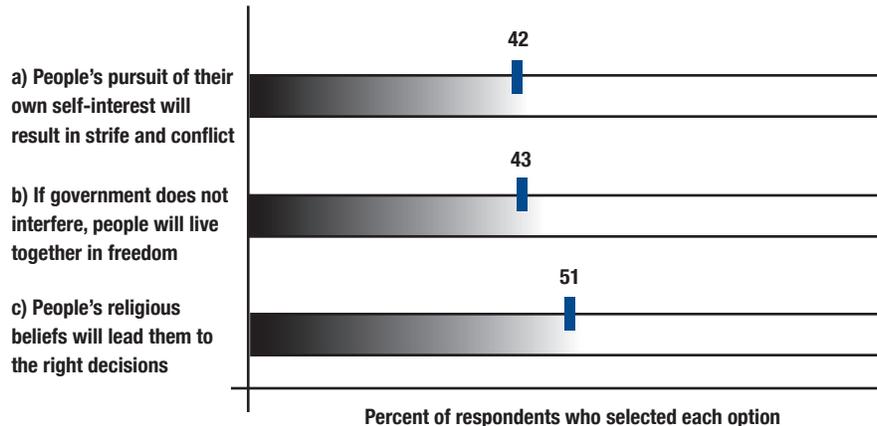
- **Only 42 percent of New York's registered voters say that the Founders believed that people's pursuit of their own self-interest would result in strife and conflict.**
- **A significant number, 43 percent, assert incorrectly that the Framers believed people would live together in freedom if government did not interfere.**
- **More than half of respondents state that the Framers believed people's religious beliefs would lead them to the right decisions.**

In question nine we asked about the Framers' view of human nature, that is, their perspective on what motivates human conduct.

We asked whether each of the following statements were a belief of the Framers that shaped the Constitution: (a) People's pursuit of their own self-interest will result in strife and conflict, (b) If government does not interfere, people will live together in freedom, or (c) People's religious beliefs will lead them to the right decisions. Only (a) is correct.

Fewer than two out of ten know that dealing with demands of special interest groups in a rational way was a goal of the Founders in drafting the Constitution and constructing our system of government.

Which belief of the Framers shaped the Constitution?



Note: Only (a) is correct.

Selt-Interest

Only 42 percent of New York's registered voters say they understand that the Framers believed that people's pursuit of their own self-interest would result in strife and conflict.

Although the Framers' beliefs about human nature had a huge influence on their design of government, New Yorkers demonstrate little understanding of these beliefs. Understanding these beliefs is crucial to understanding why and how the Framers devised the particular structures and processes that comprise our system of government. As James Madison notes in Federalist 51, "[W]hat is government itself, but the greatest of all reflections on human nature[?]"

One of the most important ideas underlying our system of government is the notion that men are not angels. Rather, as Madison wrote in Federalist 10, "So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts." Or as Benjamin Franklin observed, "Most men indeed . . . think themselves in possession of all truth and that whatever others differ from them it is so far error." The Framers' genius was in creating a system that anticipated and accounted for the conflict that flows from the inevitable pursuit of individuals' self-interest. Through separation of power and checks and balances, the Framers hoped to make it difficult for individuals or factions to convert what they think is good for themselves into law.

The recognition of our tendency to be utterly assured of the correctness of our own point of views is an important reason that compromise and consensus-building are required in American lawmaking. Today, policy-makers and advocates who are frustrated with the built-in obstacles to quick fixes and are sure of their "possession of all truth" look for other models of governing—models like Albany's leadership-centric method or the initiative and referendum processes in states such as California.

Government Interference

A significant number, 43 percent, assert *incorrectly* that the Framers believed people would live together in freedom if government did not interfere. An additional ten percent do not know or refuse to say whether this was a belief of the Framers.

The Framers' view of human nature was shaped in large part by lessons learned from the near implosion of the new nation in the period between Independence and the Convention. In the years surrounding Independence, many new Americans, including future delegates to the Constitutional Convention, shared the view that their countrymen had a special capacity for what they called "public virtue"—the capacity to repress personal interests for the greater good. By the time of the Convention in 1787, most delegates rejected this aspirational and exceptionalist idea and shared George Washington's view that they had had "too good an opinion of human nature in forming our confederation."²⁶

The notion that Americans could live together in peace without a strong government became a thought of the past, and yet our findings indicate fewer than half of today's New Yorkers understand the critical fact that the Framers believed a strong government was essential to dealing with the inevitable strife and conflict resulting from the pursuit of self-interest. This limited understanding has significant consequences for the evaluation of current government structures and actions.

Fewer than half of today's New Yorkers understand the critical fact that the Framers believed a strong government was essential to dealing with the inevitable strife and conflict resulting from the pursuit of self-interest.

Religion and Right Decisions

More than half of respondents state that the Framers believed people's religious beliefs would lead them to the right decisions, and an additional seven percent are not sure of the answer. Four in ten demonstrate an understanding of the Framers' view.

As noted earlier, many Framers held strong religious beliefs, but the evidence is clear that they did not believe Americans' religious beliefs would lead them to make the right governmental decisions. Religious beliefs offered fertile ground for exactly the sort of "mutual animosities" the Framers sought to protect against as they structured a complicated, deliberative government system, and yet more than half of the survey respondents stated the Framers believed religious beliefs would lead people to the right decisions.

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- **Only five percent of respondents knew that the Constitution was designed to prevent both tyranny of the majority and of a small, influential minority.**

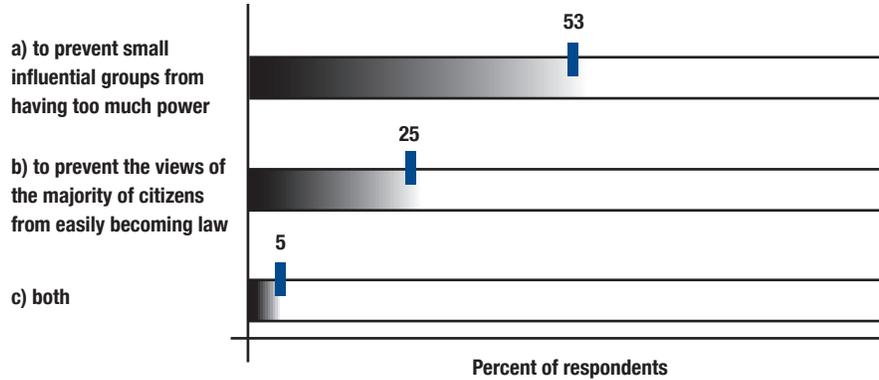
We asked New York voters why the U.S. Constitution was designed, unlike other constitutional democracies, to force government to act slowly and deliberately.

Deliberative Democracy

Understanding why the Framers intentionally created speed bumps and obstacles in the process of law-making is critically important if one is to be able to meaningfully evaluate the operation of government. New Yorkers have to be able to understand the difference between hurdles put in place to force deliberation and protect those with minority points of view, on the one hand, and actions (or omissions) that limit transparency, hinder real debate, and give particular individuals or groups excessive influence, on the other. Unfortunately, only five percent of respondents said they thought the Framers planned to prevent both tyranny of the majority and of a small, influential minority.

We offered two possible reasons: (a) to prevent small influential groups from having too much power or (b) to prevent the views of majority of citizens from easily becoming law. Both are correct.

