



7-19-1968

## Citizenship Education as to Law, Disorder, Extremism and Civil Disobedience

Lewis F. Powell Jr.

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/powellspeeches>



Part of the [Law and Society Commons](#), [Other Public Affairs, Public Policy and Public Administration Commons](#), [Peace and Conflict Studies Commons](#), and the [Social Welfare Commons](#)

---

### Recommended Citation

Lewis F. Powell Jr. Papers. Box 117, Folder 16.

This Speech is brought to you for free and open access by the Lewis F. Powell Jr. Papers at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Powell Speeches by an authorized administrator of Washington and Lee University School of Law Scholarly Commons. For more information, please contact [christensena@wlu.edu](mailto:christensena@wlu.edu).

CITIZENSHIP EDUCATION AS TO LAW, DISORDER  
EXTREMISM AND CIVIL DISOBEDIENCE

The American system of government has been widely regarded, throughout the non-Communist world, as a giant stride in man's long pilgrimage toward genuine self-government. Under this system, with its emphasis on the rule of law, more people have prospered and enjoyed greater freedom than ever before in the history of mankind.

Escalating Unrest

Yet, there is abroad in this country an escalating unrest which has led already to unprecedented crime, discord and civil disobedience. If unchecked, this unrest could lead to revolution and the end of all freedom.

Future historians will doubtless speculate as to why a nation with such proud achievement and promise for all of its people should, in the maturing years of the 20th Century, approach the verge - if not the chaos itself - of anarchy and revolution.

Grievances - Real and Imagined

It is true that in the past grave injustices have been imposed upon minorities. It is also true that there is still

an unjustified gap between the poverty of some and our ideal of genuine economic opportunity for all who are able and willing to make the competitive effort. So far as law can correct discriminatory injustice, it is fair to say that recent years have witnessed unprecedented progress. It is also true, within the limitations of what in fact is feasible, that broadly based public and private programs are well under way to assure greater job and educational opportunity. Perhaps never in history has there been in any nation, among the majority of the people, greater concern by man for his fellow man. But the grievances and frustrations, both real and imagined, nevertheless remain.

There is also the deeply divisive issue of an unwanted war which, in the view of many, we have neither the will to win nor the skill to liquidate.

### Permissiveness

There is also abroad in the land a pervasive permissiveness - by parents, the churches, the schools, the courts and other public authorities. Ancient standards of morality, decency and even good taste have crumbled. Concepts of duty and responsibility have been subordinated. The result is a toleration - a curiously excessive toleration - of marginal and even unlawful conduct never before witnessed in America.



### Nation in Disarray

Whatever the causes may be, the state of our nation is in disarray. Our citizens are terrorized by crime. Many of our cities have been torn by riots. Draft cards are burned, Viet Cong flags paraded, and draft laws flagrantly violated. Persons who enjoy privileged positions in some of the learned professions, including many in the pulpit and on the campus, encourage this and other disobedience of valid laws. Students seize and vandalize the offices of college administrators. Sit-ins, lie-ins and unlawful demonstrations are commonplace. Young extremists, professing to be "liberals", deny free speech to those with whom they disagree. Even the President of the United States cannot travel and speak freely in his own country.

### Civil Disobedience

This, in briefest summary, is the level of extremism and civil disobedience in this country. Much of it, especially of the disobedience, is committed by thoughtless, naive and even well-intentioned citizens. Many of these simply do not understand our system of freedom under law. Others are so

enchanted by the "causes" that they give little thought to the lawlessness of the means employed or to where the disobedience road could lead.

Many honorable citizens, especially our young people, are confused. They do not know where to draw the line between legitimate protest or dissent and lawless conduct. Many have believed the heresy that there is a right - a moral if not a legal one - to disobey any law deemed to be unjust.

But a significant minority of radical extremists are neither naive nor confused. They plan, ferment and participate in civil disobedience and disorders for the deliberate purpose of dividing our people and weakening our free institutions. Their ultimate goal is no less than revolution and destruction of our democratic system. As has been said about the misnamed Students for a Democratic Society:

"The rebels (who seized Columbia University) are out of touch with and do not understand the principles of Democracy. . . . The language they talk is that of anarchy. . . . They are totally at war with everything this country has ever stood for."\*

Communist officials have recently boasted of the party's role in disorders and civil disobedience.\*\*

\*Washington Post, May 14, 1968.

\*\*Richmond Times-Dispatch, Editorial, July 9, 1968.



