

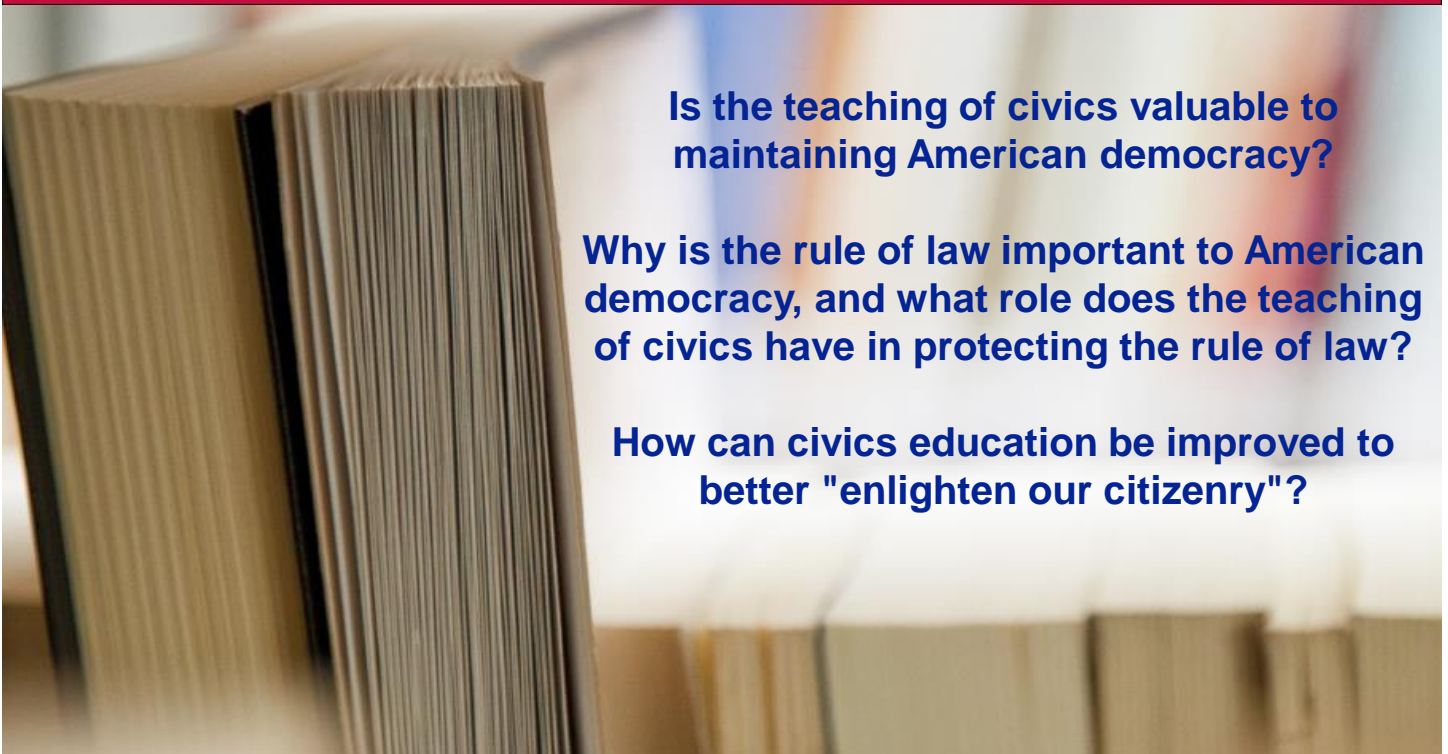
## **Sixth Circuit 2020 Student Essay Contest**

**The Role of Civics Education in Protecting the Rule of Law**

**Is the teaching of civics valuable to maintaining American democracy?**

**Why is the rule of law important to American democracy, and what role does the teaching of civics have in protecting the rule of law?**

**How can civics education be improved to better "enlighten our citizenry"?**



## **Sixth Circuit Civics and Outreach Committee**

The Sixth Circuit Civics and Outreach Committee wishes to thank the judges, court staff, attorneys, and educators throughout the Sixth Circuit who contributed to the success of this inaugural student essay contest.

