

MEMORANDUM

TO: Interim Superintendent Sheila Alles

FROM: Michael Warren

RE: Proposed Social Studies Standards

DATE: April 7, 2019

INTRODUCTION

As you may know, as (1) a former member of the State Board of Education, (2) member of the Michigan Department of Education's Task Force on Social Studies (I personally drafted the policy to establish grade level content expectations for Social Studies), (3) member of the Focus Group for the revision of the current Social Studies Standards, (4) sole surviving member of that Focus Group to work on the Social Studies Task Force for revising the current Social Studies Standards, (5) co-creator of Patriot Week, (6) former board member of Cornerstone Schools, (7) author of *America's Survival Guide* - a primer on American History and civics, (8) author of several Constitutional Law Survey articles for *Wayne Law Review*, and (9) judge for 16 years, I have been heavily involved in the revision of the current Social Studies standards. In the most recent effort, I served on the civics committee, and in particular, on the core values/democratic values subcommittee.

I write this Memorandum as a last resort to salvage this years-long process.

The most recent process was flawed.

In an apparent attempt to quickly revise the standards after the Focus Group's draft drew criticism, the MDE made several key missteps.

First, willing content experts, some of national stature, were excluded from the Task Force. I cannot pretend to understand the reasoning why key talent like UM's Bob Bain (who chaired the final stage of the 2007 standards process), UM's Chauncey Monte-Sano (who helped write the C3 Framework), and curriculum experts from Oakland Schools (who consistently produce high quality curricular content) were never invited, or were disinvited, but the lack of such experts hindered the quality of the effort.

Second, the lack of timely and complete information was anything but professional. For example, I only discovered for certain that the current draft is on the State Board of Education's April agenda through a colleague who read about it in a newspaper. As of the writing of this memorandum, I was never informed by the MDE. I had to find the links to the document via media sources. That information, however, was incomplete, as a fuller draft existed that I was not privy to until informed by one of the committee co-chairs just a couple of days ago - after I had spent large portions of several vacation days reviewing the incomplete documents and preparing a now partially moot critique on incorrect information. This all happened because the MDE had failed to tell the co-chair (or committee members) of the more complete document. This waste of time was not an isolated incident but endemic in the process ever since I have been involved with the Focus Group and Task Force.

During the Task Force process, members of the various subject area committees (civics, economics, etc.) only had access to their own committee's work. Working blind in such silos

meant that terminology or content that straddled across different committees (for example, civics work in high school v civics work in elementary school; civics v history) was being done in a vacuum and provided ample opportunity for inconsistency and confusion - which has come to full fruition in the current draft. Consistency and clarity across the committees could not be evaluated until the draft was posted on-line (without notice) just a few days before the SBE is to review the draft. True, there was some superficial overviews of work that was being done, but it was, after all, superficial.

Furthermore, although we provided suggestions to a penultimate draft to our civics committee's co-chairs, we were unable to see what they accepted or rejected. After addressing the last round of comments, our civics committee co-chairs submitted their proposals to the broader "co-writers" group (composed of the co-chairs of each committee of the Task Force). The co-writers group had the final say on what was presented to you.

Many material suggestions the civics committee worked on and agreed to were struck or otherwise negatively altered — with no analysis or communication at all. Why the civics committee members bothered to spend countless hours on thoughtful revisions and hard fought compromises is beyond me.

Third, the existing draft does not show the changes from the current 2007 standards to the current 2019 draft. Although there is a side-by-side comparison, there is no "redline" or "cut and cap" version, so one must wade through hundreds of standards to understand the changes. In addition, the fuller document is the only one that shows the Introductory commentary and related materials, and there is no side-by-side comparison of this text. Although I have provided you a line-by-line analysis, because of the lack of time and the lack of helpful documents, I am confident it is less than perfect.

The current draft omits indispensable events and people.

Unless the search function on the document is not working, the following indispensable people, places, and events been struck or otherwise omitted in the 2019 draft as mandatory content:

- Socrates
- Plato
- Aristotle
- Abraham
- Julius Caesar, Augustus Caesar, well, any Caesar
- Constantine
- Alexander the Great
- Athens
- Sparta
- Moses

- Buddha
- Jesus
- Confucius
- Muhammad
- Columbus
- Hobbes
- Locke
- Taxation without Representation
- Salutary Neglect
- Smith (Adam)
- Madison
- Napoleon
- Marx
- Ford
- Roosevelt (Teddy)
- Lenin
- Wilson (Woodrow)
- Hitler
- Stalin
- Mao
- FDR
- Martin Luther King Jr.
- Russian Revolution
- Chinese Revolution

On the other hand, over 20 examples for the Progressive Era exist in one standard alone. In fact, suffragette and peace activist Carrie Chapman Catt is mentioned two times in that same standard - more than all of the foregoing combined. Abraham, perhaps the most important person in human history, is omitted, but Catt is highlighted twice. Although a few of the above may be mentioned as *examples*, or *might* be taught as part of other content standards (for

example one can only hope Muhammad is taught with Islam and Jesus with Christianity), *they need not be taught and therefore cannot be tested* as part of the assessment.¹ The tragedy here is self-evident.