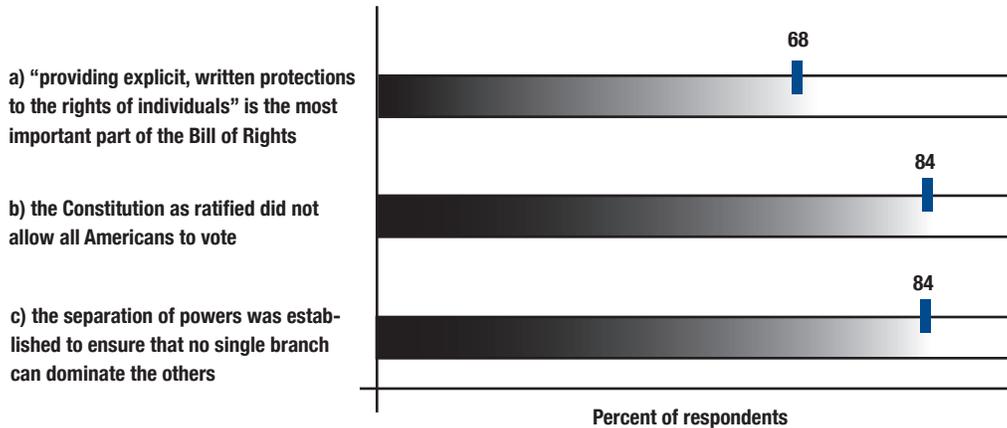
Why is the U.S. Government designed to act slowly and deliberately?



Note: (c) is correct.

A slight majority, 53 percent, indicate that they believe limitations on a small group’s ability to amass undue influences were part of the Framers’ plans. Only a quarter of respondents know that the Framers were also concerned about preventing the tyranny of the majority. A total of five percent volunteer both were the Framers’ views.

Percentage of respondents who correctly answered that...



The Purpose of the Bill of Rights

In question 11, we asked about the most important impact of the Bill of Rights (the first ten amendments to the Constitution) on our country. Was it (a) protecting individual rights, (b) limiting political parties, or (c) reserving explicit powers to the states?

More than two-thirds of the voters (68 percent) say that “providing explicit, written protections to the rights of individuals” is the most important part of the Bill of Rights. Sixteen percent say it is limiting the rights of political parties (a construct not found anywhere in the Constitution or its amendments) and nine percent say “reserving explicit powers to the states.”

Universal Suffrage

In questions 12 and 13, we asked New Yorkers whether there was universal suffrage for those over 21 at the time the Constitution was adopted and, if not, who could vote and who could not. Although representation was pivotal to the success of the new constitution and was more broadly defined by the American states than it had been by any earlier democracy, it was still limited, for the most part, to white men. One important narrative of constitutional development is how the idea of broad representation emanating from the Constitution fueled its further broadening to include women and minorities.

On this question, New Yorkers deserve high marks. Over 80 percent of New Yorkers know that the Constitution as ratified did not allow all Americans to vote and over 90 percent of that group know that only white men with some form of property could.

The Purpose of Separation of Powers

In question 14, we asked New Yorkers why political power is separated by the Constitution. The Framers' view of human nature and their concern about majority tyranny resulted in, among other things, the separation of political power among three branches of government. We asked why American government is set up this way, and provided respondents with three choices: (a) ensuring that no single branch can dominate the others, (b) requiring broad agreement on policies before government can act, or (c) preventing either the Republican Party or the Democratic Party from having too much power. Both answers (a) and (b) are correct.

A large majority (84 percent) correctly state that the American system of government was set up this way to ensure that no single branch can dominate the others. Fewer New Yorkers (66 percent) knew that the separation of powers established in the Constitution resulted from an effort to require broad agreement on policies before the government could act.

New Yorkers' Knowledge about the Structure and Processes of U.S. Government

We also asked New Yorkers questions concerning the structures and processes of the United States government.

- **Only 42 percent of respondents could correctly answer all three questions about the different roles of the three branches of government.**
- **Only two-thirds of respondents correctly state that the President is in charge of the executive branch.**
- **Two out of five respondents did not know that the legislative branch makes laws or gave an incorrect answer.**
- **Only 55 percent of respondents said that the Supreme Court has the power to declare laws unconstitutional.**

The Branches of Government

We asked New Yorkers three open-ended questions: who is in charge of the executive branch, what branch of the federal government makes laws, and what branch of government has the power to declare a federal law unconstitutional?

Given that the separation of powers and scope of authority for each of the branches are some of the most fundamental facts citizens need to know, the rate of correct responses to each of these questions is deeply troubling. Even more jarring, only 42 percent of respondents are able to provide a correct response to *all three* questions.

Only two-thirds of the respondents correctly state that the President is in charge of the executive branch. Note that “the President” or “Barack Obama” or “Obama” all counted as a correct response. A third of New York’s registered voters either give a different answer or state that they do not know. Only 44 percent of respondents who have a high school degree or less are able to provide the correct response, while 48 percent say they do not know. In contrast, 77 percent of those who at least attended college provide the correct answer.

When asked which branch of the federal government makes laws, two out of five New York registered voters are unable to come up with any of the following acceptable responses: Congress, the legislative branch, the Senate or the U.S. House of Representatives. Slightly less than three-fourths of those respondents who have at least some college education or whose household income is \$50,000 or more provide the correct answer.

Only 55 percent of respondents say that the Supreme Court (or the federal courts or the judiciary) has the power to declare a federal law unconstitutional. It is significant to note that the survey took place soon after the nomination hearings of Justice Elena Kagan, so this was a topic very much in the news.

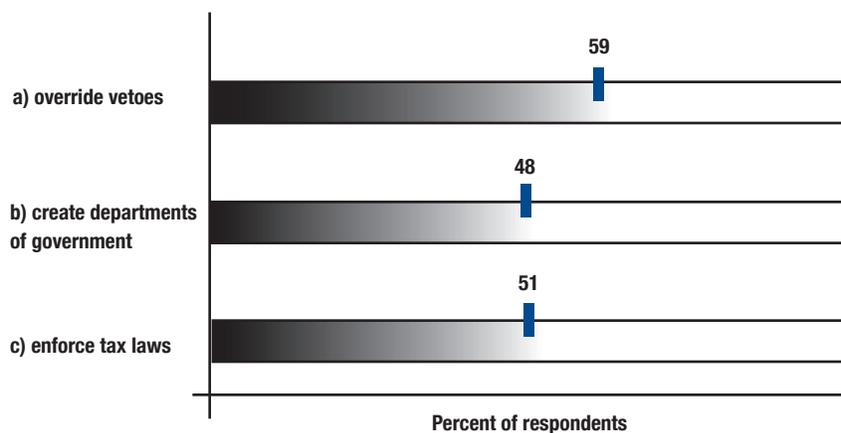
The Filibuster

Fewer than 40 percent of respondents knew the meaning of the term “filibuster,” and yet the term has appeared regularly in recent coverage on all manner of high profile legislative battles in the U.S. Senate. Without 60 votes, the number needed to stop the endless debate that defines a filibuster, practically all major legislation of the past two years would have been stymied, including efforts at health care reform, economic recovery, and bank regulation.

Legislative or Executive Powers?

