

The Urgent Need for Civics



Jennifer M. Grieco

As a lawyer and citizen, I am especially concerned with whether our education system is developing well-informed citizens and voters, given the dire results of recent studies on student civics knowledge.

In 2014, only 22 percent of eighth graders scored “proficient” on the civics part of the National Assessment of Educational Progress, indicating that 78 percent of those tested could not explain the purpose of government, recognize the importance of the rule of law, or understand the separation of powers among branches of the government.¹ Alarming, 26 percent of students scored “below basic”—indicating they could not identify the fundamental principles of American democracy, the documents that are the foundation for our democracy, or the rights and responsibilities of a U.S. citizen.²

Even more troubling were the results of a study conducted in 2015 of college seniors at 55 top-ranked universities. Only 20 percent knew that James Madison was the father of the Constitution, and more than 40 percent of college graduates did not know that the Constitution grants Congress the power to declare war and could not correctly state the length of the terms for

members of the Senate or House of Representatives.³ Although we should not be surprised at the consequence of these declining high school and college scores, it is truly alarming that only 25 percent of Americans can name the three branches of government and one-third cannot name any branch of government.⁴

The change in school curriculum

If you're like me, taking civics and government classes confirmed your early decision to pursue a legal career. Until the 1960s, it was common for American high school students to have three separate courses in civics and government.⁵ However, with the narrowing of school curriculum and the emphasis on core subjects that are the focus of standardized tests, civics is simply not taught or emphasized like it once was.⁶ Schools focus on preparing students for standardized tests in math, science, and reading, which pushes civics to the back burner.⁷

A recent study on civics education by Editorial Projects in Education revealed that fewer than one in three schools offer standalone civics courses.⁸ And although studies confirm that younger kids can easily grasp the concepts of justice, service, rules, and law, just 3 percent of elementary

schools offer standalone civics courses.⁹ Most school administrators acknowledge that their schools do not devote enough time to civics education, especially at the elementary-school level or in communities with high poverty.¹⁰ According to the National Education Association, “it is in not an exaggeration to say that civics education is in crisis.”¹¹

With the loss of civics education comes the lack of understanding about how our government works and what it means to be a good citizen. It also affects civility. As Supreme Court Justice Sonia Sotomayor said, “It has been well documented that the partisan discord in our country followed very closely on the heels of schools stopping to teach civics education.”¹² In addition to understanding how the government works and how we can participate in government, an important component of civics is civility: respecting and listening to the opinions of others, considering the rights and interests of fellow citizens, and recognizing the right of the minority to dissent.¹³

While almost every state requires civics or social studies to be included in the curriculum, the laws vary on whether students are assessed on civics for grade promotion or graduation.¹⁴ In Michigan, MCL 380.1166(1) requires all public and nonpublic schools to provide instruction on the United States

The views expressed in the President's Page, as well as other expressions of opinions published in the *Bar Journal* from time to time, do not necessarily state or reflect the official position of the State Bar of Michigan, nor does their publication constitute an endorsement of the views expressed. They are the opinions of the authors and are intended not to end discussion, but to stimulate thought about significant issues affecting the legal profession, the making of laws, and the adjudication of disputes.

With the loss of civics education comes the lack of understanding about how our government works and what it means to be a good citizen. It also affects civility.

An important component of civics is civility: respecting and listening to the opinions of others, considering the rights and interests of fellow citizens, and recognizing the right of the minority to dissent.