### **SIXTH CIRCUIT CIVICS AND OUTREACH COMMITTEE MEMBERS**

Honorable Curtis L. Collier, Co-Chair, Eastern District of Tennessee

Honorable Michael J. Newman, Co-Chair, Southern District of Ohio

Honorable Jane B. Stranch, Sixth Circuit Court of Appeals

Honorable Denise Page Hood, Chief Judge, Eastern District of Michigan

Honorable Karen Caldwell, Eastern District of Kentucky

Honorable Jeffery P. Hopkins, Chief Bankruptcy Judge, Southern District of Ohio

Attorney admission fees, collected by the Sixth Circuit Court of Appeals to fund educational programs for the bar and community, funded the prize money.

## A WORD ABOUT THE CONTEST

Students from Kentucky, Michigan, Ohio and Tennessee were invited to participate in the inaugural Sixth Circuit 2020 Student Essay Contest, an educational outreach effort for high school junior and seniors sponsored by the Sixth Circuit Civics and Outreach Committee.

The inaugural Sixth Circuit 2020 Student Essay Contest celebrated, in the words of Chief Justice John G. Roberts, Jr., “our strong and independent judiciary, a key source of national unity and stability.” The contest invited students in the 11th and 12th grades attending public, private, parochial and charter schools, and home-schooled students of equivalent grade status to submit an original essay within the theme of “The Role of Civics Education in Protecting the Rule of Law.” The following statement and questions guided students’ efforts as they creatively expressed their thoughts and ideas:

*Over the past few decades, our nation has undergone a significant decline in the provision of civics education, and the effects are troubling. Keeping in mind the state of civics education in our country today:*

*Is the teaching of civics valuable to maintaining American democracy?*

*Why is the rule of law important to American democracy, and what role does the teaching of civics have in protecting the rule of law?*

*How can civics education be improved to better “enlighten our citizenry”?*

The three finalists’ essays best demonstrated an understanding of the role of the judiciary and why the rule of law is important to American democracy, explained whether the teaching of civics is valuable to maintaining American democracy, and discussed the role the teaching of civics has in protecting the rule of law and how civics education can be improved to better “enlighten our citizenry.”

The Sixth Circuit Civics and Outreach Committee was established in 2017 by the Judicial Council of the Sixth Circuit. The committee and the judges of the Sixth Circuit are committed to promoting civics education within the circuit. The committee, along with the Sixth Circuit Court of Appeals staff, look forward to collaborating with all the federal courts within the circuit to continue and grow this annual outreach effort.

# WINNING ESSAY CONTEST ENTRIES



## **MEREDITH PERKINS** **Independence, Kentucky**

*Meredith Perkins is a senior at Simon Kenton High School in Independence, Kentucky. She is the Managing Editor of her school's yearbook, Student Council class president, a Principal's Advisor, and the National Honor Society treasurer. Outside of school, she plays oboe for her church's orchestra and sings with the Independence Youth Choir. In her free time, she enjoys playing guitar, swimming, watching movies, and writing.*

Rule of law is the great equalizer. Whether established through constitutional amendments like the 14th Amendment or through legal precedent in cases like *Brown v. Board of Education*, rule of law provides rational-legal legitimacy for all Americans to enjoy liberty. Our judiciary ensures fairness; every citizen – regardless of ethnicity, race, gender, or socioeconomic status – is guaranteed the right to due process, an impartial jury, and counsel. The independence of American judiciaries “guard[s] the Constitution and the rights of individuals from the effects of... ill humors, which... sometimes disseminate among the people” (Hamilton). However, with 32% of Americans reporting frequent exposure to fake political news (Barthel et al.) and 39% being unable to identify the three branches of government (“Americans’ Civic Knowledge”), the ‘ill humor’ of Americans’ political ignorance is increasingly threatening the public’s understanding of rule of law and the development of an “enlightened citizenry”<sup>1</sup>.