The proposed standards do not adequately address the legislative mandate to teach Michigan and local government.

The standards are very federal government focused, and many of the few references to Michigan in the 2018 draft have been struck in the 2019 draft. My personal experience presenting the Michigan Constitution at the Michigan Council of Social Studies this year reveals a huge knowledge gap on the Michigan Constitution, and the 2019 draft not only fails to address the problem, it exacerbates it. Although not part of the civics mandate, the co-writers went so far as to strike a material Michigan specific history standard (about the automobile industry). The standards deserve an “F” for its teaching of Michigan civics and history.

The proposed standards undermine the College, Career, and Civic Life (C3) Framework for Social Studies Standards.

As you know, much of the reason the standards are undergoing review was to improve them based on the recommendations of the national C3 Framework. Although the current 2007 standards were developed years before the C3 Framework was adopted, it had anticipated some of its recommendations by including higher order skills. A quick review of the C3 Framework provides this explanation of its value:

THE PRIMARY PURPOSE of the College, Career, and Civic Life (C3) Framework for Social Studies State Standards is to provide guidance to states on the concepts, skills, and disciplinary tools necessary to prepare students for college, career, and civic life. In doing so, the C3 Framework offers guidance and support for rigorous student learning. That guidance and support takes form in an Inquiry Arc—a set of interlocking and mutually reinforcing ideas that feature the four Dimensions of informed inquiry in social studies: 1 Developing questions and planning inquiries; 2 Applying disciplinary concepts and tools; 3 Evaluating sources and using evidence; and 4 Communicating conclusions and taking informed action.

As exemplars, New York, Connecticut, and other states have revised their standards in light of the C3 Framework. Those standards use “compelling questions” to guide inquiry. They completely refocus their learning paradigm to increase rigor and deepen understanding. With Google anyone can find history or civics facts. The difficult task is to THINK, and for students to use, process, analyze, discuss, and create their knowledge as effective citizens to support our republic.

According to the Introduction of the current draft (page 8), “Michigan Process and Skills Standards have been changed from the 2007 standards in several way. [sic] First, they are

¹ On page 9 of the current draft, this is made explicit: “Specific examples included for each standard are clearly labeled underneath each standard by using the language “examples may include but are not limited to.” These examples are not assessable outside of a stimulus text on state summative assessments . The focus of a state assessment question will be the language and content delineated in the content expectation itself.”

fewer and clearer to provide teachers with more focused guidelines. Second, Process and Skill Standards have now been included for elementary, middle school, and high school in a developmentally appropriate manner instead of just for high school. Last, they specifically include the development of compelling and supporting questions.”

Simply put, despite the MDE’s claim, this effort has fallen far short. Most of the review has been focused on polishing content, deleting examples, moving standards, and updating language, not on providing rigorous student learning. Almost no inquiry based standards have survived into the current draft.

In fact, many of the changes have been quite counterproductive. Instead of maintaining “analyze,” “research,” and “compose” (more rigorous learning that would improve the standards in light of the C3 Framework) many have been downgraded to “discuss,” “describe,” and similar lower order learning tasks.

At one point during the Focus Group, a committee led by myself and UM Professor Chauncey Monte-Sano made a series of recommendations to attempt to modify the standards closer to the C3 Framework, and nearly all of those suggestions were rejected or jettisoned in later drafting during the Focus Group.

In fact, MDE staff consistently stated that the standards were to be modified in light of the C3 Framework, and just as consistently said it could not be done too much because the process would be too time consuming, too costly, and would lead to more than a 10% change in the standards (the admittedly arbitrary number announced by MDE staff).

However, to their credit, at the end of Task Force discussion, the co-chairs of the civics committee added compelling questions to the draft submitted to the co-writers.² Although they would not have changed the structure of the standards (as the exemplars of New York and others do), it is definitely a solid step in the right direction and I applaud this effort. Likewise, as part of the democratic values/core values subcommittee, David Harris and I led an effort (with the support of the civics committee) to create a taxonomy for our teachers and students to enable them to better understand the difference between Democratic Values and Constitutional Principles which would have furthered C3. As presented, it would have added great value to an inquiry, C3 based education.