Social Studies Courses

This is the contemporary framework in which the social studies courses in our schools are being taught. It is against the daily news stories - often slanted and distorted by the less responsible news media - that the relevance and effectiveness of our textbooks and teaching of history and government must be judged. Or, putting it differently, at a time in the life of this country when - in less than a decade - we have moved into a pre-revolutionary stage of civil disobedience, civil disorder and rioting, with the fundamentals of our system being challenged directly by strident voices from the left and the right, are the social studies courses in our public school system adequate to this challenge?

With this question in mind, and at my request, the Department of Education has made a careful review of the content of the approved social studies textbooks used at the high school level in history and government.\* These books, considered after careful screening to be the best available at the time, were selected in 1966 for use in our schools commencing September 1, 1967. The selections (under our system and one uniformly followed in many states) remain in effect for another five years.

---

\*Excerpts from these textbooks will be made available to Board Members.

### Inadequacy of Materials

It is apparent, upon even a casual reading, that these textbooks are inadequate to the challenge outlined above. This is not to say that they are not excellent in most respects. They necessarily deal broadly with the total subjects of American history and government. The attention devoted specifically to the above problems is superficial. The approved texts for elective courses on "Civics" contain excellent material on the responsibilities of citizenship\*, but they do not face up to the contemporary problems which threaten the fabric of our system. Few authors writing in the early 1960's could have foreseen the velocity and the magnitude of the trend toward disorder and anarchy. Few, indeed, could have anticipated the deterioration of the sense of responsibility of many citizens in their attitude toward and respect for law and for our system. Certainly, few could have foreseen the extent to which radical extremists would - by 1968 - have mounted an organized attack against the values of western civilization and the structures of our form of government. And none of us has the prescience to foresee what

---

\*American Civics, by Hartley and Vincent (Harcourt, Brace & World, Inc. 1967) is especially commendable.



this attack may mean in terms of the ultimate peace and happiness of citizens of all races and every station in life.

But the fact remains that the teaching materials in this area of social studies have fallen behind the imperative needs of our time.

It seems self-evident that our social studies courses must have both current relevancy and historical accuracy; that the facts as to the challenge to our system of government must be marshaled and presented more adequately; that our students must be more effectively prepared for the role of responsible citizenship; and that to assume this role, the young people of America must have a far more perceptive understanding of the issues of our time, the values which are at stake, and the choices which may shape the fate of our people for decades to come.

It hardly need be said that instruction in these areas will necessarily touch on controversial issues. Some, perhaps, would prefer to ignore these in the classroom. But whether the schools face up to these problems or not, they are deep concerns in the hearts and minds of thoughtful young people. They also constitute a crisis for our country. In my view,



the schools have both a responsibility and an opportunity to confront these problems in the classrooms - with truth, understanding and courage. This can be done effectively only by providing our fine and dedicated teachers with appropriate materials and assistance.

#### Committee to Plan Program and Materials

It is therefore proposed that the State Department of Education create a select committee (the Committee) to assemble data, prepare materials and recommend an over-all program in this area. This Committee should be biracial and broadly representative, including highly qualified persons within the Department and from local school divisions.

In addition, it would be desirable to name a small advisory committee of qualified citizens not directly associated with public education. The role of the advisory committee will be to consult and advise, and also to bring to bear upon this important project the experience of community judgment and evaluation.

As a minimum, the Committee should produce a teacher's manual or guide which will aid and assist social studies

teachers in the supplementation of existing text materials. Such a manual can be used in preparation for classroom work, and also as an aid to in-service teacher training.

If deemed feasible, the Committee may also prepare supplementary material for use in the classrooms by the students themselves. In addition, the Committee should prepare an appropriate bibliography of supplementary materials for the use of both teachers and students, with emphasis on visual presentations for classroom and ETV use.

The need for in-service teacher programs and the means of providing them promptly - both during school terms and in summer institutes - should also receive high priority.

The availability of appropriate teaching aids and materials will not alone assure maximum success of this program. Crime, disorders, extremism and disobedience relate to contemporary problems which some students have witnessed and all know about from the news media. It will be difficult for textbooks and supplementary material, however good, to reach the average student and compete effectively with youthful impressions already formed.



Unfamiliar concepts such as "due process of law" and the "rule of law," and their meaning under our system, must be dramatized and made meaningful to teenagers who range in attitudes toward law from hostility and skepticism to apathy.

The study committee should therefore give careful thought to instructional techniques and procedures as well as to the textual materials.

Perhaps there should be a significant involvement of both community resources and the pupils themselves. For example, senior law enforcement officials, judges and community leaders of both races might have roles in the instruction program. Pupils might participate in field trips and forum discussions with such officials and leaders.

The Committee's work also might be facilitated if the Department were to initiate one or more pilot plan projects in citizenship education on the problems of crime, disorders and civil disobedience. One or two selected school divisions might be willing to conduct such programs during the 1968-69 term, concurrently with the Committee's work on a state-wide plan.

