

# Bill as Introduced

HB 159 -- AS INTRODUCED

2013 SESSION

13-0550  
04/03

HOUSE BILL

**159**

AN ACT requiring patriotic exercises in public schools on federal Constitution Day.

SPONSORS: Rep. Cordelli, Carr 4

COMMITTEE: Education

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ANALYSIS

This bill requires patriotic exercises in public schools on federal Constitution Day.

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Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 159 - AS INTRODUCED

13-0550  
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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT requiring patriotic exercises in public schools on federal Constitution Day.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1       1 School Boards, Transportation, and Instruction of Pupils; Patriotic Exercises. Amend  
2 RSA 189:18 to read as follows:  
3       189:18 Patriotic Exercises. In all public schools of the state one session, or a portion thereof,  
4 during the weeks in which Memorial Day, *federal Constitution Day*, and Veterans Day fall, shall  
5 be devoted to exercises of a patriotic nature.  
6       2 Effective Date. This act shall take effect 60 days after its passage.

HB 159 - AS AMENDED BY THE HOUSE

30Jan2013... 0028h

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4 during the weeks in which Memorial Day, *federal Constitution Day*, and Veterans Day fall, shall  
5 be devoted to exercises of a patriotic nature *which may include speakers, instruction,*  
6 *presentations, and other events as appropriate. Federal Constitution Day exercises may*  
7 *include recognition of the New Hampshire constitution as well as exercises related to our*  
8 *rights and responsibilities as citizens.*

9       2 Effective Date. This act shall take effect 60 days after its passage.

# Committee Minutes

**SENATE CALENDAR NOTICE  
HEALTH, EDUCATION & HUMAN SERVICES**

Senator Nancy Stiles Chairman  
 Senator John Reagan V Chairman  
 Senator Peggy Gilmour  
 Senator Molly Kelly  
 Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
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Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: April 3, 2013**

**HEARINGS**

**Tuesday**

**4/9/2013**

HEALTH, EDUCATION & HUMAN SERVICES

LOB 103

10:00 AM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

10:00 AM HB159

requiring patriotic exercises in public schools on federal Constitution Day.

10:15 AM HB551

(New Title) relative to the composition and duties of the task force on work and family

**Sponsors:**

**HB159**

Rep. Glenn Cordelli

**HB551**

Rep. Mary Gile

Rep. Jill Hammond

Sen. Peggy Gilmour

Sen. Martha Fuller Clark

# HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE

## Hearing Report

*Michael Ciccio, Legislative Aide*

**HB 159** - - requiring patriotic exercises in public schools on federal Constitution Day.

Hearing Date: 04.09.13

Time Opened: 10:00

Time Closed: 10:11

**Members of the Committee Present:** Senators Stiles, Reagan, and Kelly,

**Members of the Committee Absent:** Senators Gilmour and Sanborn

**Bill Analysis:** This bill requires patriotic exercises in public schools on federal Constitution Day.

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**Sponsors:** Rep. Cordelli, Carr 4

**Who supports the bill:** Rep. Cordelli and Rep. LeBrun

**Who opposes the bill:** None

### **Summary of testimony presented in support:**

#### **Rep. Cordelli:**

- HB 159 revises RSA 189:18, which currently requires public schools to hold *patriotic exercises* during the weeks of Memorial and Veterans Day. This bill would add federal Constitution Day (September 17<sup>th</sup>) to the list.
- In 2004, federal legislation was passed that required all schools that receive federal funds to hold educational programs on Constitution Day.
- The Governor issues a proclamation annually on Constitution Day.
- Former Supreme Court Justice Souter said *"I don't believe there is any problem of American politics in American public life which is more significant today than the pervasive civic ignorance of the Constitution of the United States and the structure of government. An ignorant people can never remain a free people. Democracy cannot survive too much ignorance."*
- A survey showed that only 1/3<sup>rd</sup> of Americans could name all three branches of government and 1/3<sup>rd</sup> of Americans could not name any branch of government.
- 38% of young people believe the Constitution is ineffective and it is time for a new one.
- Federal law requires us to educate our children on the Constitution, but he believes it is given minimal attention.