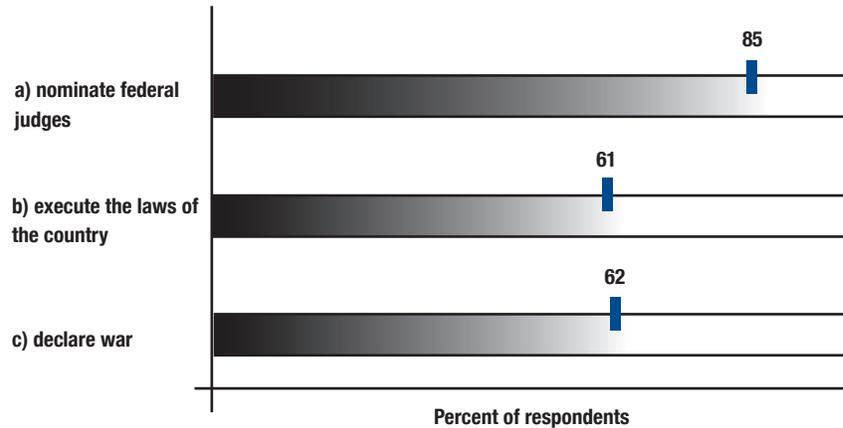
We explored New Yorkers’ knowledge of whether particular powers were legislative or executive. It is significant to note that these questions were not open-ended. We offered a list of powers and asked respondents which powers were constitutionally granted to the respective branches. The choices for legislative power were: (a) overriding vetoes; (b) creating departments of government; and (c) enforcing tax laws. Of these “a” and “b” are correct and “c” is incorrect.

Percentage of respondents who believe that Congress can....



Note: Only (a) and (b) are correct.

Percentage of respondents who believe that the President can...



Note: Only (a) and (b) are correct.

The possible executive powers were (a) nominating federal judges, (b) executing the laws of the country, and (c) declaring war. Of these only “a” and “b” are correct and “c” is incorrect. Regarding a declaration of war, the Framers were adamant. War was the most significant conduct in which a nation could engage, risking its people, its resources, and its sovereignty. They wanted to make sure that any war decision was deliberatively made. “The Constitution supposes, what the History of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the Legislature.”²⁷

Only 59 percent of respondents correctly say that Congress can override presidential vetoes of legislation. Twenty-nine percent disagree. Only 48 percent know that Congress has the power to create departments of the government. Thirty percent erroneously say that it is not a power of Congress and 22 percent say they didn’t know enough to respond. Fifty-one percent say, incorrectly, that Congress has the power to enforce tax laws.

In terms of the powers of the President, 85 percent of New Yorkers correctly say the President nominates federal judges, while 12 percent disagree. Only 61 percent say that the President is responsible for executing the laws of the country, while six out of ten New Yorkers believe (incorrectly) that the President has the power to declare war.

Constitutional Principles

We explored what New Yorkers thought about one of the most important principles that flowed from the complicated government the Framers established in the Constitution. Only through compromise can the consensus necessary for the enactment of legislation be realized. In legislative bodies, the saying “half a loaf is better than none” is, in fact, the operative rule. We read two statements to New Yorkers and asked them which came closer to their view.

Two-thirds of New Yorkers believe, “It is important for elected officials to get things done in government even if they have to compromise.” On the other side, 29 percent say “Elected officials should stand by their beliefs and refuse to compromise.”

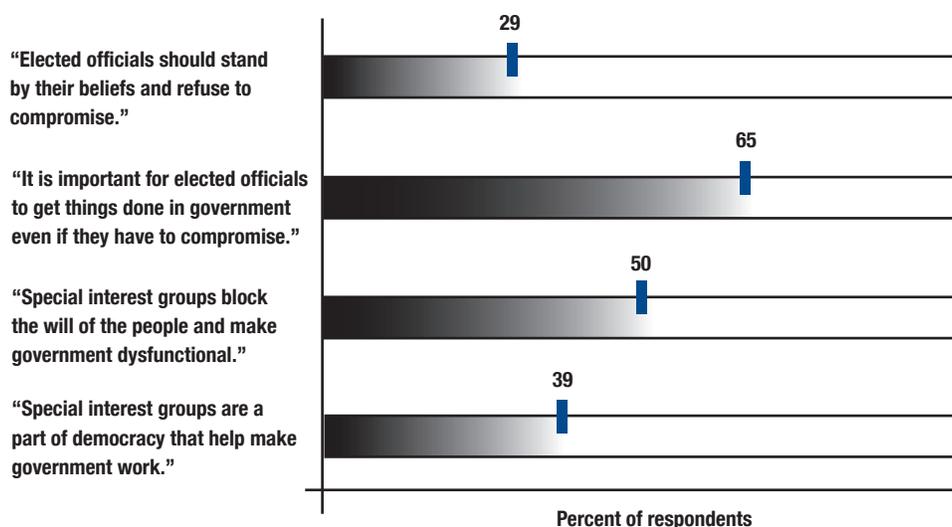
The Role of Special Interests

In question 24, we addressed special interests. In an effort to elicit New Yorkers' views of the role special interests play in our scheme of governance, we provided two statements: (1) special interests block the will of the people and make our government dysfunctional; and (2) special interests are a part of democracy that help make our government work.

Everybody is a member of some special interest, although they almost always see special interests as those pursued by people with whom they do not agree. The goal of the Constitution was to make sure these interests could be heard, but to block their ambition until a consensus for action could develop. Too often Americans characterize as dysfunctional the processes of government that are intended as anchors against the realization of special interest agendas.

Fifty percent of voters agree that “special interest groups block the will of the people and make our government dysfunctional.” But in contrast, 39 percent agree with the notion that “special interest groups are a part of democracy that help make our government work.”

Percentage of Respondents who agree with the following statements...



Federal Expansion Since the Great Depression

We sought to explore what New Yorkers understand about the extraordinary expansion of the federal government from the Great Depression onward. Our premise is that the growth in our federal government is the result of Americans wanting and expecting their national government to take care of the many problems neither local government, nor their own actions, could resolve. We offered New Yorkers three possible explanations for governmental growth: (a) the public asking their elected representatives for solutions; (b) elected officials seeking more power; and (c) growth and complications of the nation's problems.

The responses to this question indicated that a majority agree with our premise and attribute the expansion of the federal government to increased complexity of issue and the need for national solutions.

IV. HOW DO WE BUILD CIVIC LITERACY? SCHOOLS!

Since the start of the American republic, schools have been the primary institutions with central responsibility for civic education. “The primary impetus, in fact, for originally establishing public schools was recognition of literacy and citizenship education as critical to the health of democratic society.”²⁸ Noah Webster, “a founding father of American public education,”²⁹ wrote in his essay “On the Education of the Youth in America”:

Every child in America should be acquainted with his own country. . . . As soon as he opens his lips, he should rehearse the history of his own country; he should lisp the praise of liberty and of those illustrious heroes and statesmen who have wrought a revolution in her favor. A selection of essays respecting the settlement and geography of America, the history of the late revolution and of the most remarkable characters and events that distinguished it, and a compendium of the principles of the federal and provincial governments should be the principal schoolbook in the United States.³⁰

The centrality of schools in educating Americans to be engaged and active citizens has not changed—at least not in our rhetoric. Schools remain front and center in our efforts to civically educate Americans. Prominent thinkers on the topic, like Amy Gutmann, assert that “political preparation—the cultivation of virtues, knowledge, and skills necessary for political participation—has moral primacy over other purposes of public education in a democratic society.”³¹

All of America’s school systems proclaim their responsibility for this mission of civic education. Some state constitutions include references to their states’ responsibility to this effort, and most states have statutes that require special attention for courses related to it. Additionally, state school systems proclaim, in their statements and rules, their commitment to civic education and their promise to fulfill that mission.