The end result, it is hoped, will be a blueprint - flexible enough for use in all school divisions - of materials and techniques for an intensive unit of citizenship education which emphasizes that all freedom and social progress depend upon maintaining the rule of law, now so gravely endangered by crime, disorders, extremism and disobedience.

#### Study Topics and Objectivity

The Committee will, of course, determine the framework and content of its study and its end product. Suggested topics, not intended to be exclusive or complete, are outlined in Appendix A.

In conclusion, it hardly need be said that this project - like any worthwhile effort in education - must be undertaken with objectivity and fidelity to the highest standards of scholarship.



Preliminary Outline of Topics1. The "Rule of Law" and Its Meaning\*

(a) Law: An established system of principles and rules to govern man's relationship with his government and his fellowman.

(b) Under our system the "rule of law" is supreme.

(c) Even the President and all officials are subordinate to the Law, as set forth in the federal and state Constitutions and laws enacted pursuant thereto.

(d) The people are the ultimate source of all law and authority. By free elections and through the established institutions of government (legislative, executive and judicial), the people themselves maintain the rule of law.

(e) Changes in law, and even in the system itself, can be made by the people. But they must be made by lawful democratic means ("due process").

---

\*Approved textbooks on Civics are quite adequate on this topic. It is included in this outline, quite superficially, because the student must have this background before considering the topics which follow.

(f) Principle of majority rule - a basic concept of all democracy. But rights of minority are also carefully protected by law.

(g) Defects in law and injustice do exist - as no system devised by human beings is perfect or free from even serious malfunction at times.

(h) But the only alternative to our democracy is totalitarianism - under which an all powerful dictatorship or a ruling party makes its own law.

(i) Compare generally rights of citizens under a democracy and under a Communist or Fascist regime.

(j) The American citizen has greater personal freedom and his rights are better protected than under any other system known to history. It is worthy of the effort of every citizen to preserve.

## 2. Duties and Responsibilities of Citizens

(a) Duties are as important as rights.

(b) Rights can be enjoyed and freedom preserved only under a system where citizens recognize their duties and responsibilities.



(c) Duty to obey all valid laws - a civic as well as a legal imperative.

(d) Duty to help make the American dream of equality under law a full reality. (Great progress has been made, but maximum success in a pluralistic society depends upon a high level of individual responsibility).

(e) Duty to be loyal and patriotic, including the rendering of military service when called.

(f) Other duties: to vote intelligently; to participate in community affairs; to respect and tolerate the views of others lawfully expressed; to support police; to serve on juries; to testify in court; etc.

### 3. Civil Disobedience

(a) History of the doctrine (Thoreau, Gandhi).

(b) Inapplicability of doctrine in a democracy, where social change can be achieved and grievances redressed through the ballot and established political institutions, including the legislative, executive and judicial branches of government.

(c) Distinction between the justification for civil disobedience in a Nazi Germany or an India, as compared with the absence of justification in a free democracy.

(d) Distinction between revolution (e.g. the American Revolution) and civil disobedience in a democracy.

(e) Distinction between disobedience of specific discriminatory laws for the purpose of testing constitutionality (as initially practiced by Martin Luther King against segregation laws) and disobedience of valid laws.

(f) Inappropriateness of disobedience tactics, rather than use of lawful means, to protest against policies of government.

(g) The extent to which use and toleration of civil disobedience have escalated in recent years.

(h) No legal "right" to disobey valid laws in a free democracy.

(i) Some have asserted a "moral" right to disobey any law deemed to be "unjust". But if one citizen has this right, all citizens have it - including the extremists of the right and left. This mistaken philosophy is a contributing cause of rioting and disorder.



(j) Analysis of the consequences of civil disobedience; anarchy and ultimate destruction of our democratic system, as it cannot survive if great numbers of citizens arrogate to themselves the right to determine which laws they will obey.

4. The Right and Limitations of Dissent

(a) The free ballot or right to vote - the most basic and efficacious means of dissent.

(b) Cherished First Amendment rights - speech, press assembly and petition. These assure the right of dissent and safeguard our democratic system.

(c) But these rights are not unlimited, and can only be exercised lawfully (although drawing line admittedly difficult at times).

(d) Free speech contrasted with "symbolic speech" (e.g. draft card burning and incitement cases).

(e) Right "peaceably to assemble" and to petition for "redress of grievances" - limitations on exercise.

(f) The street demonstration, if orderly and in conformity with applicable laws, is a permissible form of

dissent. But demonstrations which violate applicable laws (e.g. prescribing time, place, manner, requiring permit, etc.) threaten public safety and trample rights of other citizens.