- He believes if we can better educate our children about their constitutional rights and responsibilities then our democracy will be strengthened.
- Since the bill passed the House, a group called Constitutionally Speaking announced they will hold a symposium in May for K-12 educators to discuss meaningful ways to bring the Constitution into the classroom.
- In response to questions from the committee Rep. Cordelli stated:
  - In spite of all the RSA statutes that focus on the Constitution there is still minimal focus on the subject matter.
  - There is nothing in the earlier grades on civic responsibilities, and minimal discussion in the high school levels.
  - A 2010 study that was conducted by educators and leaders in humanities, including Justice Souter and Commissioner Barry. They came out with the recommendation that NH should be the first State to have a component of civic education in every grade (K-12).

**Summary of testimony presented in opposition:**

- None

**Action:** ITL 3-1

MJC

Date hearing report completed: 04.10.13

# Speakers



# Testimony

## HB159 - Statement of Representative Glenn Cordelli

Thank you Madam Chair.

And thank you Senators for your time. It is an honor to be here – especially as a House freshman.

It is an honor to present HB159, which revises RSA 189.18.

The statute currently requires public schools to hold “patriotic exercises” during the weeks of Memorial Day and Veteran’s Day. I would add federal Constitution Day which is September 17th – the anniversary of the signing of the U.S.

Constitution. Recognition of Constitution Day dates back to 1952. In 2004, legislation was passed which required all educational institutions that receive Federal funds (which is virtually every school in NH) to hold educational programs on Constitution Day.

Constitution Day has previously been recognized by New Hampshire in legislation that requires the Governor to issue a proclamation annually “so that the people may be reminded annually ... of the blessings of liberty which they enjoy by the adoption of the Constitution of the United States...”

I'd like to quote former Supreme Court Justice David Souter speaking here in Concord last Fall:

*"I don't believe there is any problem of American politics in American public life which is more significant today than the pervasive civic ignorance of the Constitution of the United States and the structure of government."*

*"An ignorant people can never remain a free people. Democracy cannot survive too much ignorance."*

Recent studies have demonstrated the lack of knowledge about our government and our Constitution. A recent survey found that only one-third of Americans could name all three branches of government; one-third couldn't name any. A 2010 national survey found 38% of young Americans believe that the Constitution is no longer effective and think it is time for a new one.

While Federal law requires most of our schools to recognize Constitution Day with educational programs, I believe that this is given minimal attention. Our Department of Education recognizes the need to hold educational programs as stated on their web site but mentions only the NH Judicial Branch Constitution Day Essay Contest. There are no other resources or suggestions available.

It is my intent to focus attention on the Constitution. I believe that if we can better educate our children about their constitutional rights and responsibilities, our democracy will be strengthened.

I would like to add that since passage of this bill by the House, a number of groups have increased their efforts to increase knowledge of the Constitution in NH.

*Constitutionally Speaking* is a collaboration of the NH Supreme Court Society, the NH Humanities Council, UNH School of Law, and the NH Institute for Civic Education. In early May they will hold a symposium for K-12 educators, professors, and attorneys to discuss meaningful and engaging ways to bring the Constitution into classrooms. If this legislation passes the Senate and is signed by the Governor, I believe there will be additional announcements about programs for educators to develop lessons and resources for Veteran's Day, Memorial Day, and Constitution Day.

Thank you for your time.

HB159  
Exhibits

1. RSA 4:13 – Governor proclamation on Constitution Day
2. U.S. 2004 law requiring education institutions receiving federal funds to hold educational program on Constitution Day & federal employee training (“Byrd amendment”)
3. Senator Byrd statement
4. 2010 Report of N.H. Supreme Court Society Civics Education Task Force
5. 2011 Annenburg Public Policy Center survey
6. *Constitutionally Speaking* symposium in May for K-12 educators on bringing the Constitution into classrooms



**TITLE I  
THE STATE AND ITS GOVERNMENT**

**CHAPTER 4  
POWERS OF THE GOVERNOR AND COUNCIL IN CERTAIN CASES**

**Observances Proclaimed by Governor**

**Section 4:13-c**

**4:13-c Constitution Days.** – The governor shall annually issue on the following dates a proclamation calling for a proper observance of State Constitution Day which is January 5 and September 17, as Federal Constitution Day, so that the people may be reminded annually on these dates of the blessings of liberty which they enjoy by the adoption of the Constitution of the United States, the Bill of Rights and the Constitution of the State of New Hampshire.