Constitution, the Michigan Constitution, and the history and present form of government of the United States, Michigan, and its political subdivisions. High schoolers are required to take one semester of civics.¹⁵ Teachers are required to cover the 100 questions on the civics portion of the naturalization test used by the United States Citizenship and Immigration Services.¹⁶ However, passing the citizenship examination is not required to graduate.¹⁷

According to Hon. Michael Warren, a former member of the Michigan Department of Education who has been intimately involved in civics and social studies criteria in this state and was recently appointed to the Michigan Department of Education Task Force for K–12 Social Studies Standards, “Michigan—and most of the nation—has been struggling for decades to teach American history and civics. Despite a very committed teacher corps, K–12 test scores are terrible, and large swaths of the general public are ignorant of the basics of our history and how our constitutional republic operates.”¹⁸

Lawyer involvement in civics education

We know that teachers are struggling with limited resources and mounting challenges.¹⁹ Teachers and school districts would obviously benefit from the assistance of lawyers in civics education. The American Bar Association has offered several suggestions for attorneys to help students learn about the Constitution, democratic engagement, and the rule of law, including volunteering at local schools to coach debate or moot court teams or taking part in school programs for Constitution Day or Law Day.²⁰

Constitution Day celebrations

Several Michigan bar associations celebrate Constitution Day on September 17 in collaboration with their local school districts:

- Lori Buiteweg, past president of the State Bar of Michigan and the Washtenaw County Bar Association, founded the Washtenaw County Bar Association's Constitution Day, which has been celebrated by Washtenaw County lawyers in their local schools for the past 10 years.²¹ Requiring only a few volunteer hours, it provides lawyers and law students with the opportunity to educate students about their rights under the U.S. Constitution.
- Each September, the Grand Rapids Bar Association partners with the Grand Rapids Public Schools to provide lessons on the U.S. Constitution to fifth graders.²² The goal is to match each of the district's fifth-grade classrooms with an attorney to foster a comprehensive understanding of the Constitution and government, and only requires an hour of an attorney's time.
- Constitution Day in Oakland County is celebrated at the circuit court. After a presentation on the Bill of Rights and the Constitution, students visit courtrooms where a dozen judges from the Court of Appeals, Oakland Circuit Court, and Oakland Probate Court and more than 40 volunteer lawyers help students with mock trials.²³

The SBM website has resources for planning a Constitution Day activity in your local school or classroom. The website also provides grade-specific Constitution lesson plans, including PowerPoint presentations

created for Washtenaw County but available for any bar association or school to use. Available lesson plans include the Sixth Amendment for sixth-grade social studies, the First Amendment for seventh graders (written in collaboration with Michigan State University's First Amendment Law Clinic), the Fourteenth Amendment for eighth graders, and the Fourth Amendment regarding search and seizure for ninth grade.²⁴ Buiteweg suggested that with the assistance of additional volunteers, these lesson plans could be updated. Members are also needed to develop additional lesson plans for students in grades 10–12.

The National Constitution Center and the Michigan Center for Civics Education are additional resources for lesson plans for any lawyer or association looking to start Constitution Day programs in their local schools.

We the People and Mock Trial programs

The SBM and the Michigan State Bar Foundation were instrumental in creating the Michigan Center for Civic Education (MCCE) in 1982. It's a partnership between educators and community members “to equip students with the knowledge, skills, and attitudes to become engaged, knowledgeable citizens.”²⁵

The MCCE believes that students are best educated on civics, government, and the law outside of the classroom and in the community. Two of MCCE's programs are the High School Mock Trial and We the People: The Citizen and the Constitution. We the People was created for elementary and secondary students to promote civics competence and responsibility, including understanding the Constitution and the Bill of Rights. After instruction, students participate in simulated congressional hearings where they “testify” before a panel of “judges,” making prepared statements and answering impromptu questions about in-depth constitutional issues.²⁶

As an example, a particularly relevant hearing question asks: “If a law has been properly passed by the law-making branches of a democratic government, why should judges have the power to declare it unconstitutional?”²⁷ The subparts to the question

ask: “What is judicial review, and why is it controversial?” and “What has been the impact of judicial review on American society?” As the hearing questions are too lengthy and detailed to include in this article, I encourage you to review them. The students’ ability to answer the questions and their subparts demonstrates a thorough understanding of American history and our system of government.