(g) Sit-ins on public and private property are not legitimate means of protest,\* and often cause disorders.

(h) Riots - at any time and whether large or small - are serious threats to the rights, property and safety of all citizens, especially of the poor and the deprived. They cannot be tolerated by responsible citizens or by government.

#### 5. Crime and Its Consequences\*\*

(a) Growth and escalation of crime. It now threatens the foundations of a system based on the rule of law.

(b) Effect of crime on rights, property and safety of our people.

(c) Prevalence of crime creates a climate of fear, depriving citizens of the free enjoyment of our streets and parks.

\*Except in the rare and exceptional type of situation described in Brown v. Louisiana, 383 U.S. 131, and cases therein cited.

\*\*Major source materials: Report of President's Crime Commission; FBI Reports.



(d) Economic consequences of crime - both conventional and organized crime.

(e) Minorities and the poor are principal victims of crime.

(f) Prevalance and special problems of juvenile crime.

(g) The consequences to the individual of becoming a criminal. The blight of a "criminal record".

(h) Efforts now being made to improve the criminal justice system; to assure both fairness and greater effectiveness in the detection of crime and conviction of criminals; to provide broader sentencing alternatives, especially for juvenile and first offenders; to improve techniques for rehabilitating convicted persons; and generally to improve the quality of justice.

(i) To assure equal justice under law, the state now provides free counsel for all accused persons who cannot employ counsel.

(j) Essential role of the police; importance of police-community relations; duty of citizens to support and

assist all police officers who are lawfully performing their duty.

(k) Social progress and human freedom are attainable only in a lawful society.



State Education Board Action

# Citizenship Course Approved

By John T. Kinnier

*Times-Dispatch News Bureau*  
**WILLIAMSBURG** — The State Board of Education, concerned about the "escalating unrest which has led already to unprecedented crime, discord and civil disobedience," approved a plan yesterday for intensive citizenship studies in the public schools.

Lewis F. Powell Jr., board chairman, said the current unrest, "if unchecked, will lead to revolution and the end of all freedom."

Powell, a Richmond lawyer and a former president of the American Bar Association, said the schools have both a responsibility and an opportunity to confront these issues in the classrooms "with a sense of some urgency but also with truth, understanding and courage."

Future historians, he said, will doubtless speculate as to why a nation with such proud

achievement and promise for all "has approached the verge, if not the chaos itself, of anarchy and revolution."

Powell said the schools had not foreseen the current crisis of lawlessness in preparing the social studies and government programs now offered. Supplementary education that would go beyond normal textbook and classroom instruction is needed to teach responsible citizenship to today's perplexed youth, he said.

### Citizenship Deterioration

"The crisis we now face, expressed in simplest terms, is the deterioration of responsible citizenship," Powell said in proposing the citizenship studies. His proposal was contained in a memorandum prepared with the help of social studies officials in the State Department of Education.

The plan approved by the state board calls for the citizenship program to be prepared

by a professional biracial committee appointed by Dr. Woodrow W. Wilkerson, superintendent of public instruction. An advisory committee of qualified citizens not directly associated with public education will help the professional committee.

As a minimum result, the board said, the committee should produce a teacher's manual or guide to assist social studies teachers in supplementing existing text material. But, the state board said, the citizenship study program should go far beyond that.

Dr. Wilkerson, who termed the proposed program "highly significant," said it would go beyond any current services offered in state schools.

The Powell memorandum adopted by the state board as its guide proposes that the committee should also prepare an appropriate bibliography of supplementary materials for

teacher use, with emphasis on visual presentations and the use of educational television. In-service programs should be provided for teachers who would direct the citizenship programs, it added.

"It will be difficult for textbooks and supplementary material, however good, to reach the average student and compete effectively with youthful impressions already formed, the memorandum said.

### Dramatize Concepts

Unfamiliar concepts such as "due process of law" and "rule of law" must be dramatized and made meaningful to teenagers "whose attitudes toward law range from hostility and scepticism to apathy," Powell said.

Powell said instruction in citizenship courses dealing with such matters as civil disobedience would necessarily

touch on issues controversial in nature and on which there will be differing opinions. Some teachers, he said, might prefer to ignore these in the classroom.

Powell suggested that community resources be involved in the citizenship courses. Senior law enforcement officers, judges and community leaders of both races might have roles in the instruction program, he said. Pupils could participate in field trips and forum discussions with such officials and leaders.

Pilot programs of citizenship education on problems of crime, disorders and civil disobedience might be initiated in some school divisions in 1968-69 even while the committee is still at work on an over-all state program, according to the recommendations in the memorandum.