The New York Commitment. Although the New York State Constitution promises only a common school education, its statutes bespeak a unique commitment to civic education and the promises of its Board of Regents³² amplify that commitment.

Under §801 of New York’s education law, the Regents must prescribe courses of instruction in (1) “patriotism, citizenship, and human rights issues” and (2) “the history, meaning, significance, and effect of the provisions of the constitution of the United States, the amendments thereto, the declaration of independence, the constitution of the state of New York and the amendments thereto...”³³ New York also requires that one week be designated each year for uniform instruction and exercises in all the state’s public schools on the Bill of Rights articles in the New York and U.S. Constitutions.³⁴ New York statutes require the Commissioner to enforce these provisions, and authorize the commissioner to withhold state education money to school districts that do not conform to these statutory obligations.³⁵

The Regents, in their Social Studies Resource Guide, provide that:

[These] courses of study should give students the knowledge, intellectual skills, civic understandings, and dispositions toward democratic values that are necessary to function effectively in American society. Ultimately, social studies instruction should help students assume their role as responsible citizens in America’s constitutional democracy and as active contributors to a society that is increasingly diverse and interdependent with other nations of the world. For example, students should be able to use the knowledge

and skills acquired through social studies courses to solve problems and make reasoned decisions in their daily lives. Social studies courses should provide students with the background to conduct research in order to cast informed votes, with the skills to place conflicting ideas in context, and with the wisdom to make good judgments in dealing with the tensions inherent in society such as the enduring struggle to find the proper balance between protecting the rights of the individual and promoting the common good.³⁶

And in graduating from New York schools, the students are intended to be able to “use a variety of intellectual skills to demonstrate their understanding of the necessity for establishing governments; the governmental system of the U.S. and other nations; the U.S. Constitution; the basic civic values of American constitutional democracy; and the roles, rights, and responsibilities of citizenship, including avenues of participation.”³⁷

Whatever resources were once available for civic education are now being grossly reduced by the spread of No Child Left Behind and its emphasis on math and language arts, as is clearly the case in New York.

But our New York poll and numerous national polls make it clear schools are not fulfilling their civic literacy obligation. And that, despite the requirement in New York that twelfth graders enroll in a course called Government Participation. What isn't working? Is the focus on civics and citizenship inadequate in the classroom and on the tests? Or is the information being taught in ways that just don't “stick” once the student leaves the classroom?

We have plenty of reason to believe there has been dwindling attention to civic education in America's schools. According to the *Report on the Civic Mission of Schools*:

Although the percentage of students enrolled in at least one high school government course has remained fairly constant since the late 1920s, most formal civic education today comprises only a single course on government—compared to as many as three courses in civics, democracy, and government that were common until the 1960s . . . Between 1988 and 1998, the proportion of fourth-graders who reported taking social studies daily fell from 49 percent to 39 percent, a steep decline that reflects a general trend away from civics and social studies in elementary grades. Partly because of this changing mix of courses, schools are less likely than in the past to offer opportunities for students to discuss current issues in class, which research shows is effective in developing civic knowledge and skills.

Although it may seem that schools have become more active in civic education by promoting community service, service experiences tend to be separate from the rest of the curriculum and/or “one time only” activities that do not promote deep civic engagement.³⁸

And whatever resources were once available for civic education are now being grossly reduced by the spread of No Child Left Behind and its emphasis on math and language arts, as is clearly the case in New York. For years New York required social studies assessment tests for its fourth and eighth grade students. The eighth grade assessment consisted mostly of history questions, while the fourth grade assessment tested skills such as graph reading. Overall, New Yorkers did not perform well on those tests, and New York City students performed horribly. At a 2005 hearing of the New York City Council's Education Committee, school officials informed the council members that “[m]ore than 80 percent of New York City eighth graders failed to meet state standards in social studies [in 2004], a decline of nearly 20 percentage points since 2002.”³⁹ The state average was almost as bad, with just under 44 percent of eighth graders meeting state standards.⁴⁰

As an explanation for this problematic showing, school officials said that they pay little attention to fourth and eighth grade social studies assessment tests “because they are not among the criteria used to determine if schools are performing adequately, either under state regulations or the federal No Child Left Behind law.”⁴¹ Proving that point, in the summer of 2010 the Board of Regents addressed the problem of low performance by ending the fourth and eighth grade social studies assessment requirement, assuring, in the words of one education expert, the abandonment of history, and any hope for improvement in civic literacy at all.⁴²

Civic literacy is so much more than a set of dates memorized for the test and forgotten immediately thereafter—it is a level of understanding that provides the means for participation in and evaluation of our system of government. The necessity of these skills doesn’t diminish once we’re past the test-taking period of our lives.

And schools themselves, are not the only venue for teaching and learning. Parents, also, are critical to this process. Students, first, have to be prepared for schooling and, second, instruction in our constitutional values—compromise, consensus, tolerance, respect, fairness and justice—has to begin at home. Third, families that discuss politics in their homes tend to encourage such an interest in their children. A 2002 study by CIRCLE demonstrates that young people from homes in which politics was discussed tended to participate more in their communities, to vote more, and were more likely to say that they “can make a difference.” Beyond parents and schools, religious organizations, volunteer organizations, news and media outlets, unions, the military, and other similar types of organizations also impact civic education.

America is a country defined not by blood or belief. America is an idea, or a set of ideas, about freedom and opportunity. It is these ideas that bind us together as Americans and have kept us free, strong, and prosperous. But these ideas do not perpetuate themselves. They must be taught and learned anew with each generation.

But schools are the constant in the lives of all young people. The knowledge and efforts of parents can’t be measured or made consistent, but schools are public institutions that lend themselves to uniform standards, monitoring and measurement of impact. In fact, according to one study “parents are themselves the products of recent trends in civic and political disengagement. In 2002, only half of young people surveyed said that they discussed politics, government, or current events with their parents (down from 57 percent in 1998). And between 1988 and 1998, there was a substantial drop in the percentage of students who said that their families received a newspaper.”⁴³

In addition to the reasons stated above, the Civic Mission Report adds two additional points that merit attention:

- (1) Schools are best equipped to address the cognitive aspects of good citizenship—civic and political knowledge and related skills such as critical thinking and deliberation.
- (2) Schools are communities in which young people learn to interact, argue, and work together with others, an important condition for future citizenship.

• • •

The failure of New York and American schools in general to fulfill their civic literacy missions represents a serious challenge to the health of American democracy. But despite the wide rhetorical recognition of this problem and the many thoughtful approaches that have been proposed, little, if anything, has changed. In fact, with *No Child Left Behind* in the forefront of an unprecedented federal effort to reform American education, civic literacy, at least in New York, has been pushed further and further into the background.