We the People, like the High School Mock Trial program, is a statewide competition culminating each year in a state championship held in Lansing. There are numerous opportunities to volunteer with We the People: as a “scholar” helping teams prepare for simulated legislative hearings, as a panel “judge” at one of the hearings, or as a timer, facilitator, or room supervisor. If you are interested in volunteering with We the People, contact the state coordinator or complete an online volunteer form at <https://www.miciviced.org/about-mcce/volunteers/> or <https://www.miciviced.org/programs/we-the-people/>.

There are also opportunities to volunteer with the High School Mock Trial program. In May 2021, Kalamazoo will become the first Michigan community to host the High School Mock Trial National Championship. The SBM Public Outreach and Education Committee is involved with this effort and continues to work closely with the MCCE on all of its programs. If you are interested in volunteering for any MCCE program, including the 2021 national championship, contact Darin Day at the SBM.

Many local bar associations host their own mock trial programs. As a member of the Oakland County Bar Association, I had the privilege to participate in its Elementary Mock Trial Program with three schools and classrooms of students from grades 2–5. We met the students before the mock trial to talk generally about being a lawyer, the judicial system, the trial process, and preparation for their mock trial at either the Oakland County Circuit Court or the local district court. The students then prepared for and participated in a scripted mock trial featuring characters from the *SpongeBob SquarePants* cartoon. The students were adorable, and I don’t know who had more fun—the students or me. Watching the trial

unfold, including jury deliberation, was certainly entertaining.

Classroom support for civics education

Several state bar associations have created programs to serve as civics resources for educators. The Missouri Bar Citizen Education Program, supported by volunteer members of the Missouri Bar Association and funded by the Missouri Bar Foundation, provides “extensive support for classroom learning about the law, the legal system, and the courts.” The teacher resources provided on the Missouri Bar Association web page include “Teaching the Missouri Constitution,” lesson plans, Constitution Day, and civics education resources. The education program helps teachers in Missouri understand and explain the law through lesson plans and workshops. The bar also offers free in-service training for teachers on civics and government.²⁸

In Florida, the goal of Justice Teaching, an initiative of former state Supreme Court Justice R. Fred Lewis, is to pair a legal professional with every school in the state. The program aims to promote an understanding of Florida’s justice system and laws, develop critical-thinking abilities and problem-solving skills, and demonstrate the effective interaction of the courts within the constitutional structure.²⁹ A collaboration of the Florida Supreme Court, including judges from all appellate districts and circuits, the Florida Bar Association, the Florida Association of District School Superintendents, and the Florida Law Related Education Association, the program boasts 4,500 volunteer lawyers and has at least one trained volunteer for every public school. Lesson plans for every level are available on the Justice Teaching website.³⁰

These are just two examples of programs that could be replicated in Michigan with the support of member volunteers and funding from state and local bar foundations.

An opportunity in Michigan

There has been renewed interest in states nationwide to consider legislation to expand civics education.³¹ In Michigan, a team of

experts has spent more than four years working on revisions to the social studies standards on which state assessments are based. Following opposition to the revisions by the Michigan Education Association and others, the Michigan Department of Education created a task force to review the revisions and make recommendations to the Michigan State Board of Education.³² The task force completed its work late last year, and the State Board of Education could adopt new standards as soon as this spring.

The current draft of the proposed civics standards incorporates a framework that includes democratic values and constitutional principles.³³ Justice is one of the democratic values under consideration, and the corresponding constitutional principles are rule of law, due process of law, and truth. Bar members are particularly well-suited to be educational resources on justice, due process, and rule of law. Once these subjects are finalized as the standards for testing, it is anticipated that educators will need resources and assistance.

We can offer our services to teachers and school districts for professional development, and free materials prepared by the SBM on these topics may be of value. We are uniquely situated to volunteer our time and talents to ensure that educators are well-equipped to teach these subjects that are so vital to understanding our government and the rights and obligations of citizens.