**Source.** 1975, 53:1, eff. June 6, 1975.

SEC. 108. Notwithstanding any other provision of law, in addition to amounts otherwise made available in the Department of Defense Appropriations Act, 2005 (Public Law 108-287), an additional \$2,000,000 is hereby appropriated and shall be made available under the heading "Shipbuilding and Conversion, Navy", only for the Secretary of the Navy for the purpose of acquiring a vessel with the Coast Guard registration number 225115: *Provided*, That the Secretary of the Navy shall provide for the transportation of the vessel from its present location: *Provided further*, That the Secretary of the Navy may lend, give, or otherwise dispose of the vessel at his election pursuant to 10 U.S.C. 2572, 7545, or 7306, or using such procedures as the Secretary deems appropriate, and to such recipient as the Secretary deems appropriate, without regard to these provisions.

**SEC. 109. DESIGNATION OF NATIONAL TREE.**

(a) DESIGNATION.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following:

**"§ 305. National tree**

"The tree genus *Quercus*, commonly known as the oak tree, is the national tree."

(b) CONFORMING AMENDMENTS.—Such title is amended—

(1) in the table of contents for part A of subtitle I, by striking "**and March**" and inserting "**March, and Tree**";

(2) in the chapter heading for chapter 3, by striking "**AND MARCH**" and inserting "**MARCH, AND TREE**"; and

(3) in the table of sections for chapter 3, by adding at the end the following:

"305. National tree."

SEC. 110. Section 204(g) of the Employee Retirement Income Security Act of 1974, as amended (29 U.S.C. 1054(g)) shall not apply at any time, whether before or after the enactment of this section, to an amendment adopted prior to June 7, 2004, by a (multiemployer) pension plan covering primarily employees working in the State of Alaska, to the extent that such amendment—

(1) provides for the suspension of the payment of benefits, modifies the conditions under which the payment of benefits is suspended, or suspends actuarial adjustments in benefit payments in accordance with section 203(a)(3)(B) of said Act (29 U.S.C. 1053(a)(3)(B)) and applicable regulations; and

(2) applies to participants who have not retired before the adoption of such amendment.

Government employees.  
36 USC 106 note.

SEC. 111. (a) The head of each Federal agency or department shall—

(1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and

(2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.

(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.

(c) Title 36 of the United States Code, is amended—

September 17 as Constitution Day.

By Alonzo Webb, *Scholastic Kids Press Corps*

I recently interviewed U.S. Senator Robert Byrd from West Virginia. It was a very exciting experience. We talked about a new law that establishes Constitution Day on September 17 every year. The law was written by Senator Byrd and was passed by Congress in 2004. This year is the first year that schools and federal agencies will set aside a day to celebrate the Constitution.

"There's nothing more important than the Constitution," Senator Byrd told me. "We have all kinds of holidays. We have George Washington's birthday, Lincoln's birthday, the Fourth of July, Labor Day; we have Flag Day. But none of these—not one—is as important as the Constitution of the United States."

New Hampshire Supreme Court Society  
Civics Education Task Force  
August 31, 2010

## **The Compelling Need for Comprehensive Civics Education Reform in New Hampshire Interim Conclusions**

*This Task Force embraces New Hampshire's legacy of leadership in citizen involvement in government. We seek to affirm that legacy and urge the reform and enhancement of the teaching of civics in our public schools to better educate future generations of citizens about the requirements of good citizenship.*

*Our goal is to build upon the Granite State's rich history of citizen engagement in civic affairs and shared responsibility for the common good. As a colony whose citizens joined in the revolution against the British Crown, as one whose representatives proudly signed the Declaration of Independence and as a state whose ratification of the United States Constitution officially made it the governing document for our Nation, New Hampshire has always understood that maintaining a democracy requires more than mere lip service; it requires shared responsibility and involvement. The New Hampshire Town Meeting became a model of civic engagement. The New Hampshire General Court has long represented a unique example of grass roots republicanism. In the 19<sup>th</sup> century New Hampshire citizens played a major role in shaping the reforms advanced by Andrew Jackson and his newly-shaped Democratic party; the State served as an important center for anti-slavery politics, joined in organizing the Republican party in 1854, and participated in defending the Union during the Civil War. In the 20<sup>th</sup> century New Hampshire redefined citizen engagement and responsibility with the first-in-the-nation presidential primary.*

*Ours is a proud heritage, but it is one that must be nurtured in order to be sustained. Many have observed that in this 21<sup>st</sup> century we have drifted away from the obligations of civic responsibility. Manifestations of this ominous trend can be seen in declining voting participation, in a lessening of volunteer engagement, and in the measurable loss in citizen understanding of public issues and in the understanding of how government works.*

