
July 15, 2019

Hon. Joseph Heck, Chairman
National Commission on Military, National and Public Service
2530 Crystal Drive, Suite 1000, Box #63
Arlington, Virginia 22202

Dear Chairman Heck and Commissioners:

On behalf of the American Bar Association (ABA), which has over 400,000 members, thank you for the opportunity to share our thoughts on the importance of civic education per your request and in response to your Commission’s “Staff Memo: Civic Education”. Through our Division for Public Education, and the Standing Committee on Law and National Security (SCOLANS), the ABA has been heavily involved in the civics community for some time now. We also recently conducted a national survey on civics literacy and hope that our experience in this field and input below can help highlight some ongoing concerns and potential areas of improvement for your consideration.

In 1962, the American Bar Association founded the bi-partisan SCOLANS. Its mission was to educate the public on threats posed by communist ideology and active campaigns occurring at that time that sought to defeat America’s rule-of-law based system of government.

In subsequent decades, SCOLANS’ initial mandate broadened to embrace education on a full range of national security topics, from nuclear threats to terrorism and beyond. As a result, the Committee has emerged as a leader in national security education, closely monitoring and adapting its methods to address modern threats, clearly understanding the vital role that educating the public plays in creating a resilient democracy.

In 1982, the Division for Public Education was formed. Its mission is to promote public understanding of law and its vital role in society. The Division fulfills this mission by offering law-related resources and programs to engage and support K-12 educators, students, journalists, legal professionals, opinion leaders, and the public.

Earlier this year, the ABA commissioned a survey¹ to measure the public’s knowledge of basic civic information, concepts and constitutional protections. This nationally representative poll administered 15 questions adapted some of the 100 questions asked on the U.S. Citizenship Test in a multiple-choice format, and just 5 percent of those surveyed answered all 15 questions

¹ ABA Survey of Civic Literacy released May 1, 2019:
https://www.americanbar.org/groups/public_education/resources/civic-literacy/.

July 15, 2019

correctly. The survey also revealed some puzzling gaps in what most people know. For example, many people — one out of four — did not know that the first 10 amendments to the U.S. Constitution are called the Bill of Rights. A large number — also one out of four — did not know that the Declaration of Independence declared our nation’s independence from Great Britain. Eleven percent thought it freed the slaves in Confederate states.

Clearly, we have more work to do. American democracy depends on an informed citizenry. It is vital that everyone share a basic knowledge about the foundation of our democracy, know their rights and responsibilities, and understand more about the challenges facing our nation’s security. It is with a deep understanding of these issues that the ABA applauds the National Commission on Military, National, and Public Service’s efforts to revitalize civic education and offers this input to help you in your work.

ABA CIVIC EDUCATION

SCOLANS was created by four civic leaders, including the late Lewis Powell who later became President of the American Bar Association (1964-65) and Associate Justice of the U.S. Supreme Court. From its inception, the Committee’s goal was to increase understanding about national security issues among both practicing lawyers and the academic community. However, after the 9/11 attacks, SCOLANS’ internalized a need to shift its focus towards a deeper exploration of national security threats and appropriate responses.

As such, the work of SCOLANS today is based on a series of educational activities. Monthly breakfast presentations are augmented by frequent topical conferences and workshops on specific topics. Increasingly, SCOLANS has also collaborated with educational institutions to extend its outreach. For the last 29 years, SCOLANS has hosted an annual review of national security developments with an increasing number of law schools.² This annual conference is designed for both practitioners and students with the goal of broadening understanding and discussion of national security topics.

On a broader scale, the Division for Public Education provides programs and resources used by thousands of teachers every year to improve their classroom practice. The Division also offers programs and resources for the general public, especially as part of the annual Law Day commemoration, celebrated by many thousands of people across the country and around the world to promote understanding of the rule of law. The Division’s web site collects approximately one million visits per year.

Despite these outreach efforts, the ABA recognizes an immediate need to expand both the content and reach of civic education efforts to adequately keep pace with and respond to the constantly changing landscape.