Opportunities to collaborate with school districts and other third parties to promote civics education are numerous. However, the opportunity to make a significant impact on society by helping students become well-informed citizens and voters is immeasurable. ■

ENDNOTES

1. Humanities Indicators, *Knowledge of Civics*, American Academy of Arts & Sciences (January 2016) <<https://www.humanitiesindicators.org/content/indicatorDoc.aspx?i=22>> [<https://perma.cc/P882-5QXK>] and Litvinov, *Forgotten Purpose: Civics Education in Public Schools*, National Education Ass’n (March 16, 2017) <<http://neatoday.org/2017/03/16/civics-education-public-schools/>> [<https://perma.cc/F7KB-V7TD>]. All websites cited in this article were accessed January 13, 2019.
2. *Forgotten Purpose*.

3. Cole, *Ignorance Does Not Lead to Election Bliss: Perhaps the country's political state owes itself to the failure of its education system*, *The Atlantic* (November 8, 2016) <<https://www.theatlantic.com/education/archive/2016/11/ignorance-does-not-lead-to-election-bliss/506894/>> [<https://perma.cc/XK9B-Y54G>].
4. Sunday Morning, *Civics lessons: Justices Sotomayor, Neil Gorsuch on promoting education in citizenship*, CBS News (November 4, 2018) <<https://www.cbsnews.com/news/supreme-court-justices-sonia-sotomayor-and-neil-gorsuch-promote-civics-education/>> [<https://perma.cc/5EU4-HTUM>].
5. *Forgotten Purpose*.
6. *Id.*
7. Cardinali, *What Your State Is Doing To Beef Up Civics Education*, nprEd (July 21, 2018) <<https://www.npr.org/sections/ed/2018/07/21/624267576/what-your-state-is-doing-to-beef-up-civics-education>> [<https://perma.cc/5BVL-M8B6>].
8. Education Week Research Center, *Civics Education in K-12 Schools, Results of a National Survey*, Editorial Projects in Education <<https://www.edweek.org/media/civics-survey-report-education-week.pdf>> [<https://perma.cc/6F3S-K672>]. The survey was administered between February and April 2018.
9. *Id.* and *What Your State Is Doing To Beef Up Civics Education*.
10. *Civics Education in K-12 Schools*.
11. *Forgotten Purpose*.
12. *Civics lessons: Justices Sotomayor, Neil Gorsuch*.
13. *Id.* and Branson, *The Role of Civic Education: A Forthcoming Education Policy Task Force Position Paper from the Communitarian Network*, Center for Civics Education (September 1998) <http://www.civiced.org/papers/articles_role.html> [<https://perma.cc/9LFU-EH46>].
14. Carlsen-Landy, *How You Can Help Engage Students in Civic Education*, ABA (July 17, 2018) <https://www.americanbar.org/groups/young_lawyers/publications/tyl/topics/access-to-education/how-you-can-help-engage-students-civics-education/> [<https://perma.cc/Q6EM-APPN>].
15. MCL 380.1166(2).
16. MCL 380.1166(3).
17. *Id.* and *What Your State Is Doing To Beef Up Civics Education*.
18. Blake, *Judge Michael Warren appointed to Michigan Department of Education task force*, *The Oakland Press* (November 19, 2018) <https://www.theoaklandpress.com/business/judge-michael-warren-appointed-to-michigan-department-of-education-task/article_316c9df2-e2d7-11e8-8db5-7b593ecddbfb.html> [<https://perma.cc/K4GN-TJFK>]. See also Warren, *America's Survival Guide: How to Stop America's Impending Suicide by Reclaiming Our First Principles and History* (Maitland: Mill City Press, 2007) <<http://www.americassurvivalguide.com/aboutauthor.php>>.
19. Kuras, *Teachers have some of the toughest jobs. How can we better support them in Detroit?*, model D (December 31, 2018) <<http://www.modelmedia.com/features/dps-teacher-support-123118.aspx>> [<https://perma.cc/L5XV-IT2D>] and Hackman & Morath, *Teachers Quit Jobs at the Highest Rate on Record*, *The Wall Street Journal* (December 28, 2018) <<https://www.wsj.com/articles/teachers-quit-jobs-at-highest-rate-on-record-11545993052>> [<https://perma.cc/29SP-3657>].