*Re-engaging and inspiring citizens to meet their obligations of civic responsibility demands that we do a better job educating our young in the principles and requirements of good citizenship and in helping them accept responsibility for advancing the rich civic culture upon which our government depends.*

Statement of the Case for Civics Education Reform

Whichever side you were on in the 2008 presidential election, there was some good news. While the overall voting percentage was not much different from the 2004 election, the turnout in the 18-29 year range rose to about 50%. In 1996, it had been under a third.<sup>1</sup>

But lurking behind the good news was some that was pretty bad. Within the cohort of younger citizens there was a stark difference in voting performance keyed to the extent of education. "In the 2008 election, young people with college experience were almost twice as likely to vote as those without college experience (62% vs. 36%)."<sup>2</sup> And, in fact, history shows that the disparity of voter turnout correlated with voter education is consistent over time.<sup>3</sup> Because the line between college and non-college runs roughly through the middle of the population, the numbers are showing us that half of America's younger citizens are leaving the public education system with poor odds for exercising politically responsible citizenship. It is no surprise then that in the most exciting election in recent memory, two-thirds of young adult Americans with no college education were disengaged from the most fundamental process of democracy.<sup>4</sup>

Who is to blame for this? We are, the people writing this report and the people reading it. Sure, we don't control who goes on to college after high school. Sure, it takes more than classroom education to produce a good citizen. Sure, there's more to good citizenship than voting. But voting is at the heart of citizenship, and the civic knowledge and responsibility that affect voter turnout are subjects that belong on any public school curriculum. There is nothing standing in the way of tailoring public education in New Hampshire to develop civic responsibility on the part of the whole school population, not just the college bound. Nothing stands in our way, that is, except the failure to accept our responsibility for civic education and our own indifference to doing what we can to provide a decent education in citizenship in our public schools. We really have stopped short. We have released our public schools from responsibility for instruction in the rudiments of civic responsibility, the organization of governments, and the history necessary to understand how we got where we are today.

It was not always so. Until about 1970, American high schools commonly required three courses in civics and government, which taught the structure of public power and the way it can be brought to bear on public problems.<sup>5</sup> But roughly the same moment that saw the creation of 18-year-old voters (in 1971) also marked the beginning of a widespread rejection of the natural assumption that had driven the three course requirement: the belief that civic education in schools can have a significant effect on citizens' understanding of their political system and their readiness to take an active part in it.<sup>6</sup> Instead, a new and counterintuitive view came to hold

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1 William A. Galston, *Political Knowledge, Political Engagement, and Civic Education*, ANNU. REV. POL. SCI., 219 (2001).

2 Kirby and Kawashima-Ginsburg, *The Youth Vote in 2008*, The Center For Information and Research on Civic Learning and Engagement.

3 *Id.* at 5.

4 *Id.* at 1.

5 Suzanne Soule & Ted McConnell, *A Campaign to Promote Civic Education: A Model of How to Get Education for Democracy Back into U.S. Classrooms in All Fifty States*, Representative Democracy in America: Voices of the People, 3 (2006).

6 Galston, *supra* note 1, at 219.

sway: that civic education did not make any difference.<sup>7</sup> And for a good three decades, as far too many newly eligible young voters stayed away from the polls, educational thinking was dominated by this notion that most people would somehow pick up what they needed to become responsible citizens without any help from their schools.<sup>8</sup> That thinking persisted until evidence of civic ignorance began to mount. As educators learned that only two out of five Americans even knew that we have three branches of government, and only a third of them could name all three, it became increasingly difficult to believe that civic education did not really matter.<sup>9</sup> Instead, the empirical evidence coming in increasingly confirmed the intuitive expectation that knowledge of government and attention to public issues (in and out of classrooms) make a difference in the way young people act as citizens.<sup>10</sup> It is not that so many hours of school teaching guarantee good citizenship, but that no hours of civic instruction and no attention to current public issues is lethal to civic responsibility. Indeed, a low level of civic knowledge has been found to correlate with a low willingness even to obey the law.<sup>11</sup>

The good sense of the traditional intuition was captured in one study that compared a citizenry ignorant of governmental structure and the way its parts work together to a stadium full of spectators with no knowledge of the rules of the game.<sup>12</sup> It would be tough to keep the attention of the folks in the bleachers, and at the end of the day the final score would make no sense. But telling the fans about the three-strike rule would make a world of difference; and when the home team lost after a string of strike-outs, the locals could understand why, and think about another day or another coach or other players, instead of giving up on the game.

