

Angeles, "The Bearing of the American Federal System upon Constitutional Guarantees Relative to Self-Incrimination, Illegal Searches and Seizures, and Double Jeopardy;" Everett C. Hughes, McGill University, "The Catholic and 'Christian' Trade Unions, Coöperatives, and Political Parties of Germany in their Relations to Secular or 'Neutral' Organizations Serving the Same Ends;" Charner M. Perry, University of Texas, "Fundamental Concepts in the Social Sciences;" Harry R. Rudin, Yale University, "German Imperial Policy in the Kamerun;" James T. Russell, University of Chicago, "A Study of Political, Social, and Economic Problems with a View to Measuring Trends in International Attitudes;" Francis G. Wilson, University of Washington, "The Rôle of the International Labor Organization in the Development of World Government." One of the reappointments is John T. Salter, University of Wisconsin, "The Ward Leader: A Study of the Republican Party Organization in Philadelphia." Among political scientists receiving grants-in-aid during 1930-31 were Professors William Anderson, of the University of Minnesota, Clarence A. Berdahl, of the University of Illinois, James M. Callahan, of the University of West Virginia, Cortez A. M. Ewing, of the University of Oklahoma, Karl J. Friedrich, of Harvard University, Johannes Mattern, of Johns Hopkins University, and Wylie Kilpatrick, of the New Jersey League of Municipalities.

**Present Status of Legislation Requiring the Teaching of the Constitution in Colleges and Universities.** Since the World War, vigorous demand has arisen for legislation requiring the teaching of the national and state constitutions in the public schools; and state-supported colleges and universities have incidentally been affected. The leading organizations promoting the movement have been the National Security League and the American Bar Association, although many others, such as the Daughters of the American Revolution and the American Legion, have participated. Various schemes of adult education are promoted; oratorical contests on the Constitution are staged; and, in general, veneration of and devotion to national institutions and symbols is encouraged.<sup>1</sup> The explanation of the movement is to

<sup>1</sup> This movement marked a reversal of pre-war tendencies. Walter Lippmann, in 1914, said in his *Preface to Politics*, p. 184: "The vital part of the population has pretty well emerged from any dumb acquiescence in constitutions. Theodore Roosevelt, who reflects so much of America, has very definitely cast down this idol. Now since he stands generally some twenty years behind the pioneer and about

be found partially in the heights attained by nationalistic feeling during the World War. Probably as important was the "bolshevik scare" which occurred soon afterwards. Many prominent citizens were, to put it mildly, somewhat disturbed by uncertainty as to whether the *status quo* was going to survive.<sup>2</sup> A reflection of this factor is seen in a typical statement of the committee on American citizenship of the American Bar Association: "Contemplating, then, the whole field of our citizenry, the proposed subversion of our institutions by the reds and the pinks, the ignorance of the foreign vote, and the general apathy of the intelligent American voters, the prospect for the future is appalling."<sup>3</sup>

The teaching of and understanding of and respect for the Constitution was hit upon as a method of checking "the proposed subversion of our institutions." As a result, legislation has been adopted in forty-three states requiring instruction in the Constitution in the public schools.<sup>4</sup> In twenty-three states, such legislation has been made applicable to state-supported colleges and universities.<sup>5</sup>

The law relating to institutions of higher learning is uniformly included in an act designed primarily to apply the policy to the public schools. In most cases, the law affects all state-supported colleges and universities, although in Arizona and West Virginia it refers only to teachers colleges. The Georgia law affects "colleges," but not specifically the state university. In Nevada, Oklahoma, and Utah, private

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six months ahead of the majority, we may rest assured that this much-needed iconoclasm is in process of achievement." For a reasoned defense of the movement, see A. B. Hart, "'Instilling' the Constitution," *Current History*, XXVII, pp. 104-105 (1927).

<sup>2</sup> The committee on American citizenship of the American Bar Association said that the issue was very clearly drawn between "stability and radicalism; between the forces of real progress and retrogression; between a government under a written constitution as established by our fathers and a government by the mob—or, if you please, the proletariat. . . ." *Reports*, American Bar Association, 1923, p. 442 *et seq.*

<sup>3</sup> *Reports*, American Bar Association, 1924, p. 255 *et seq.* See also other statements of the committee published in the *Reports*.

<sup>4</sup> For accounts of the movement and its results, with special reference to the public schools, see Bessie L. Pierce, *Public Opinion and the Teaching of History in the United States*, 184-205 (1926), and *Civic Attitudes in American School Textbooks*, 229-241 (1930).

<sup>5</sup> In Connecticut (not included in this number), it is required that normal colleges shall offer courses in the duties of citizenship, including a knowledge of national, state, and local government. *General Statutes*, Sec. 836 (1930).

institutions of higher learning are also included.<sup>6</sup> In ten of the twenty-three states, the state constitution, as well as the national constitution, is required to be included in the course.

In eight states, the law specifically enjoins that students must have had the course on the Constitution before being eligible to receive a certificate of graduation. In the remaining states, it provides that regular courses of instruction shall be given, apparently leaving it to the college authorities to determine whether such study shall be prerequisite to graduation. The National Security League favored the passage of a bill making the course compulsory for all students,<sup>7</sup> but offered an alternative draft providing merely that courses should be given.<sup>8</sup>

Considerable diversity exists in the amount of instruction offered under these laws. In a few instances, the legislation itself specifies the amount. The laws of Florida, Nevada, South Carolina, and Wyoming stipulate that the instruction shall be given for at least "one year." The Illinois statute requires one hour per week for an unspecified length of time. The Texas statute prescribes three term-hours in American government, with special emphasis on the constitutions of the United States and Texas.