Unfortunately, the few compelling questions that have been added are not integrated throughout the standards, they are simply listed at the beginning of each subject and grade grouping. Although some of the compelling questions really are compelling and could help drive instruction, some are less so. In any event, that the offered compelling questions will really help drive instruction is dubious. Although much more than a token effort and, again, a tremendous step in the right direction, it really has just been tacked on, and other states have far surpassed this draft in integrating and driving instruction via the C3 framework. This is a major disappointment.

The proposed standards are imprecise, unclear, and ill-defined.

As part of our civics committee, we had a subcommittee on definitions, and a core values/democratic values subcommittee that also spent a vast amount of time on defining terms. We did this to help teachers, students, and test designers to have clarity on what was expected to be taught, learned, and assessed.

² I should note that that was my understanding, whether it was actually “submitted” to the co-writers, I defer to the co-chairs.

Again, these efforts were in vain as the co-writers struck nearly all definitions. Instead of clearly defined and consistent terms like “Democratic Values” and “Constitutional Principles,” we have a mishmash of various undefined terms sloshing throughout the document. For example the document uses the following terms (capitalization and non-capitalization is as displayed in the current draft):

- Democratic Values
- democratic values
- Constitutional Principles
- Constitutional principles
- constitutional principles
- Constitutional principles of American government
- democratic values
- principles
- basic values and principles
- values and principles of American Democracy
- ideas about government
- ideas
- philosophical origins of constitutional government
- ideals
- core ideals
- core principles
- U.S. Constitutional Principles

Words have meaning. Either the co-writers carefully choose these words but failed to explain the difference between each of these 17 different terms, or they utterly failed to consider the confusion using these various terms might bring to the classroom. Either way, the work of the civics committee to carefully craft and use defined terms has been rejected for chaos.

Similarly, the 2019 draft uses at least three different ways to refer to our system of government (again, capitalization is as presented in the draft):

- American democracy
- American Democracy
- American Constitutional Democracy

The committee went through an exercise to determine the best terminology from several different options. There was a thoughtful discussion about whether America was a “democracy,” “republic,” “democratic republic,” etc. At one point, two competing terms basically tied. However, as far as I recollect, “American democracy” and “American Democracy” were not among the top two. Apparently the co-writers decided to ignore the problem but slipped in the current three terms. Michigan should pick an accurate, nonpolitical descriptor and use it consistently.

The denigration of the Democratic Values and Constitutional Principles Taxonomy to a suggested classroom exercise drives a stake through the heart of an excellent, innovative C3 approach; the classroom exercise is unfocused and problematic.

As noted above, the standards use a mishmash of undefined terms that mixes principles, ideas, values and ideals leading to a blurring and confusion of these key concepts. Although I have tried to raise this issue through a line-by-line analysis, this broader overview is a better format to suggest revisions. Simply put, the standards should clearly demarcate these concepts. More particularly, the standards should explain the values underlying our government and then address how those values have been embodied in the Constitution and beyond. This will provide better precision and clarity to the standards, permitting teachers and students to go from general values to specific constitutional provisions. This was the approach that was embraced by the civics committee, but has been mangled in this draft.

The democratic values/core values subcommittee proposed a taxonomy explaining this central design, defining the essential terms, and informing the entire standards. This proposal was supported by the civics committee. After apparently receiving feedback from the co-writers,³ the civics co-chairs then suggested that it be transformed into a teaching instrument - which severely undermines the clarity of the design within the standards. Upon careful review of the current draft, its utility has been tremendously diminished and it undermines much of the assistance the taxonomy should provide. By not making the taxonomy a lens and definitional section by which the content standards are to be clarified, there is just more confusion. An accurate, precise taxonomy offers Michigan an opportunity to provide a politically neutral, innovative approach, anchored in our founding documents that could help teachers, students, and assessors while also serving as a model for the nation. Instead, we have massive confusion engendered by at least 17 different terms and a squishy, unclear classroom exercise.⁴

The Declaration of Independence is the most eloquent annunciation of the values underlying the constitutional democratic republic. It declares:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the

³ I use “apparently” because of the lack of transparency, why the taxonomy was transformed was not clearly explained.

⁴ I suspect a defense to this and some of the other critiques may be that the concepts are “too difficult” for our teachers, especially elementary teachers, or that they can be addressed in professional development. In 2007, there was much discussion about professional development, and frankly, it has not happened. And suggesting that our teacher corps cannot handle these concepts is just insulting.

consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

In this paragraph, the Declaration declares the following values as “self-evident truths”: (1) equality, (2) unalienable rights, (3) the Social Compact, and (4) limited government. In addition, underlying the entire Declaration are the values of justice and truth. These Democratic Values are the philosophy undergirding our system of government.