The game analogy points where the current facts of politics point. The evidence confirms that teaching about how government is set up and the way it works affects citizens' willingness to take part in political life, to accept its results, and to work for good political outcomes.<sup>13</sup> When schools stimulate attention to public problems and civic knowledge goes up, so does participation. The voting percentage climbs, and voters' thinking tends to be tempered by a consciousness that they are not alone, but citizens together, who can disagree and still move in the direction of a public interest they share, which can endure over time. A sense of responsibility for the town or state or nation emerges, and a norm of give-and-take tends to soften the inclination to think of me-against-them.<sup>14</sup> The empirical evidence confirms the common-sense understanding that broadly conceived civic education is essential if society is going to make good on the central premises and promises of American constitutionalism: that citizens will know enough about history and the form and function of their government to be able to govern themselves, and that citizens who can recognize the issues of the day will take responsibility to address them.<sup>15</sup> The evidence shows that good teaching really counts.<sup>16</sup>

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7 *Id.*

8 *Id.* at 226.

9 Rick Shenkman, *5 Myths About Those Civic-Minded, Deeply Informed Voters*, Washington Post 7 Sept., 2008 at B5.

10 Galston, *supra* note 1, at 221-23.

11 *The Circle*, The Center For Information and Research on Civic Learning and Engagement, April 2010, page 12.

12 Galston, *supra* at 223.

13 *Id.* at 224.

14 *See id.* at 225.

15 *Id.* at 230.

To anyone who understands how our recent experience shows that civic education makes a difference, there is an unanswerable case for supporting the educators who are working to restore the subject of responsible citizenship to the forefront of school curricula in New Hampshire. And support is needed. The State has an excellent general framework for education in government progressing through the school grades (adopted in 2006). But current State regulations mandate no more than one high school semester of civics teaching; opportunities for instructing teachers themselves are scarce; and the materials for good teaching are not ready to hand. What is more, the failure to test statewide inevitably leaves civic education as the poor cousin of math, science, and reading, which are tested. In the absence of that kind of testing throughout the State, we have little reason to believe that New Hampshire is or will be any better off than the states in the aggregate, as shown by the National Assessment of Educational Progress Civics Assessment. In 1998, it found that a good third of high school seniors graduate in nearly total civic ignorance, with an even larger (and separate) proportion devoid of the minimum level of understanding needed for responsible citizenship.<sup>17</sup> The numbers in fact make for a shocking comparison in showing that the level of civic knowledge among all high school graduates was at the average level of high school drop-outs seventy years before.<sup>18</sup> No wonder that two-thirds of younger citizens without college experience are not voting and that a sizeable minority of young people with college experience also fail to vote.

We can do better. We know we can because some New Hampshire schools and teachers are doing better right now. These are the schools and the teachers that understand the ideal of classroom instruction enhanced by encouraging discussion of public issues, student government and public service by students in their communities. And there are schools and teachers who understand the value of teaching civics beginning in Kindergarten and progressing through graduation from high school. Practice varies widely from school district to school district, but members of this Task Force know some outstanding teachers of civics and government and history. With the right support, their numbers and their winning approaches can be multiplied. And it is hard to believe this will not happen once the facts get known more widely. It is hard to believe that New Hampshire, of all places will fail to get behind a revival and enhancement of civic education. The State's town meetings are open invitations to have a part in self-government. The citizen representation in the 424 seat legislature is an example of representative democracy untouched by any other State, and New Hampshire's claim to remain the first primary state rests on the belief that voters here have the civic wherewithal to spark the judgment of the Nation.

And if we fail to do better? If New Hampshire and the Nation continue to come up short in supporting good civics teaching? Benjamin Franklin answered the question a long time ago. In the aftermath of the Philadelphia convention of 1787, he was asked what kind of government the proposed Constitution would give us. "A republic," he answered, "if you can keep it." And in one sentence Thomas Jefferson explained how to lose it: "If a nation expects to be ignorant and free, . . . it expects what never was and never will be."

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16 See *id.* at 227.