Enlightened citizens are the pillars of democracy; their intellectual toolkit inspires them to vote, run for office, advocate for social causes, join political parties, and avidly defend democracy. There is a direct correlation between education level and political efficacy; in 2018, voter turnout among eligible voters with graduate school degrees was 74%, while turnout among eligible voters with only high school diplomas was 42% (Misra). Because  $\frac{2}{3}$  of Americans do not have a college degree (“Highest Education Levels”), their high school civics education – if they

receive one at all<sup>2</sup> – may be the only civics education they receive. A lack of civics education contributes to political apathy, the spread of political misinformation, and low voter turnout. Given the fact that 37% of Americans cannot name their 1st Amendment rights<sup>3</sup>, it is clear that high schools are not teaching civics sufficiently enough to enlighten our citizenry. Because 90% of Americans obtain a high school diploma, reforming civics education at the high school level is the most accessible way to restore the political efficacy of the electorate.

One way high schools implement civics education is through citizenship tests. Laws like Senate Bill 157 in Kentucky have made passing a citizenship test part of states' high school graduation requirements ("Civics Test"). While the 100 question, multiple-choice citizenship test can serve as an indicator of a students' baseline knowledge of civics, it does very little to inspire fervor for civic engagement. Regurgitating answers they memorized from a study guide does not motivate students to become lifelong advocates of democracy; instead, it contributes to the growing political apathy among youth. A 60% on a citizenship test is worthless if students never connect their civics education to their day-to-day lives. To create civically engaged students, schools should replace this lethargic, test-focused approach to civic learning with a mandatory, semester-long civics class that embraces hands-on civic engagement.

While some schools already have civics classes, most of these classes are "cursory, fly-by kinds of course requirements that students merely check off of a to-do list" (Guilfoile and Delander 4). To make civics classes meaningful, schools should utilize the wide variety of free civic engagement tools available and immerse students in hands-on civics simulations. One tool, American Public Broadcasting's Budget Hero, is an interactive game that teaches students the difficulty of balancing a government budget by actually having the students balance a simulated federal budget. Similarly, Former Supreme Court Justice Sandra Day O'Connor's website iCivics teaches students civics by having them run simulated presidential campaigns and balance the powers of the legislature, executive, and judiciary (Duncan, et al.19). While the aforementioned tools require technology, there are many non-technological approaches by which schools can implement a meaningful civics education. Schools can hold exciting civic simulations like mock trials, mock United Nations assemblies, class presidential election campaigns, and classroom debates. Students who enjoy classroom civics activities can extend their participation by participating in statewide mock trial and mock United Nations competitions. When students are immersed in hands-on civics classes, they learn to share their

voice, listen to and respect their classmates' diverse political opinions, and assume leadership roles – all while having fun with their peers. Mock trials teach core democratic principles like rule of law, due process, and trial by jury, while campaign simulations teach students about the Electoral College and campaign finance regulations. Simply put, the most effective way to restore America's civic engagement is to encourage civic engagement at the high school level through hands-on civics classes.

Just as rule of law creates equal protection under the law, a mandatory high school civics education creates equal opportunity for Americans to learn the law. Hands-on civics education protects rule of law in a multi-faceted way: when students work directly in simulations that teach the rule of law, their comprehension of rule of law, respect of rule of law, and passion for rule of law is fostered. While there is no easy way to solve the growing political apathy in America, a hands-on approach to civics education will put our country one step further towards establishing a truly enlightened citizenry.

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<sup>1</sup> Founding father Thomas Jefferson is quoted as saying, "An enlightened citizenry is indispensable for the proper functioning of a republic."