In eleven states, the statute provides that such instruction shall be given "to an extent to be determined by the state superintendent of public instruction" or some similar educational official. As far as communication with these authorities reveals, they usually refrain from exercising the power in connection with the colleges and universities. Such inaction is appropriate, in view of the usual legal relationship existing between them and the state institutions of higher education.

<sup>6</sup>Of the twenty-three states, seven (Ariz., Ark., Calif., Fla., S.C., Tex., and Wyo.) which do not directly require the instruction to be offered in private colleges probably achieve the same end indirectly by an incidental provision of the law prescribing that applicants for teachers' certificates shall have passed an examination upon the principles and provisions of the Constitution, or have had a course upon the subject. In those states where the law is applicable only to the lower schools, but incidentally requires the passage of an examination upon the Constitution for a teacher's certificate, the curricula of both state and private colleges are probably affected.

<sup>7</sup>Letter to writer, April 15, 1931. The Arkansas statute follows practically verbatim the No. 1 bill of the National Security League. See *General Acts*, extraordinary sess., 44th General Assembly of Arkansas, pp. 170-172 (1923).

<sup>8</sup>The alternative draft proposed by the League was adopted almost verbatim in Colorado, among other states. See *Laws*, 25th sess., General Assembly of Colorado, Ch. 151 (1925).

## ANALYSIS OF LEGISLATION REQUIRING INSTRUCTION IN NATIONAL AND STATE CONSTITUTIONS IN STATE COLLEGES AND UNIVERSITIES

Column 1. Year in which law was enacted.

Column 2. Requirement of teaching of national constitution.

Column 3. Requirement of teaching of state constitution.

Column 4. State superintendent of public instruction or similar authority empowered to determine "extent" of instruction.

Column 5. College or university authorities expressly or implicitly left power to determine amount of instruction.

Column 6. Course in constitution or constitutions specifically required by law of all students before graduation.

Column 7. Legislation requires merely that the course be offered.

<i>State</i>	1	2	3	4	5	6	7
Alabama	1923	x		x			x
Arizona	1924	x	x		x		x
Arkansas	1923	x			x	x	
California	1923	x		x			x
Colorado	1925	x		x			x
Delaware	1923	x	x	x			x
Florida	1927	x				x	
Georgia	1923	x	x		x	x	
Idaho	1923	x		x		x*	
Illinois	1921	x	x				x
Kentucky	1924	x		x			x
Louisiana	1926	x			x		x
Missouri	1927	x	x	x			x
Nevada	1923	x	x		x	x	
Oklahoma	1925	x		x		x	
Oregon	1923	x		x			x
Pennsylvania	1923	x		x			x
South Carolina	1924	x			x	x	
South Dakota	1923	x	x		x		x
Texas	1929	x	x			x	
Utah	1923	x			x		x
West Virginia	1923	x	x	x			x
Wyoming	1925	x	x		x	x	

\* Requirement for graduation in Idaho is by rule of the state board of education.

The Idaho state board of education has required two semester hours in the Constitution for graduation. Regulations of the California state board apply only to the junior colleges, and allow these institutions considerable latitude with reference to the course.<sup>9</sup> In Ar-

<sup>9</sup> See *Rules and Regulations of the State Board of Education* (Bulletin F-1, Sacramento, 1930).

kansas, South Carolina, and Wyoming, the state superintendent of public instruction, or the corresponding official, is authorized to make due arrangements for carrying the law into effect, and for that purpose to prescribe suitable textbooks for college classes. In Arkansas, this power has not been exercised.<sup>10</sup> Information on the other two states is not available. In the remaining states, the power to determine the extent of instruction to be offered on the Constitution is either implicitly or expressly left to the appropriate college or university authorities.

As to the content of the course necessary to meet the requirement, the most common provision is that "there shall be given regular courses of instruction in the Constitution of the United States." Another popular formula prescribes that instruction shall be given "in the essentials of the United States Constitution, including the study of and devotion to American institutions and ideals." The Texas statute requires instruction in American government, with special emphasis upon state and national constitutions. This appears to be superior to the general requirement, for it interferes less with the established curriculum, and at the same time gives the course a broader scope than do most of the laws.

A few observations may be ventured with respect to the legislation under examination. Legislative regulation of the college curriculum is by no means unprecedented, but a state of affairs in which legislatures should add to or subtract from the curriculum at the behest of organized pressure groups would be most undesirable. Considering the peculiar nature of the movement here chronicled, there seems to be no great cause for fear that this practice will spread to other fields of study. But it may be said that if instruction under this particular set of laws were carried on in the fashion desired by most of the interested propagandist agencies, the result in the long run would probably not be altogether happy. It would not be unfair to say that these organizations desire the colleges to fix firmly in the student's mind the attitude that the document framed by the Fathers in 1787 embodies the finalities of political development.<sup>11</sup> The power of the state to employ its schools for this purpose is unchallengeable; but the wisdom of such a policy is another matter.

<sup>10</sup> Letter from assistant state superintendent to the writer, April 28, 1931.

<sup>11</sup> So far as is known, no energetic effort has been made by these agencies to influence the attitudes of college instructors. But with reference to secondary schools, see the report of a committee of the Illinois Bar Association reprinted by the American Bar Association in *The Constitution and the Schools*.

Moreover, the advocates of this sort of legislation appear, as a group, to be unaware of the fact that usage, judicial interpretation, and party practices have wrought tremendous changes in the meaning of the Constitution. When they do become aware of such changes, they usually denounce them indiscriminately on principle. It is submitted that it is not a proper function of colleges to propagate such an attitude. Blind worship is as bad as blind criticism. The desirability of equipping the college graduate with a knowledge of political problems is admitted by every one; but instruction on the Constitution alone will not meet this need.

VALDIMER O. KEY, JR.

*University of Chicago.*