17 Soule, *supra* note 6, at 3; Galston, *supra* note 1, at 221.

18 Galston, *supra* note 1, at 222.

Jefferson was pointing to us. After devaluing good teaching, ignoring the power of schools to stimulate civic responsibility, and tolerating civic ignorance for decades, it is time for common sense again. It is time to face what it takes for a whole people to govern itself, and time to reaffirm the value of civic education.

### Interim Conclusions

All New Hampshire public school students should study civics starting in Kindergarten and continue the study of civics through the twelfth grade. By the time they graduate from high school, students should have gained the basic knowledge, experience and inspiration they will need to engage meaningfully in the civic lives of their communities, their state and their nation. Good civics education must reach those students who will not pursue post secondary education as well as those who do. We recognize that many examples of effective civics education exist in New Hampshire, and our interim conclusions are made with that information in mind.

Our thinking now is that:

- New Hampshire should require and assure the teaching of civics at all grade levels in all public schools in accordance with the civics/government components of the K-12 Social Studies Curriculum Framework published by the Department of Education.
- Teachers statewide should receive training, educational materials, and access to curricula/lesson plans that will enable them to weave civics learning effectively in with other required subjects without detriment to obligations under No Child Left Behind. Schools should integrate the teaching of civics at each grade level with the teaching in the grade levels that precede and follow it.
- All students should be given meaningful access to extracurricular programs and programs which inspire them to make a difference in their communities. New Hampshire governmental and charitable institutions should provide opportunities for students to serve in fiduciary and decision-making positions, recognizing and validating their ability to participate in making important societal decisions.
- Testing of civics competency should be reinstated by the Department of Education.

The Task Force wants to assist where it can in helping the State move forward with public school civics education reform. We are prepared to devote time and resources to the task. New Hampshire can and should become a role model for civics education reform.

The Task Force will seek consideration of these interim conclusions by the Governor, Commissioner of Education, Legislative leaders and other interested citizens. We will seek the opinions and ideas of teachers and school administrators and school boards. We look forward to finding other collaborators as well who are interested working with us to plan a course for the future, to create the resources teachers and schools say they need and to explore funding opportunities for the work.



THE ANNENBERG  
PUBLIC POLICY CENTER  
OF THE UNIVERSITY OF PENNSYLVANIA

**Embargoed for release:** Friday, September 16, 9:30 am  
**For more information:** Ken Winneg: (215) 898-2641, [kwinneg@asc.upenn.edu](mailto:kwinneg@asc.upenn.edu)  
Kathleen Hall Jamieson: (215) 898-9400,  
[kjamieson@asc.upenn.edu](mailto:kjamieson@asc.upenn.edu)

**Visit:** [www.annenbergpublicpolicycenter.org](http://www.annenbergpublicpolicycenter.org)

**New Annenberg Survey Asks: "How Well Do Americans Understand the Constitution?"**

At a press conference at the National Constitution Center on Friday, September 16, former Associate Justice of the Supreme Court Sandra Day O'Connor will release an Annenberg Public Policy Center sponsored report titled "The Guardian of Democracy: The Civic Mission of Schools," recommending actions that the federal, state, and local governments, as well as families and civic organizations, ought to take to increase students' knowledge of and participation in our democratic system. For a copy of the report, please visit:

<http://www.annenbergpublicpolicycenter.org/NewsDetails.aspx?myId=456>.

As America commemorates the 224<sup>th</sup> anniversary of the signing of the U.S. Constitution (September 17, 1787), a national survey of 1,230 adults (margin of error for the full sample is +/- 3.3%) conducted by the Annenberg Public Policy Center of the University of Pennsylvania confirms the need for the kind of national effort outlined in the report. Specifically:

- Just 38% could name all three branches of the U.S. government: the executive, legislative, and judicial branches. A third (33%) are unable to correctly name any of the branches.
  - Among those who felt they understood the purpose and role of the three branches of government either very or somewhat well, only 50% could name all three.
- On presidential veto powers, barely half of Americans (51%) know that a two-thirds majority vote by Congress is needed to overturn a presidential veto.
- 91% of Americans know that the U.S. Supreme Court is the highest court in the United States. However:

- Only 37% know that a citizen cannot appeal a Supreme Court decision to the Federal Court of Appeals;
- 62% of Americans know that the U.S. Supreme Court carries the responsibility for determining the constitutionality of a law.
- Over the years there have been many 5-4 Supreme Court decisions, but fewer than half of Americans (48%) know that such decisions have the same effect as 9-0 ones.
- 54% are aware that Supreme Court justices usually announce their decisions in writing.
- Even after taking the effects of level of education into account, our analysis shows that taking a civics or government course in high school or college predicts civics knowledge.