"The end result, it is hoped, will be a blueprint, flexible enough for use in all school divisions, of materials and techniques for an intensive unit of citizenship education which emphasizes that all freedom and social progress depend upon maintaining the rule of law now so gravely endangered by crime, disorder, extremism and disobedience," the memorandum said in its statement of purpose.

The state board ended a two-day meeting here yesterday afternoon. Earlier in the day the board voted to give full accreditation to Virginia Western community college. The board turned down a request from Patrick County for an exception to the board's conflict-of-interest policy. The Patrick County request involved a school board member who owns 20 per cent of a firm that wants to bid on school construction projects.

### Negro History Class

In another matter, a request from the City of Petersburg to begin a one-semester course in Negro history in the 1968-69 school year was approved.

Since there is no textbook on the subject, the city will form its own syllabus from materials now being published, according to a report by Miss Anne Dobie Peebles, chairman of the board's textbook and curriculum committee.

The board approved literary fund loans totaling \$504,500. Largest of these were \$226,250

for Essex County and \$143,250 for Tappahonock High School, also in Essex County.

The board also heard a report on the supply of public school teachers. A. Gordon Brooks, director of the state division of teacher education, said the state is making progress in obtaining teachers but the shortage is "still a matter of considerable concern."

The state gets 54 per cent of its teachers from outside the state or from Virginians who attended out-of-state schools, he said. The most serious shortage is still in the elementary grades, he said.

The board deferred until a later meeting action on proposed standards to be used for approval of teacher education programs. Several board members questioned some of the provisions and implications of the proposal as presented by the state department and asked that the matter be given additional study.



**citizenship  
education  
as to LAW,  
disorder,  
extremism  
and civil  
disobedience**



A PROJECT APPROVED  
BY THE VIRGINIA STATE  
BOARD OF EDUCATION,  
JULY 1968.



**INTRODUCTION** Mr. Lewis F. Powell, Jr., President of the State Board of Education, recommended and the Board adopted at its annual meeting in July 1968 the citizenship education project presented in this bulletin.

The project's objective is to assist school divisions in further strengthening instruction in responsible citizenship. It focuses on the need for added instructional emphasis in helping public school pupils develop a basic understanding of contemporary problems in terms of responsible citizenship, and calls for the development of a program with special reference to instructional materials on citizenship as a supplementation of the social studies courses.

Pursuant to the adoption of this statement, a committee has been appointed to prepare an overall program with emphasis upon the development of an instructional guide for social studies teachers.

In recognition of the importance of this project, the use that can be made of the Board's statement, and the time that will be required for the committee to complete its assignment, this bulletin is being made available as an interim report.

WOODROW W. WILKERSON  
Superintendent of Public Instruction

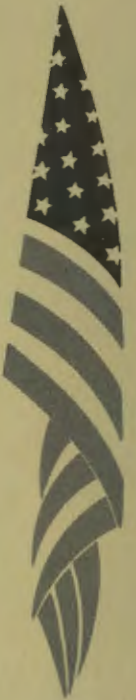
# citizenship education as to **LAW, disorder, extremism and civil disobedience**

The American system of government has been widely regarded, throughout the non-Communist world, as a giant stride in man's long pilgrimage toward genuine self-government. Under this system, with its emphasis on the rule of law, more people have prospered and enjoyed greater freedom than ever before in the history of mankind.

## Escalating Unrest

Yet, there is abroad in this country an escalating unrest which has led already to unprecedented crime, discord and civil disobedience. If unchecked, this unrest will lead to revolution and the end of all freedom.

Future historians will doubtless speculate as to why a nation with such proud achievement and promise for all of its people should, in the maturing years of the 20th Century, approach the verge—if not the chaos itself—of anarchy and revolution.





## Grievances—Real and Imagined

It is true that in the past grave injustices have been imposed upon minorities. It is also true that there is still an unjustified gap between the poverty of some and our ideal of genuine economic opportunity for all who are able and willing to make the competitive effort. So far as law can correct discriminatory injustice, it is fair to say that recent years have witnessed unprecedented progress. It is also true, within the limitations of what in fact is feasible, that broadly based public and private programs are well under way to assure greater job and educational opportunity. Perhaps never in history has there been in any nation, among the majority of the people, greater concern by man for his fellowman. But the grievances and frustrations, both real and imagined, nevertheless remain.

There is also the deeply divisive issue of an unwanted war which, in the view of many, we have neither the will to win nor the skill to liquidate.

## Permissiveness

There is also abroad in the land a pervasive permissiveness—by parents, the churches, the schools, the courts and other public authorities. Ancient standards of morality, decency, and even good taste have crumbled. Concepts of duty and responsibility have been subordinated. The result is a toleration—a curiously excessive toleration—of marginal and even unlawful conduct never before witnessed in America.