Complacency is the reason, at least complacency among the significant groups of Americans who do not believe they have a real role in American government. Despite Benjamin Franklin's oft repeated response to a woman's question concerning the nature of the new government—"a republic, madam, if you can keep it"—most Americans worry little about the health of our democracy. Too many of us do not think we have to *do* anything to "keep it." As we have discussed this project with friends and colleagues, we have been repeatedly struck by the number of highly educated, politically involved individuals who seemed to believe that our republic was inevitable and/or immutable. This point was starkly made when students taking a course at Hofstra Law School, the vast majority of whom explicitly accepted the notion that we are experiencing a decline in civic literacy and growing challenges to our constitutional system, were asked if they thought it was possible that today's democracy would be dramatically different fifty years hence. None of the students said yes. Although some indicated there might be reduced liberties and increased presidential power, none saw a democratic crisis ahead. Such complacency forecloses serious reform efforts. No crisis, no reform.

Of course there are exceptions. Certainly members of the Tea Party see a crisis looming, as evidenced through their electoral activity and the issuance of the Mount Vernon Statement advocating a return to what they call "Constitutional conservatism"—which, for a number of them, must entail the repeal of a number of the Amendments to the Constitution.⁴⁴ But their efforts are the pronouncement of their convictions, without regard for Americans' capacity to assess their claims for themselves.

No crisis, no reform is the lesson from *No Child Left Behind*, as well. In 1965 President Lyndon Johnson presciently warned:

Nothing matters more to the future of our country: not our military preparedness, for armed might is worthless if we lack brainpower to build a world of peace; not our productive economy, for we cannot sustain growth without trained manpower; not our democratic system of government, for freedom is fragile if citizens are ignorant.⁴⁵

From this speech flowed actual funds for the education of poor and minority students, and the idea of a meaningful role for the federal government in the traditionally state and local domain of public education. But despite this, little change was actually achieved, and education remained a state and local issue. This dramatically changed in 1983 when a report of the National Commission on Excellence in Education titled *A Nation at Risk* declared, to the shock of the Reagan Administration, that the federal government had "the primary responsibility to identify the national interest in education,"⁴⁶ fund it, and provide national leadership in its realization. The worry was economic—that America would fall behind in the global economy unless our children's math and science knowledge improved. Over the next 19 years these continuously repeated and politicized worries pushed education to the forefront of national politics, to the extent that it became the critical domestic issue in the 2000 presidential election with each candidate claiming they would be the "better education president." In 2002, these consistent efforts were rewarded with the enactment of the *No Child Left Behind* Act. A meaningful discussion of civic literacy as a socially (or politically) critical issue had no role in this 19-year long debate.

V. CONCLUSIONS AND ADDITIONAL RECOMMENDATIONS

America, unlike most of the world's nations, is not a country defined by blood or belief. America is an idea, or a set of ideas, about freedom and opportunity. It is these ideas that bind us together as Americans and have kept us free, strong, and prosperous. But these ideas do not perpetuate themselves. They must be taught and learned anew with each generation. Our understanding and appreciation of these principles and values (and the processes they dictate) determine our ability to participate in and shape the evolution of our democracy.

Civic literacy is the prerequisite for developing the ties that bind us together as a nation. It enables us to disagree and pursue our interests, and the common interest, in effective and civil ways. Without these tools, we are now moving in a different direction, heading toward what the philosopher Michael Sandel calls a “story-less condition,” in which “there is no continuity between present and past, and therefore no responsibility, and therefore no possibility for acting together to govern ourselves.”⁴⁷

We need civic education to reverse this course, and we need to rethink how we can make civic education work. We need civic education that reaches all of our citizens, even those who may never set foot in a classroom again.

We need civic education to reverse this course, and we need to rethink how we can make civic education work. We need civic education that reaches all of our citizens, even those who may never set foot in a classroom again. We need to make civic education a priority for school officials and parents, but also for public officials, community-based organizations, civic institutions and advocates for a wide range of causes across the political spectrum. This is a crisis and we must be creative, strategic and vigilant in our efforts to translate concern into real, enduring reform.

Part of the answer has to involve our public schools. As noted above, many school districts, especially those in New York State, have curricular goals that aspire to offer a deep understanding and appreciation of our Constitution. Their stated objective is to provide students with the capacity for critical examination of our governmental system. These thoughtful goals have not been translated into meaningful understanding. Our poll demonstrates that even if the subject is taught, the teaching doesn't stick and too many of our students do not leave school with the tools needed to be engaged citizens. Making change in this arena is no easy feat. There are already many groups and individuals, in New York and across the nation, who have thought deeply about the sorts of pedagogical approaches and curricular content of successful civic literacy education efforts. There is also broad recognition that teacher training is a vital component of making civic literacy a critical part of every student's learning. But without a clear understanding that a lack of civic literacy poses a *real* threat to the most fundamental aspects of our system of government, no reforms or implementations of best practices are feasible.

This sense of urgency is what we need to convey to decision makers in the world of education and beyond. Economic competitiveness may require a renewed focus on math and science, but the health of our democracy mandates immediate attention to civic literacy. We need a broad set of stakeholders to feel compelled to engage in a serious reconsideration of the ways American citizens *of all ages* learn and think about civic literacy. Roughly 70 percent of our population is already beyond high school age. These individuals will be responsible for the vitality of our democracy over the next many years, and many of them are unlikely to ever be in a formal classroom setting again.

We call on Governor Cuomo to start a conversation that leads to concrete, measurable steps towards enhanced civic literacy for all New Yorkers. The Governor should create a task force of New Yorkers from a wide range of experiences and perspectives who share a commitment to equipping all New Yorkers with the tools needed to understand the values of American democracy, to hold elected officials accountable, and to meaningfully participate in their government. Participants should include:

- Teachers and school leaders with educational expertise
- Teacher-educators who instruct how to teach social studies at all levels
- Individuals from fields like marketing, public health, and political campaigns, who have experience in creative, strategic efforts to educate the public
- Representatives from civic institutions, like our public libraries, who think deeply about connecting individuals to the public sphere
- Representatives from community-based organizations focused on building the capacity of New Yorkers to advocate for their neighborhoods' interests and meaningfully engage in the public discourse on critically important issues
- Elected public officials who share our commitment to local democracy and participation
- Thought leaders across the political spectrum who may disagree on substantive points, but share a commitment to the structures and principles of our democratic system
- Representatives of the media who want to think creatively about ways to promote civic literacy that have nothing to do with textbooks or Regents exams.

The goals of the taskforce should include:

- Gathering the learning from best practices
- Developing pilot projects in key locales
- Identifying the people and resources needed to implement new initiatives
- Evaluating the success of efforts
- Finding ways to build on success and replicate pilot projects.