“Since knowing how democracy works predicts civic participation and support for protecting our system of government, these results are worrisome,” said Kathleen Hall Jamieson, Director of the Annenberg Public Policy Center (APPC). “The nation should be troubled by the extent to which civic education is downplayed in its schools.”

Americans are not as knowledgeable as one might assume about control of the House and Senate, and about the identity of the Chief Justice of the United States:

- More Americans know that the Republicans hold the majority of seats in the U.S. House of Representatives (55%) than know that the Democrats hold the majority of seats in the U.S. Senate (42%).
- 15% correctly named John Roberts as Chief Justice, while almost twice as many (27%) correctly named Randy Jackson as a judge on *American Idol*.

How well did citizens perform on questions the government includes in its official U.S. citizenship test? We put several of those questions on our survey and found mixed results:

- 78% know that the first ten amendments to the Constitution are called the Bill of Rights.
- 76% know that the Declaration of Independence established our independence from Great Britain.
- 42% of Americans know that serving on a jury is a duty exclusively for United States citizens.
- Only 13% of Americans know that the Constitution was signed in 1787. The majority (55%) said it was signed in 1776, the year the Declaration of Independence was signed.

“Constitution Day celebrates the signing of the U.S. Constitution on September 17, 1787 in Philadelphia. It is an appropriate day to highlight the commitment not only to strengthen civics education in schools, but to emphasize the importance of becoming engaged in one’s community and participating in our democracy,” added Ken Winneg, Managing Director of Survey Research at APPC.

# Constitutionally Speaking

Exhibit 6

presents

## CIVIC LITERACY IN OUR CLASSROOMS

A symposium for K-12 Educators that brings together educators, law professors, and attorneys to explore the contours of our Constitution and discuss ways in which it can be brought into our classrooms in meaningful and engaged ways.

Saturday, May 4, 2013, 8:30 to 2:30  
New Hampshire Institute of Politics & Political Library  
at Saint Anselm College, Manchester

Six hours of Continuing Education Units Offered

- Free

Lunch provided

Travel stipend provided to each participant

✓ Common  
Core Ready!

One of the highlights of the symposium will be an hour long audience participation session with **Akhil Reed Amar**, Sterling Professor of Law and Political Science at Yale. Recently described in the *New York Times* as "a commendably unorthodox and, in some ways, iconoclastic constitutional scholar," Professor Amar earned a place among the top 20 contemporary US legal thinkers in a recent *Legal Affairs* poll. His work has been cited by the Justices of the United States Supreme Court, and he has testified before Congress, appeared on the *Colbert Report*, and served as visiting faculty at Harvard, Columbia and Pepperdine Law Schools. His written works include *America's Constitution: A Biography* and *America's Unwritten Constitution: The Precedents and Principles We Live By*.

**"I don't believe there is any problem of American politics and public life that is more significant today than the pervasive civic ignorance of the Constitution of the United States and the structure of government." Justice David H. Souter, September 14, 2012**

Also featured will be the NH and the Supreme Court travelling exhibit, author Terri A. DeMitchell's new YA novel, *The Portsmouth Alarm, December 1774*, and the NH Bar Association's Law-Related Education, Civics in Action program for schools.

This symposium is hosted by NH Institute of Politics & Political Library at Saint Anselm College, sponsored by the UNH Department of Education, and made possible by support from the NH Charitable Foundation, the Hoffman Family Foundation, the Badger Fund of the NH Charitable Foundation, the Treat Foundation, and Paul and Sandra Montrone.

Constitutionally Speaking is a collaboration of the NH Supreme Court Society, the NH Humanities Council, UNH School of Law, and the NH Institute for Civic Education.

To register for this free symposium, please send your name, title and school to Todd DeMitchell at [todd.demitchell@unh.edu](mailto:todd.demitchell@unh.edu) with "Constitutionally Speaking" in the subject line. Limited to the first 145 registrants.

# Constitutionally Speaking

## *Free Speech and Local Government – How Far Does Freedom Go?*

You are cordially invited to participate in a lively discussion with your peers on a constitutional question with contemporary significance:

“How Does the First Amendment Inform Local Government Policies?”