When drafting the Constitution, the Democratic Values gave expression to certain Constitutional Principles. For example, the Democratic Value of Equality was expressed as the Constitutional Principles of equal protection of the law and diversity. The Democratic Value of unalienable rights bore the Constitutional Principles of life, liberty and the pursuit of happiness. The Democratic Value of the Social Compact takes shape in the Constitutional Principles of consent of the governed and the common good. The Democratic Value of limited government formed the Constitutional Principles of federalism, enumerated powers, checks and balances, and separation of powers.⁵

That we have a bicameral Congress is *not* a Democratic Value – it is a reflection of how the values of the Social Compact and limited government are addressed. We could have a unicameral legislature or tricameral legislature - how it is embodied is not a value. Likewise, checks and balances and separation of powers are reflections of limited government and the Social Compact, not values onto themselves. The Declaration of Independence did not state, “We hold these truths to be self-evident, . . . that the Congress shall have the right to override a President’s veto with a 2/3 majority vote, that Congress shall the authority to strip the Supreme Court of its jurisdiction to hear certain cases, and that the Congress shall have sole ability to declare war.”

When the Constitution was drafted and ratified, the people took the Democratic Values, as distilled by the Constitutional Principles, and embedded them into specific constitutional provisions - i.e., the supreme law of the land. Thus, the specific constitution provisions that embody the Democratic Values and Constitutional Principles should be designated as “Governing Law.” As such, the Constitutional Principles of the common good and consent of the governed became part of the Governing Law in the Constitution through the ratification process of the Constitution, a written Constitution, the amendment process, and voting. Likewise, the Constitutional Principles of enumerated powers and federalism become Governing Law in the Constitution through the 10th Amendment and the list of specific powers granted to Congress.⁶

The standards should be revised to (1) identify and explain the Democratic Values as derived from the Declaration of Independence (not the Constitution), (2) identify and explain how the violation of the Democratic Values led to the American Revolution, (3) explain how the Founders and subsequent generations conceptualized Constitutional Principles to embody the Democratic Values, and (4) identify and explain how the Governing Law of the Constitution,

⁵ Undoubtedly, there can be some debate about how and where Constitutional Principles arise under the Democratic Values, and some Constitutional Principles embody more than one Democratic Value.

⁶ Obviously many constitutional provisions address more than one Constitutional Provision or Democratic Value.

federal and state statutes, and legal decisions manifest the concrete ways the Constitutional Principles are embodied into law. Further, sources like speeches and books, that have tremendously affected our understanding of the Democratic Values and Constitutional Principles (think *I Have a Dream* or *Give Me Liberty or Give Me Death!*) should also be noted as Influential Sources.

This exercise is not difficult. However, it would enable educators and students to more accurately and easily understand the intellectual framework behind the Declaration of Independence, the American Revolution, and the Constitution. This exercise includes not just the initial Constitution, but the adoption of the Bill of Rights, the Reconstruction Amendments (abolishing slavery, enfranchising black men, granting equal protection of the law and due process to all), the Suffragette Amendment (giving women the right to vote), the 22nd Amendment (giving electoral votes to Washington DC), the 23rd Amendment (eliminating poll taxes), and the 26th Amendment (enfranchisement of 18 year olds). The First Principles of equality, the Social Compact, and unalienable rights are what drove those and other changes that express our shared values as a nation. A quick review of the writings and speeches of Elizabeth Cady Stanton, Frederick Douglass, Abraham Lincoln, Martin Luther King Jr., and Susan B. Anthony reveals this truth.

The “right to remedy” section of the draft is clear and an appropriate compromise (I originally argued it should be a Democratic Value, but see its value as a Remedy).

Also, the civics subcommittee drafted clear definitions of the specific Democratic Values and Constitutional Principles, all of which were jettisoned by the co-writers, and should be reinserted in the draft.

The taxonomy should be restored as a mandatory lens for the standards, should be placed at the beginning of the document (and throughout the document), and should be revised as follows:

Democratic Values: equality; unalienable rights; the Social Compact; limited government; justice; and truth. [liberty should be deleted because it is redundant with Unalienable Rights and is a Constitutional Principle; consent of the governed should be eliminated because it is a Constitutional Principle - i.e., a part of the Social Compact; the Social Compact should be elevated to a Democratic Value because it frames the concept of the origin of government and the powers of a just government (including consent of the governed and common good); limited government should be elevated as a Democratic Value because it is the whole point of the Declaration and expressed at great length in the grievances.]