ENDNOTES

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- 5 Karl T. Kurtz et al., NATIONAL CONFERENCE OF STATE LEGISLATORS, *CITIZENSHIP: A CHALLENGE FOR ALL GENERATIONS* (2003).
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- 11 CARNEGIE CORPORATION OF NEW YORK AND THE CENTER FOR INFORMATION AND RESEARCH ON CIVIC LEARNING AND ENGAGEMENT, *THE CIVIC MISSION OF SCHOOLS* (2003) [Hereinafter *CIVIC MISSION*].
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- 13 Debra Cassens Weiss, *Souter Decries Lack of Civics Knowledge, Plans to Do Something About It*, ABAJOURNAL.COM, May 21, 2009, http://www.abajournal.com/news/souter_decries_lack_of_civics_knowledge_plans_to_do_something_about_it/.
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- 16 GORDON S. WOOD, *EMPIRE OF LIBERTY: A HISTORY OF THE EARLY REPUBLIC, 1789-1815* at 469 (2009).
- 17 Benjamin Rush, *A Plan for the Establishment of Public Schools and the Diffusion of Knowledge in Pennsylvania* (1786), in *AMERICAN POLITICAL WRITING DURING THE FOUNDING ERA, 1760-1805* 676 (Charles S. Hyneman & Donald S. Lutz eds., 1983).
- 18 Letter from Dwight D. Eisenhower to Robert J. Biggs (Feb. 10, 1959), in *THE PAPERS OF DWIGHT DAVID EISENHOWER*, (Louis Galambos and Daun van Ee eds. 1996), available at <http://www.eisenhowermemorial.org/presidential-papers/second-term/documents/1051.cfm>.
- 19 George W. Bush, First Inaugural Address (Jan. 20, 2001).
- 20 PSRAI is an independent firm dedicated to high-quality research providing reliable, valid results for clients in the United States and around the world. PSRAI clients include the Pew Research Center, the Henry J. Kaiser Family

Foundation, the Annenberg Public Policy Center, the Commonwealth Fund, the John S. and James L. Knight Foundation, Newsweek magazine, NBC News, and the World Bank.

- 21 It is possible that registered voters have slightly higher levels of civic literacy than those who are not registered, but we have no direct evidence of that.
- 22 Because percentages are rounded they may not total 100 percent. We believe the margin of error to be plus or minus four percentage points for results based on total.
- 23 In this report, New Yorkers, registered voters and voters are used interchangeably to refer to the entire sample.
- 24 LANE & ORESKES, *supra* note 3, at 4.
- 25 THE FEDERALIST NO. 51 (James Madison).
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- 27 Letter from James Madison to Thomas Jefferson (Apr. 2, 1798), in vol. 2, LETTERS AND OTHER WRITINGS OF JAMES MADISON: 1794-1815, at 131 (Philadelphia: J.B. Lippencott & Co., 1865).
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- 29 MAKING GOOD CITIZENS: EDUCATION AND CIVIL SOCIETY 16 (Diane Ravitch & Joseph P. Viteritti eds., 2001).
- 30 Pangle & Pangle, *supra* note 15, at 32 (quoting Noah Webster, *On the Education of the Youth in America*).
- 31 AMY GUTMANN, DEMOCRATIC EDUCATION 287 (1999).
- 32 Under N.Y. CONST. art. V, § 4, responsibility for education in New York is charged to Regents of the State University of New York who “shall head the Department of Education.” The Regents serve through membership on the Board of Regents, comprised of 17 members elected by the State Legislature for 5 year terms: 1 from each of the State’s 13 judicial districts and 4 members who serve at large. N.Y. EDUC. LAW § §101, 202. The Regents “exercise legislative functions concerning the educational system of the state, determine its educational policies.” N.Y. EDUC. LAW § 207. They also appoint a Commissioner of Education as the chief administrator of the school system. N.Y. EDUC. LAW § 102 The Department is responsible for the general management and supervision of all public schools.” N.Y. EDUC. LAW §102.
- 33 N.Y. EDUC. LAW § 801.
- 34 *Id.*
- 35 *Id.*
- 36 N.Y. STATE DEP’T OF EDUC., SOCIAL STUDIES OVERVIEW, <http://www.p12.nysed.gov/ciai/socst/pub/ssovervi.pdf> (last visited Feb. 16, 2011).
- 37 N.Y. STATE DEP’T OF EDUC., LEARNING STANDARDS OF NEW YORK STATE, SOCIAL STUDIES, <http://www.p12.nysed.gov/ciai/standards.html> (last visited Mar. 1, 2011).
- 38 CIVIC MISSION, *supra* note 11, at 14-15.
- 39 David M. Herszenhorn, *Most City Eighth Graders Miss State Norm in Social Studies*, N.Y. TIMES, May 10, 2005, <http://query.nytimes.com/gst/fullpage.html?res=9A01E3D71230F933A25756C0A9639C8B63>.
- 40 *Id.*

41 *Id.*

42 Alan Singer, *New York Cancels History*, HUFFINGTON POST, June 23, 2010, http://www.huffingtonpost.com/alan-singer/new-york-cancels-history_b_622665.html.

43 CIVIC MISSION, *supra* note 11, at 13.

44 Michael Waldman, *Tea Party's Love for Constitution May Kill It*, BLOOMBERG.COM, Dec. 15, 2010, <http://www.bloomberg.com/news/2010-12-16/tea-party-love-of-constitution-may-kill-it-commentary-by-michael-waldman.html>.

45 As cited in PATRICK J. MCGUINN, *NO CHILD LEFT BEHIND AND THE TRANSFORMATION OF FEDERAL EDUCATION POLICY, 1965-2005* at 29 (2006).

46 *Id.* at 43.

47 MICHAEL J. SANDEL, *DEMOCRACY'S DISCONTENT: AMERICA IN SEARCH OF A PUBLIC PHILOSOPHY* 351 (1996).

APPENDIX

CIVIC LITERACY IN NEW YORK STATE SURVEY

Questions and Topline Results

Number of Interviews:	1,010 registered voters who live in New York State
Margin of Error:	Plus or minus 4 percentage points
Dates of interviewing:	June 21 – July 8, 2010
Language of interview:	English
Type of sample:	Landline or Cell phone

Notes about Topline:

Because percentages are rounded they may not total 100%.

An asterisk indicates a value of less than 1%.

Landline Intro:

Hello, my name is _____ and I'm calling on behalf of Princeton Survey Research. We are conducting an important survey to find out what people in New York State think about some important issues today. May I please speak with the YOUNGEST [RANDOMIZE: (MALE)/(FEMALE)], age 18 or older, who is now at home? [IF NO MALE/FEMALE, ASK: May I please speak with the YOUNGEST (FEMALE/MALE), age 18 or older, who is now at home?] (Repeat introduction if respondent did not answer the telephone.)

Cell Phone Intro:

Hello, I am _____ calling on behalf of Princeton Survey Research. We are conducting a survey of cell phone users in New York State. I know I am calling you on a cell phone. This is not a sales call. [IF R SAYS DRIVING/UNABLE TO TAKE CALL: Thank you. We will try you another time...]

Cell Phone Age Screening Interview:

S1 Are you under 18 years old, OR are you 18 or older?

We're interested in learning more about people with cell phones. If you are now driving a car or doing any activity requiring your full attention, I need to call you back later. The first question is...

Landline and Cell Screening Interview:

S2 Are you NOW registered to vote in New York State, or haven't you been able to register so far?

RZICODE What is your zip code? [IF NECESSARY: This question helps us to accurately determine what part of the state people who complete the survey live in and is used only for classification purposes. You cannot be contacted based on this information.]

Q1 All in all, are you satisfied or dissatisfied with the way things are going in New York State today?