## Nation in Disarray

Whatever the causes may be, the state of our nation is in disarray. Our citizens are terrorized by crime. Many of our cities have been torn by riots. Draft cards are burned, Viet Cong flags paraded, and draft laws

flagrantly violated. Persons who enjoy privileged positions in some of the learned professions, including many in the pulpit and on the campus, encourage this and other disobedience of valid laws. Students seize and vandalize the offices of college administrators. Sit-ins, lie-ins and unlawful demonstrations are commonplace. Young extremists, professing to be "liberals," deny free speech to those with whom they disagree. Even the President of the United States cannot travel and speak freely in his own country.

## Civil Disobedience

This, in briefest summary, is the level of extremism and civil disobedience in this country. Much of it, especially of the disobedience, is committed by thoughtless, naive, and even well-intentioned citizens. Many of these simply do not understand our system of freedom under law. Others are so enchanted by the "causes" that they give little thought to the lawlessness of the means employed or to where the disobedience road could lead.

Many honorable citizens, especially our young people, are confused. They do not know where to draw the line between legitimate protest or dissent and lawless conduct. Many have believed that there is a right—a moral if not a legal one—to disobey any law deemed to be unjust.

But a significant minority of radical extremists are neither naive nor confused. They plan, ferment, and participate in civil disobedience and disorders for the deliberate purpose of dividing our people and weakening our free institutions. Their ultimate goal is no less than revolution and destruction of our democratic system. As has been said about the misnamed Students for a Democratic Society:

"The rebels (who seized Columbia University) are out of touch with and do not understand the principles of democracy. . . . The language



they talk is that of anarchy . . . . They are totally at war with everything this country has ever stood for.”\*

Communist officials have recently boasted of the party's role in disorders and civil disobedience.\*\*

### Social Studies Courses

This is the contemporary framework in which the social studies courses in our schools are being taught. At a time in the life of this country when—in less than a decade—we may have moved into a pre-revolutionary stage of civil disobedience, civil disorder and rioting, with the fundamentals of our system being challenged directly by strident voices from the left and the right, are the social studies courses in our public school system adequate to this challenge?

With this question in mind, and working with the Superintendent of Public Instruction and his professional staff, I have reviewed the content of our textbooks and been briefed on the techniques of classroom instruction. There is every reason to have confidence in the basic soundness of the social studies courses as planned for use in the Virginia public schools. The textbooks necessarily deal broadly with the full sweep of American history and government. They were not designed to deal analytically and in detail with all major contemporary problems.

The crisis we now face, expressed in simplest terms, is the deterioration of responsible citizenship. Our teaching materials were not prepared with this in mind. Few could have foreseen the velocity and magnitude of this deterioration—evidenced by cascading crime, disorders and disobedience. Certainly, few could have anticipated the extent to which

\*Washington Post, May 14, 1968

\*\*Richmond Times-Dispatch, Editorial, July 9, 1968

radical extremists would have mounted a wide-ranging attack on the values of western civilization and the structures of our form of government. And none of us has the prescience to foresee what this attack may mean in terms of the ultimate peace and happiness of citizens of all races and every station in life.

Like other institutions of society, the schools did not foresee this crisis—in terms of appropriate materials for teachers and pupils or of a planned program for intensive classroom instruction.

It hardly need be said that instruction in these areas will necessarily touch on issues controversial in nature and as to which there will be differing opinions. Some, perhaps, would prefer to ignore these in the classroom. But whether the schools face up to these issues or not, they are deep concerns in the hearts and minds of thoughtful persons of all ages. Indeed, they relate to the preservation of social order itself and therefore to the very foundation of our society.

In my view, the schools have both a responsibility and an opportunity to confront these issues in the classrooms—with a sense of some urgency but also with truth, understanding and courage. The young people of America must have a more perceptive understanding of these issues, the values which are at stake, and the choices which may shape the fate of our people for decades to come.

### Committee to Plan Program and Materials

It is therefore proposed that the State Superintendent of Public Instruction create a select professional committee (the Committee) to assemble data, prepare materials, and recommend an overall program for added instructional emphasis in this area. This Committee should be bi-racial and broadly representative, including highly qualified persons within the Department and from local school divisions.



In addition, it would be desirable to name an advisory committee of qualified citizens not directly associated with public education. The role of the advisory committee will be to consult and advise, and also to bring to bear upon this important project the experience of community judgment and evaluation.

As a minimum, the Committee should produce a teacher's manual or guide which will aid and assist social studies teachers in the supplementation of existing text materials. Such a manual can be used in preparation for classroom work, and also as an aid to in-service teacher training.