20. *How You Can Help Engage Students in Civic Education*.
21. Washtenaw County, Trial Court, *General Info: Constitution Day* <<https://www.washtenaw.org/1253/GeneralInfo>>.
22. Grand Rapids Bar Ass'n, *2017 Constitution Day* <<https://www.grbar.org/events/EventDetails.aspx?id=981574&hhSearchTerms=%22Constitution%22>>.
23. *Oakland Court Circuit Court commemorates Constitution Day*, *Legal News* (September 24, 2018) <<http://legalnews.com/detroit/1464618/>; https://www.oakgov.com/courts/circuit/Documents/press-releases/2007/pr-constitution-day_09-07.pdf>.
24. SBM, *Constitution Day* <<https://www.michbar.org/generalinfo/constitutionday>> and MSU College of Law, *Michigan State Law Students to Teach Middle Schoolers First Amendment Law on Constitution Day* (September 11, 2012) <<http://law.msu.edu/news/2012/students-teach-first-amendment.html>>.
25. Mich Ctr for Civic Education, *Partners* <<https://www.miciviced.org/partners/>>.
26. Mich Ctr for Civic Education, *We the People... the Citizen and the Constitution* <<https://www.miciviced.org/programs/we-the-people/>>.
27. Mich Ctr for Civic Education, *We the People... the Citizen and the Constitution, State Hearing Questions 2018-2019* <http://www.civiced.org/images/stories/WeThePeople/The_Program/Hearings/Hearing_Questions/StateHearingQuestions2018-19.pdf> and *State Hearing Questions 2017-2018* <http://www.civiced.org/images/stories/WeThePeople/The_Program/Hearings/Hearing_Questions/StateHearingQuestions2017-18.pdf>.
28. The Missouri Bar, *Teacher Resources* <<http://missourilawyershelp.org/educational-resources/>>.
29. Justice Teaching, *What is Justice Teaching?* <<http://www.justiceteaching.org/info.shtml>>.
30. Barnes, *Civic Education: The need is great, and so is the desire to help*, ABA (June 15, 2017) <https://www.americanbar.org/groups/bar_services/publications/bar_leader/2010_11/3503/civics/>. For lesson plans, see also Justice Teaching, *Lesson Plans and Educational Resources for School Visits* <http://www.justiceteaching.org/lesson_plans.shtml>.
31. Camera, *Uninformed and Unengaged: States are turning to civics education in an effort to produce informed and active students*, US News and World Report (November 23, 2018) <<https://www.usnews.com/news/the-report/articles/2018-11-23/in-increasingly-partisan-times-states-turn-to-civics-education>> and *What Your State Is Doing To Beef Up Civics Education*.
32. Chambers, *Amid controversy, suggested K-12 social studies revisions to be reviewed*, *The Detroit News* (September 28, 2018) <<https://www.detroitnews.com/story/news/education/2018/09/28/amid-controversy-suggested-k-12-social-studies-revisions-reviewed/1445578002/>> [<https://perma.cc/23P4-DQ2U>] and Position Statement to the State Board of Education from the Michigan Education Association on the proposed changes to Michigan's K-12 Social Studies Standards from Paula Herbert, President, MEA, to Interim Superintendent Alles and Members of the State Board of Education (September 28, 2018) <https://mea.org/wp-content/uploads/2018/09/MEA_Statement_to_SBE_on_changes-to_soc_studies_standards.pdf> [<https://perma.cc/T4GR-L7Q5>].
33. Warren, *Draft Democratic Values and Constitutional Principles* (December 2018). Judge Warren served on the Michigan Department of Education Task Force for K-12 Social Studies Standards.

how you can

help

alawyerhelps.org

community service

access to justice

pro bono