CURRENT %		May 2010 %
19	Satisfied	21
72	Dissatisfied	68
6	(DO NOT READ) Neither satisfied nor dissatisfied	6
2	(DO NOT READ) Don't know	3
1	(DO NOT READ) Refused	1

Q2 When you were growing up, did you go to elementary school, junior high and high school in New York State or did you go to school somewhere else?

Q3 Would you say you went to school mostly in New York State, mostly in another state or about half in New York State and half elsewhere?

CURRENT %	
76	Schooled in New York State
2	Schooled mostly in New York State
22	Schooled elsewhere
0	(DO NOT READ) Don't know
*	(DO NOT READ) Refused

Now I am going to ask you a series of questions about democracy and American government. If you don't happen to know the answer to a question, just tell me and I will move on.

Q4 How familiar would you say you are with the U.S. Constitution... very familiar, somewhat familiar, not too familiar or not at all familiar?

CURRENT %	
16	Very familiar
62	Somewhat familiar
17	Not too familiar
4	Not at all familiar
*	(DO NOT READ) Don't know
*	(DO NOT READ) Refused

Q5 Do you happen to recall the words of the motto of the United States? [DO NOT READ CHOICES]

CURRENT %		National Trend May 1991 %
17	In God We Trust (correct)	31
8	E Pluribus Unum	n/a
15	Gave other answer	17
58	(DO NOT READ) Don't know	52
3	(DO NOT READ) Refused	--

Q6 Thinking about American government TODAY, how important would you say the U.S. Constitution is to the proper functioning of American government... very important, somewhat important, not too important or not important at all?

CURRENT %	
76	Very important
17	Somewhat important
3	Not too important
2	Not important at all
1	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

Q7 Here is a series of statements. For each statement, please tell me to what extent you agree or disagree with it. The (first/next) statement is... [INSERT ITEM; RANDOMIZE]. [READ FOR FIRST ITEM, THEN AS NECESSARY: Do you completely agree, mostly agree, mostly disagree or completely disagree with this statement?]

	COMP. AGREE	MOSTLY AGREE	MOSTLY DIS- AGREE	COMP. DIS- AGREE	(VOL.) BOTH/ OTHER	DK	REF
	%	%	%	%	%	%	%
a. To work as intended, American democracy requires citizens to be knowledgeable about the U.S. Constitution.	34	52	9	3	*	1	*
b. The U.S. Constitution is out of date and needs to be changed to keep up with the times.	12	31	26	27	*	2	1

Q8 When the U.S. Constitution was written in 1787, it was designed to achieve a number of goals. Do you think [INSERT ITEM; RANDOMIZE] was a goal of the Constitution or not, or don't you happen to know?

	YES, A GOAL	NO, NOT A GOAL	DON'T KNOW	REFUSED
	%	%	%	%
a. Creating a more powerful federal government	32	47	20	1
b. Increasing the power of the 13 original states	35	32	32	1
c. Making sure the country was a Christian nation	31	46	22	1
d. Dealing in a rational way with the demands of special interest groups	17	50	31	2

Q9 The Constitution is based in large part on the beliefs about the basic nature of human beings held by the men who wrote the document. As I read each of the following statements, please tell me if you think each was or was not one of the Framers' beliefs that shaped the Constitution. [INSERT ITEM; RANDOMIZE]. Do you think this WAS one of the Framers' beliefs that shaped the Constitution ... or was it NOT one of those beliefs? [If necessary, read: "The Framers refers to the men who wrote the U.S. Constitution."]

	YES, A BELIEF	NO, NOT BELIEF	DON'T KNOW	REFUSED
	%	%	%	%
a. People's pursuit of their own self interest will result in strife and conflict	42	46	12	*
b. If government does not interfere, people will live together in freedom.	43	48	9	1
c. People's religious beliefs will lead them to the right decisions.	51	41	7	1

Q10 Unlike other democracies, the U.S. Constitution was designed to force government to act slowly and deliberately. Do you think the Constitution was designed this way [READ AND RANDOMIZE 1-2]?

CURRENT %	
53	To prevent SMALL influential groups from having too much power
25	To prevent the views of a majority of citizens from EASILY becoming law
5	(DO NOT READ) Both
5	(DO NOT READ) Neither
12	(DO NOT READ) Don't know
2	(DO NOT READ) Refused

Q11 The first 10 amendments to the Constitution are known as the Bill of Rights. In your view, what is the most important impact of the Bill of Rights on our country? Is the most important impact [READ AND RANDOMIZE 1-3]?

CURRENT %	
68	Providing explicit, written protections to the rights of individuals
16	Limiting the powers of political parties
9	Reserving explicit powers to the states
2	(DO NOT READ) All of them/Two of them/None of them
5	(DO NOT READ) Don't know
*	(DO NOT READ) Refused

Q12 When the U.S. Constitution was adopted in 1787, do you happen to know if all Americans over age 21 were eligible to vote in elections ... or were there groups of Americans who were not eligible to vote at that time?

CURRENT %	
4	All Americans could vote
84	Some groups could not vote
11	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

Q13 For each group of Americans on the following list, can you tell me if members of this group WERE eligible to vote in elections when the Constitution was adopted, were NOT eligible to vote or were some eligible and some were not? What about [INSERT ITEMS IN ORDER]? [READ FOR FIRST ITEM, THEN AS NECESSARY: Were [INSERT ITEM] eligible to vote, not eligible to vote or were some eligible and some were not?]

Based on those who say some groups of Americans were not eligible to vote in 1787 (n=888)

	YES, ELIGIBLE	NO, NOT ELIGIBLE	SOME ELIGIBLE, SOME NOT	DON'T KNOW	REFUSED
		%	%	%	%
a. White men	73	1	25	2	0
b. African-American adults	2	90	7	1	*
c. White women	7	90	2	1	0
d. White men who owned property	97	1	2	*	0

Now on a different subject...

Q14 Power in the federal government is split up by the Constitution among the executive, legislative and judicial branches. Here are some possible reasons for this. Is [INSERT ITEM; RANDOMIZE] a reason or not a reason the American system of government is set up this way?

	YES, REASON	NO, NOT A REASON	DON'T KNOW	REFUSED
	%	%	%	%
a. Ensuring that no single branch can dominate the others	84	9	7	1
b. Requiring broad agreement on policies before the government can act	66	19	14	1
c. Preventing either the Republican Party or the Democratic Party from having too much power	54	34	11	1

Now let's talk about some things that are going on today.

Q15 Do you happen to remember the names of either of the two current New York members of the U.S. Senate? [If yes, ask: "What are either or both of their names?"]