In addition, the Committee should prepare an appropriate bibliography of supplementary materials for teacher use, with emphasis on visual presentations for classroom and ETV use.

The need for in-service teacher programs and the means of providing them promptly—both during school terms and in summer institutes—should also receive high priority.

The availability of appropriate teaching aids and materials will not alone assure maximum success of this program. Crime, disorders, extremism and disobedience relate to contemporary problems which some students have witnessed and all know about from the news media. It will be difficult for textbooks and supplementary material, however good, to teach the average student and compete effectively with youthful impressions already formed.

Unfamiliar concepts such as "due process of law" and the "rule of law," and their meaning under our system, must be dramatized and made meaningful to teenagers who range in attitudes toward law from hostility and skepticism to apathy.

The study committee should therefore give careful thought to instructional techniques and procedures as well as to the textual materials.

Perhaps there should be a significant involvement of both community resources and the pupils themselves. For example, senior law enforcement

officials, judges, and community leaders of both races might have roles in the instruction program. Pupils might participate in field trips and forum discussions with such officials and leaders.

The Committee's work also might be facilitated if the Department were to initiate one or more pilot-plan projects in citizenship education on the problems of crime, disorders and civil disobedience. One or two selected school divisions might be willing to conduct such programs during the 1968-69 term, concurrently with the Committee's work on a statewide plan.

The end result, it is hoped, will be a blueprint—flexible enough for use in all school divisions—of materials and techniques for an intensive unit of citizenship education which emphasizes that all freedom and social progress depend upon maintaining the rule of law, now so gravely endangered by crime, disorders, extremism and disobedience.

### Study Topics and Objectivity

The Committee will, of course, determine the framework and content of its study and its end product. Suggested topics, not intended to be exclusive or complete, are outlined in Appendix A.

In conclusion, it hardly need be said that this project—like any worthwhile effort in education—must be undertaken with objectivity and fidelity to the highest standards of scholarship.



## PRELIMINARY OUTLINE OF TOPICS

### The "Rule of Law" and Its Meaning\*

(a) Law: An established system of principles and rules to govern man's relationship with his government and his fellowman.

(b) Under our system the "rule of law" is supreme.

(c) Even the President and all officials are subordinate to the law, as set forth in the federal and state Constitutions and laws enacted pursuant thereto.

(d) The people are the ultimate source of *all* law and authority. By free elections and through the established institutions of government (legislative, executive, and judicial), the people themselves maintain the rule of law.

(e) Changes in law, and even in the system itself, can be made by the people. But they must be made by lawful democratic means ("due process").

(f) Principle of majority rule—a basic concept of all democracy. But rights of minority are also carefully protected by law.

(g) Defects in law and injustice do exist—as no system devised by human beings is perfect or free from even serious malfunction at times.

(h) But the only alternative to our democracy is totalitarianism—under which an all-powerful dictatorship or a ruling party makes its own law.

---

Approved textbooks on Civics are quite adequate on this topic. It is included in this outline, quite superficially, because the student must have this background before considering the topics which follow.

(i) Compare generally rights of citizens under a democracy and under a Communist or Fascist regime.

(j) The American citizen has greater personal freedom and his rights are better protected than under any other system known to history. It is worthy of the effort of every citizen to preserve.

### 2. Duties and Responsibilities of Citizens

(a) Duties are as important as rights.

(b) Rights can be enjoyed and freedom preserved only under a system where citizens recognize their duties and responsibilities.

(c) Duty to obey all valid laws—a civic as well as a legal imperative.

(d) Duty to help make the American dream of equality under law a full reality. (Great progress has been made, but maximum success in a pluralistic society depends upon a high level of individual responsibility.)

(e) Duty to be loyal and patriotic, including the rendering of military service when called.

(f) Other duties: to vote intelligently; to participate in community affairs; to respect and tolerate the views of others lawfully expressed; to support police; to serve on juries; to testify in court; etc.

### 3. Civil Disobedience

(a) History of the doctrine (Thoreau, Gandhi).

(b) Inapplicability of doctrine in a democracy, where social change can be achieved and grievances redressed through the ballot and established political institutions, including the legislative, executive, and judicial branches of government.

(c) Distinction between the justification for civil disobedience in a Nazi Germany or an India, as compared with the absence of justification in a free democracy.



(d) Distinction between revolution (e.g. the American Revolution) and civil disobedience in a democracy.

(e) Distinction between disobedience of specific discriminatory laws for the purpose of testing constitutionality (as initially practiced by Martin Luther King against segregation laws) and disobedience of valid laws.