**What?** 2-part discussion series, facilitated by Attorneys Dan Crean and Chris Boldt.

**Where?** Concord City Hall

**When?** Thursday evenings from 6:30 to 8:30 on May 9 and 23.

After reflecting on how freedom of speech came to be in the Bill of Rights and its evolution over time, we will ask ourselves how speech and expressive conduct are accommodated and limited in the municipal workplace. While court decisions set parameters, we will explore how continuing changes in the composition of the workforce and expectations of employees and the public might affect these rules, now and in the future. How flexible, for example, must employers be in allowing employees to express opinions on “matters of public concern”? How does the right to freedom of speech determine how local government sets policies on activities such as panhandling? The simple words of the First Amendment that government shall not enact a law “abridging the freedom of speech” have been around since 1788, but we are still learning their meaning.

The agenda and reading materials for each session can be downloaded from the *Constitutionally Speaking* website and will be available by April 15: [www.Constitutionallyspeakingnh.com](http://www.Constitutionallyspeakingnh.com). The program is free and open to all, but pre-registration is required. Participants are asked to attend both sessions, to come prepared to discuss the issues for that session, and to contribute actively.

**To Register:** Contact Kathy Mathis at [kmathis@nhhc.org](mailto:kmathis@nhhc.org).

**Questions:** Email or call Kathy Mathis at 224-4071.

The discussion series is part of *Constitutionally Speaking*, a yearlong pilot project created by the NH Humanities Council, the NH Supreme Court Society, and the UNH School of Law. Its purpose is to increase understanding of the U.S. Constitution and the rights and responsibilities of citizens and government; to help restore the capacity for meaningful civic discourse and an exploration of diverse views; and to elevate the public capacity for analyzing complex issues and encourage more informed perspectives on public policies.

See [www.constitutionallyspeakingnh.com](http://www.constitutionallyspeakingnh.com) for information on upcoming programs, newspaper articles, and videos of past talks.

*Constitutionally Speaking* is made possible by generous support from the NH Charitable Foundation, the Hoffman Family Foundation, the Badger Fund of the NH Charitable Foundation, the Treat Foundation, Paul and Sandra Montrone, and the NH Bar Foundation.

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: 04.09.13

THE COMMITTEE ON Health, Education and Human Services  
to which was referred House Bill 159

AN ACT                    requiring patriotic exercises in public schools on federal  
Constitution Day.

Having considered the same, the committee recommends that the Bill:

**IS INEXPEDIENT TO LEGISLATE**

BY A VOTE OF:    3-1

Senator Nancy Stiles  
For the Committee

Michael Ciccio 271-3093

## New Hampshire General Court - Bill Status System

**Docket of HB159**

Docket Abbreviations

**Bill Title:** requiring patriotic exercises in public schools on federal Constitution Day.*Official Docket of HB159:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/3/2013	H	<b>Introduced</b> 1/3/2013 and Referred to Education; <b>HJ 12</b> , PG.184
1/10/2013	H	Public Hearing: 1/17/2013 11:00 AM LOB 207
1/16/2013	H	Executive Session: 1/22/2013 1:15 PM LOB 207
1/23/2013	H	Committee Report: Ought to Pass with Amendment #0028h for Jan 30 (Vote 15-4; RC); <b>HC 10</b> , PG.131
1/23/2013	H	Proposed Committee Amendment # <b>2013-0028h</b> ; <b>HC 10</b> , PG.147
1/30/2013	H	Amendment #0028h: AA VV; <b>HJ 14</b> , PG.245
1/30/2013	H	<b>Ought to Pass with Amendment</b> #0028h: MA <b>RC</b> 326-29; <b>HJ 14</b> , PG.245-247
3/21/2013	S	Introduced and Referred to Health, Education & Human Services
4/3/2013	S	Hearing: 4/9/13, Room 103, LOB, 10:00 a.m.; <b>SC15</b>
4/10/2013	S	Committee Report: Inexpedient to Legislate, 4/18/13; <b>SC16</b>
4/18/2013	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===;

NH House

NH Senate

# Other Referrals



# COMMITTEE REPORT FILE INVENTORY

HB 159 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- \_\_\_\_ SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_ - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED  AS AMENDED BY THE HOUSE  
\_\_\_\_ FINAL VERSION \_\_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

DATE DELIVERED TO SENATE CLERK

7/24/13

Michael Ellis

BY COMMITTEE AIDE