Constitutional Principles: consent of the governed; common good; life, liberty and the pursuit of happiness (notice in the current draft the pursuit of happiness is both a Democratic Value and a Constitutional Principle); equal protection of the law; due process of law; diversity; Patriotism; Civic Participation, Rule of Law; Enumerated Powers and Federalism; Civilian control of the military and police; written Constitution; separation of powers and checks and balances [Social Compact should be elevated to a Democratic Value; and *Social Contract* - a theory of government posited by Rousseau who had no influence on the Founders and has a bloody track record - should be excised]

The inclusion of the Democratic Values and Constitutional Principles analysis is a wonderful step in the right direction. This approach can add substantial value if it were to be leveraged to its fullest potential.

The standards are biased by highlighting the progressive movement and censoring the conservative movement.

The 2018 draft attempted to add a balance by adding a few references to the conservative movement. The 2019 draft censors those references, and doubles down in favor of the Progressive Movement. As noted above, there are 20 specific examples for the Progressive movement, but Reagan and any reference to conservatives is deleted. The bias is palpable and should be addressed.

Key civics concepts are omitted, minimized, and misrepresented.

Right to Alter or Abolish an Oppressive Government. As noted above, the right to alter or abolish an oppressive government is presented as a Remedy in the Declaration of Independence - it is the very justification of the Declaration. This Remedy has found expression in the Constitution through the Governing Law of the amendment process, the Constitution Convention provision, elections, right to petition, right to free speech and press, and many other features of the constitutional order. For some reason, the MDE in particular seems afraid to enunciate this concept too explicitly, and it is rarely mentioned in the standards. That should be changed.

Unalienable Rights. The civics committee draft refers to “Unalienable Rights,” and, with the exception of a few stray references, the current draft uses “Individual Rights.” Here, the Declaration of Independence is unequivocal - it refers directly to “unalienable rights” (although some Founders used “inalienable rights” in their writings). The concept of unalienable rights is central to the Declaration. Many nations have declared that they respect “individual rights” but none, as far as I know, other than America has a foundational document that birthed the country to protect unalienable rights. Jefferson expressed the essence of the Founders’ understanding when he wrote “a free people claim their rights as derived from the laws of nature, and not as a gift from the chief magistrate.” Many of the State Constitutions adopted in the wake of the Revolution consistently refer to unalienable/inalienable rights. John Dickinson explained that men claim these rights “from a higher source . . . They are not annexed to us by parchments and seals. They are created in us by the decrees of Providence, which establish the laws of our nature. They are born with us; exist with us; and cannot be taken from us by any human power . . .” Hamilton explained that “sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of divinity itself, and can never be erased or obscured by mortal power.”

Individual rights does not convey the origin of the rights nor their permanence. Individual rights can be secured through musty old records, laws, and ordinances. Individual rights can be gifts by the government to the people and can be taken away. Individual rights can include Social Security benefits, the right to drive, and the right to Medicaid or Medicare. Not using unalienable rights debases the entire intellectual framework embraced by the Founders, and subsequently leveraged by the abolitionists, suffragists, and civil rights movement. Frederick Douglass, Elizabeth Cady Stanton, Abraham Lincoln, and Martin Luther King Jr. all called upon unalienable rights. Using unalienable rights is much more historically accurate and fully encompasses the fundamental principle. This is a teachable moment that should not be cast aside lightly.

There are one or two references to “unalienable individual rights” and that would be a satisfactory approach. Perhaps this all boils down to a drafting error, and if so, this should be easily remedied.

Social Compact. Although a key understanding of the Founding Fathers, the First Principle of the Social Compact, although used on occasion in the draft, is only used lightly. In addition, Thomas Hobbes and John Locke, to whom we have relied upon for this theory, are deleted. This key Democratic Value should be highlighted, not denigrated, and the *Social Contract* should be deleted.

Amendment/Constitution Convention Process. The key provisions of the Constitution are omitted. This essential content should be restored.

CONCLUSION

If Michigan wants to set the bar for political bias, historical inaccuracy, confusion, and standards that fall far short of the C3 Framework, then by all means usher this proposal forward.

If Michigan wants to lead the nation in quality, innovation, clarity, breadth, depth, historical accuracy, and critical thinking, the standards need a major improvement. Michigan's overall educational achievement ranking has been falling dramatically over the last several years. The social studies standards are an opportunity to reverse this regrettable trend and improve our academic achievement. There is talent in this State and nation that can get this done. I implore you to use it. Thank you for your consideration.