(f) Inappropriateness of disobedience tactics, rather than use of lawful means, to protest against policies of government.

(g) The extent to which use and toleration of civil disobedience have escalated in recent years.

(h) No legal "right" to disobey valid laws in a free democracy.

(i) Some have asserted a "moral" right to disobey any law deemed to be "unjust." But if one citizen has this right, all citizens have it—including the extremists of the right and left. This mistaken philosophy is a contributing cause of rioting and disorder.

(j) Analysis of the consequences of civil disobedience: anarchy and ultimate destruction of our democratic system, as it cannot survive if great numbers of citizens arrogate to themselves the right to determine which laws they will obey.

### The Right and Limitations of Dissent

(a) The free ballot or right to vote—the most basic and efficacious means of dissent.

(b) Cherished First Amendment rights—speech, press, assembly and petition. These assure the right of dissent and safeguard our democratic system.

(c) But these rights are not unlimited, and can only be exercised lawfully (although drawing line admittedly difficult at times).

(d) Free speech contrasted with "symbolic speech" (e.g. draft card burning and incitement cases).

(e) Right "peaceably to assemble" and to petition for "redress of grievances"—limitations on exercise.

(f) The street demonstration, if orderly and in conformity with applicable laws, is a permissible form of dissent. But demonstrations which violate applicable laws (e.g. prescribing time, place, manner, requiring permit, etc.) threaten public safety and trample rights of other citizens.

(g) Sit-ins on public and private property are not legitimate means of protest,\* and often cause disorders.

(h) Riots—at any time and whether large or small—are serious threats to the rights, property and safety of all citizens, especially of the poor and the deprived. They cannot be tolerated by responsible citizens or by government.

### 5. Crime and Its Consequences\*\*

(a) Growth and escalation of crime. It now threatens the foundations of a system based on the rule of law.

(b) Effect of crime on rights, property and safety of our people.

(c) Prevalence of crime creates a climate of fear, depriving citizens of the free enjoyment of our streets and parks.

(d) Economic consequences of crime—both conventional and organized crime.

(e) Minorities and the poor are principal victims of crime.

(f) Prevalence and special problems of juvenile crime.

(g) The consequences to the individual of becoming a criminal. The blight of a "criminal record."

(h) Efforts now being made to improve the criminal justice system; to assure both fairness and greater effectiveness in the detection of crime and conviction of criminals; to provide broader sentencing alternatives, especially for juvenile and first offenders; to improve techniques for re-

\*Except in the rare and exceptional type of situation described in *Brown v. Louisiana*, 383 U.S. 131, and cases therein cited.

\*\*Major source materials: Report of President's Crime Commission; FBI Reports.



habilitating convicted persons; and generally to improve the quality of justice.

(i) To assure equal justice under law, the state now provides free counsel for all accused persons who cannot employ counsel.

(j) Essential role of the police; importance of police-community relations; duty of citizens to support and assist all police officers who are lawfully performing their duty.

(k) Social progress and human freedom are attainable only in a lawful society.

## PROFESSIONAL COMMITTEE ON CITIZENSHIP EDUCATION

- CHARLES FREDERICK BATEMAN  
supervisor of social studies, Richmond City
- FLOYD T. BINNS  
teacher, Culpeper High School, Culpeper County
- NUMA P. BRADNER  
director, Division of Secondary Education, State Department of Education
- THOMAS P. BURKE, JR.  
assistant professor of history, Longwood College
- MRS. PATSY J. CLEMENTS  
teacher, Chatham High School, Pittsylvania County
- MRS. SALLYE T. COLEMAN  
teacher, William Fleming High School, Roanoke City
- MRS. ELIZABETH P. DENNY  
teacher, Warren County High School
- MRS. VIRGINIA S. CASHION  
assistant supervisor, Division of Elementary Education, State Department of Education
- MRS. DOROTHY J. HARRIS  
principal, West End High School, Mecklenburg County
- DR. A. G. RICHARDSON  
associate director, Division of Secondary Education, State Department of Education
- MRS. GERALENE M. SUTTON  
supervisor of history, government, and geography, State Department of Education
- DR. DOROTHY TORPEY  
chairman, social studies department, Francis Hammond High School, Alexandria City
- MRS. ELIZABETH R. WEST  
supervisor of social studies, Portsmouth City
- MRS. LOUISE H. WETZEL  
teacher, Graham High School, Tazewell County

### ADVISORS

- CHARLES E. HAGBERG  
assistant superintendent, Pittsylvania County
- DR. H. I. WILLETT  
superintendent, Richmond City

### COORDINATOR

- GEORGE W. BURTON  
assistant superintendent for instruction, State Department of Education