² University of Virginia School of Law, Georgetown Law, Duke University School of Law, George Mason School of Law, American University School of Law, New York University Law School and University of Texas School of Law.

July 15, 2019

COUNTERING TODAY’S THREATS

Understanding the nation’s national security threats and the foundations of its civic infrastructure remain a challenge. Countless surveys explain why.³ They demonstrate that the American public, as well as its professional legal leadership, lacks a robust appreciation of the threats we face as a nation and a deep understanding of the national security infrastructure, created by the U.S. Constitution, needed to address these threats.

Specifically, our current experience demonstrates that as a nation we are poorly informed about the technology-enabled disinformation campaigns our adversaries are mounting to undermine the pillars of our democracy.

One explanation for this, we believe, can be traced to inadequate preparation in civic education. As a result, appreciation for the role of the American constitutional framework in supporting the U.S. rule of law culture—the essence of our democratic system—is dangerously limited within the American public. At a time when social media attacks, factual manipulation, and disinformation campaigns continue to accelerate, the dangers posed by a civically uninformed public are all too real.

As an important component of the ABA, we—and others—have worked to address this lack of attention to civic education among our current generation, their forebearers and followers. But well-informed volunteer efforts to improve civic education are not sufficient. More is needed. As a result, we appreciate your Commission’s efforts and agree with suggested recommendations to prioritize and invest in civic education as both a national focus and foundational requirement.

ABA CIVIC EDUCATION POLICIES

Over the years, the ABA has developed and adopted numerous policies directly supporting the expansion of civic education. Following are some that closely mirror fundamental suggestions that have been advanced by the Commission:

- The American Bar Association urges federal, state, territorial, and local governments to require civic education for elementary, middle, and secondary students in the nation’s public schools and to provide competitive grant funding for programs to meet this requirement. (February 2011)⁴
- The American Bar Association urges policymakers to establish a Coordinating Office of Civic Education in the U.S. Department of Education to enhance students’ civic learning by offering competitive grant programs at the local, territorial, state and national levels; facilitating professional development for educators; supporting research; and developing innovative curricula. (August 2009)⁵

³ ABA Survey of Civic Literacy (https://www.americanbar.org/groups/public_education/resources/civic-literacy/); Annenberg Constitution Day Civics Survey (<https://www.annenbergpublicpolicycenter.org/civics-knowledge-survey-willingness-protect-supreme-court/>)

⁴ https://www.americanbar.org/content/dam/aba/directories/policy/2011_my_300.pdf

⁵ https://www.americanbar.org/content/dam/aba/directories/policy/2009_am_122.pdf

July 15, 2019

- The American Bar Association encourages all lawyers and judges to be personally and actively engaged in civic education in their communities and schools...The American Bar Association urges all lawyers and judges to work to increase American's understanding of the role of separation of powers in our constitutional democracy. [Further, the ABA] urges policymakers at all levels of government to ensure that: all students experience high quality civic learning—including study of law, government, and history; students' civic learning is regularly, and appropriately assessed and civic learning is accorded national education priority on a par with reading and mathematics. (August 2006)⁶

The spirit of these resolutions should serve as indication that the ABA strongly agrees with the civic education recommendations put forth by your Commission. There is a strong national security interest in promoting civic understanding and encouraging civic engagement, and we are grateful that the Commission recognizes the important role that public education plays in combatting evolving national security threats. Moving forward, the ABA will continue our efforts to improve civic education and we look forward to the results of your Commission's work. As former Supreme Court Justice Sandra Day O'Connor once said, "The practice of democracy is not passed down through the gene pool. It must be taught and learned anew by each generation of citizens."

Thank you for considering these comments. Should you need any further information, please contact David Eppstein in our Governmental Affairs Office at david.eppstein@americanbar.org or 202-662-1766.

Sincerely,



Robert M. Carlson

⁶ https://www.americanbar.org/content/dam/aba/directories/policy/2006_am_102.pdf