CURRENT %	
42	Chuck Schumer/Charles Schumer/ Kirsten Gillibrand
11	Gave other answer
46	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

Q16 Do you happen to know the name of the current Speaker of the U.S. House of Representatives? Is it...[READ AND RANDOMIZE 1-4]

CURRENT %	
70	Nancy Pelosi (correct)
6	Condoleezza Rice
3	Barbara Boxer
3	John Boehner
18	(DO NOT READ) Don't know
*	(DO NOT READ) Refused

Q17 Will you tell me what the term "filibuster" means to you? [PRECODED OPEN-END; DO NOT READ CHOICES]

CURRENT %		NATIONAL TREND MAY 2005
32	Holding up a vote, legislation or nominee	22
6	Extended debate in the Senate	15
6	A political argument or speech (non-specific)	2
3	A waste of time	2
1	Something Senators do (non-specific)	3
8	Other (SPECIFY)	11
43	(DO NOT READ) Don't know	46
1	(DO NOT READ) Refused	--

RANDOMIZE Q18-Q20

Q18 Who is in charge of the executive branch of the federal government? [DO NOT READ CHOICES]

CURRENT %	
66	The President/Obama
5	Gave other answer
29	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

Q19 Which branch of the federal government makes U.S. laws? [DO NOT READ CHOICES]

CURRENT %	
61	Congress/Senate and House of Representatives/The legislative branch
15	Gave other answer
24	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

Q20 Which branch of the federal government has the power to declare a federal law unconstitutional? [DO NOT READ CHOICES]

CURRENT %	
55	The federal courts/The U.S. Supreme Court/The judicial branch
17	Gave other answer
28	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

Q21 The Constitution grants the U.S. Congress various powers. For each of the following, can you tell me if this is a power of Congress granted by the Constitution or if it is not? [INSERT; RANDOMIZE] – is this a power of Congress granted by the Constitution or is it not?

	YES, POWER OF CONGRESS	NO, NOT A POWER OF CONGRESS	DON'T KNOW	REFUSED
	%	%	%	%
a. Overriding vetoes of legislation	59	29	12	*
b. Creating the departments of the federal government	48	30	22	*
c. Enforcing tax laws	51	35	14	*

Q22 The President of the United States has powers that are explicitly authorized by the Constitution. For each of the following, can you tell me if this is a power of the President or if it is not? [INSERT; RANDOMIZE] – is this a power of the President, or not?

	YES, POWER OF PRESIDENT	NO, NOT A POWER OF PRESIDENT	DON'T KNOW	REFUSED
	%	%	%	%
a. Nominating federal judges	85	12	3	0
b. Executing the laws of the country	61	33	6	*
c. Declaring war	62	36	3	*

On another topic...

Q23 Now I am going to read you two statements. Please tell me which one comes closer to your view, even if neither one is exactly right. [READ AND RANDOMIZE 1-2]

CURRENT %	
65	It is important for elected officials to get things done in government even if they have to compromise.
29	Elected officials should stand by their beliefs and refuse to compromise.
3	(DO NOT READ) Both/Neither
3	(DO NOT READ) Don't know
*	(DO NOT READ) Refused

Q24 Now I am going to read you two more statements. Again, please tell me which one comes closer to your view, even if neither one is exactly right. [READ AND RANDOMIZE 1-2]

CURRENT
%

50	Special interest groups block the will of the people and make our government dysfunctional.
39	Special interest groups are a part of democracy that help make our government work.
4	(DO NOT READ) Both/Neither
5	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

Q25 We're interested in finding out WHY you think America has been successful over the years. As I read a list, tell me whether you think each is a major reason, a minor reason or not a reason why America has been so successful OVER THE YEARS. [INSERT ITEM; RANDOMIZE]...Do you think this is a major reason, a minor reason or not a reason for America's success?

		MAJOR REASON	MINOR REASON	NOT A REASON	DON'T KNOW	REFUSED
		%	%	%	%	%
a.	Abundant natural resources					
	<i>Current:</i>	70	16	10	3	*
	<i>NATIONAL May 1999:</i>	78	15	4	3	--
b.	The free enterprise system					
	<i>Current:</i>	76	14	6	4	1
	<i>NATIONAL May 1999:</i>	81	11	4	4	--
c.	The cultural diversity of our people					
	<i>Current:</i>	74	16	6	3	1
	<i>NATIONAL May 1999:</i>	71	20	6	3	--
d.	Judeo-Christian beliefs					
	<i>Current:</i>	35	28	30	6	1
	<i>NATIONAL May 1999:</i>	41	28	20	11	--
e.	Good luck					
	<i>Current:</i>	19	34	44	2	1
	<i>NATIONAL May 1999:</i>	25	30	43	2	--
f.	God's will					
	<i>Current:</i>	44	19	33	3	1
	<i>NATIONAL May 1999:</i>	65	15	16	4	--
g.	The two-party political system					
	<i>Current:</i>	52	29	15	3	1
	<i>NATIONAL May 1999:</i>	49	32	13	6	--
h.	Free elections					
	<i>Current:</i>	86	7	5	2	*
	<i>NATIONAL May 1999:</i>	84	11	3	2	--
i.	Our Constitution					
	<i>Current:</i>	86	10	3	1	*
	<i>NATIONAL May 1999:</i>	85	10	4	1	--
j.	Americans working together to solve the nation's problems					
	<i>Current:</i>	82	12	4	1	1

Q26 The federal government has grown enormously in size, power and cost since the Great Depression and World War 2. Is [INSERT ITEMS; RANDOMIZE] a reason or not a reason the federal government has grown?

	YES, A REASON	NO, NOT A REASON	DON'T KNOW	REFUSED
	%	%	%	%
a. The public asking their elected representatives for solutions to more and more problems	66	28	5	1
b. Elected officials seeking more power	59	35	5	1
c. The nation's problems getting bigger and more complicated	70	24	5	*

Finally, just a few questions for statistical purposes only.

SEX Respondent's gender (DO NOT READ)

CURRENT %	
44	Male
56	Female

AGE What is your age?

CURRENT %	
16	18-29
37	30-49
26	50-64
21	65 or older
*	Don't know
1	Refused

EDUC What is the last grade or class that you completed in school? (DO NOT READ CATEGORIES)

CURRENT %	
2	None, or grades 1-8
8	High school incomplete (grades 9-11)
24	High school graduate (grade 12 or GED certificate)
2	Technical, trade or vocational school AFTER high school
31	Some college, no four-year degree (includes associates degree)
18	College graduate (B.S., B.A. or other four-year degree)
16	Post-graduate training or professional schooling after college
*	Don't know
*	Refused

PARTY In politics TODAY, do you consider yourself a Republican, Democrat, or Independent?

CURRENT %	
23	Republican
39	Democrat
31	Independent
3	(DO NOT READ) No preference
1	(DO NOT READ) Other party
2	(DO NOT READ) Don't know
1	(DO NOT READ) Refused

PARTYLN As of today, do you lean more to the Republican Party or more to the Democratic Party?

CURRENT %	
36	Republican/Lean Republican
52	Democrat/Lean Democrat
12	No preference/Other/Refused to lean

HISP Are you, yourself, of Hispanic or Latino origin or descent, such as Mexican, Puerto Rican, Cuban, or some other Spanish background?

RACE What is your race? Are you white, black, Asian, or some other race?

CURRENT %	
70	White, non-Hispanic
12	Black, non-Hispanic
11	Hispanic
5	Other/Mixed race, non-Hispanic
3	Undesignated

INCOME Last year – that is, in 2009 – what was your TOTAL family income from all sources, BEFORE taxes? Just stop me when I get to the right category. [READ]

CURRENT %	
13	Less than \$20,000
16	20 to under \$35,000
14	35 to under \$50,000
15	50 to under \$75,000
13	75 to under \$100,000
11	100 to under \$150,000
6	\$150,000 or more
4	(DO NOT READ) Don't know
8	(DO NOT READ) Refused

THANK RESPONDENT: That completes the interview. Thank you very much for your time and cooperation. Have a nice day/evening.

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