<sup>2</sup> In the U.S. Department of Education's report "Advancing Civic Learning and Engagement in Democracy," the department reports, "Many elementary and secondary schools are pushing civics and service-learning to the sidelines, mistakenly treating education for citizenship as a distraction from preparing students for college-level mathematics, English, and other core subjects. Many, if not most, institutions of higher education now offer civic learning as an elective but not as an integral component of preparing students to compete in a knowledge based, global economy."

<sup>3</sup> The Annenberg Constitution Day Civics Survey conducted by Annenberg Public Policy Center found "nearly half of those surveyed (48 percent) say that freedom of speech is a right guaranteed by the First Amendment. But, unprompted, 37 percent could not name any First Amendment rights. And far fewer people could name the other First Amendment rights: 15 percent of respondents say freedom of religion; 14 percent say freedom of the press; 10 percent say the right of assembly; and only 3 percent say the right to petition the government."

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## **ALAINA DELSIGNORE**

### **Cincinnati, Ohio**

*Alaina Delsignore is currently a senior at Sycamore High School. She participates in the Mock Trial and Moot Court teams at her school, having been President of the former for the past two years. She is also a Group Facilitator of the Cincinnati Youth Council for Suicide Prevention, and runs a newspaper, Our Voices, that highlights adolescent mental health in the Greater Cincinnati area. She loves to play keeper on her school's soccer team as well. She loves all aspects of the legal realm and hopes to study Political Science and become a trial lawyer in the future. She finds health and constitutional law intellectually stimulating.*

For most Americans, civic education seems valuable. That is, of course, until the study prospers at the slightest expense of the STEM curriculum or foreign language endeavors. Oftentimes, we forget to truly evaluate the significant extent civic knowledge has on our country. Civic education is incredibly valuable in maintaining American democracy, protecting the rule of law, and cultivating an “[enlightened] citizenry” for future generations. Thus, in order to successfully achieve these objectives, civics must be further incorporated into education programs.

Before we examine the impact of the rule of law on democracy, we have to understand what the rule of law stands for and its influence on our court system. America was built on a broad system of standards that established a precedent of accountability to the law. Such ideals include: equality before the law, easily accessible laws, an independent judiciary, etc. There is no better source that demonstrates the value of these standards than Federalist No. 78, which found that, “where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws” (Hamilton). Not only does this essay describe the significance of fundamental laws on the judicial branch’s governance, but the text also explains how the rule of law has higher legislative authority over statutes in its declaration of policy.



Now that a loose definition of the rule of law has been formed, we approach the question of how the rule of law contributes to American democracy. Democratic ideals are apparent in our system through the rule of law belief that laws must comply with basic human rights, effectively preventing the formation of oppressive dictatorships and preserving democracy. In the United States, our democratic system relies on a written constitution “that [provides] a human rights framework that stands above the laws of the country” (Gollob et, 176). These writings provide so that Americans remain aware of their rights and the laws by which they themselves abide, in accordance with the rule of law and how “law should be epistemically accessible... promulgated as public knowledge so that people can study it, internalize it, figure out what it requires of them, and use it as a framework” (Waldron, 102). Furthermore, through an independent judiciary, a democratic society is maintained and the rule of law upheld. Adopted by many nations across the world, the United States is no exception: “Judicial independence means that judges are not subject to... influence and are free to make impartial decisions based solely on fact and law” (ABA). Cases are decided with the rule of law in mind.

The judiciary plays a pivotal role as well since, in practice, the judiciary frequently applies limitations on authority, aligning with the rule of law in ensuring accountability and restraint of the federal government. In the case of *Pierce v. Society of Sisters*, the Supreme Court held that “[Oregon’s Compulsory Education Act] unreasonably [interfered] with the liberty of parents... to direct the upbringing and education of children under their control” (1925). This pivotal decision in American history signified the beginning of the Supreme Court’s acknowledgment that due process does indeed protect individual liberties, once again demonstrating how the judiciary subscribes to the rule of the law in order to preserve a democratic society. Democracy persevering in light of a “shifting political climate” can be seen in the judiciary’s protection of minorities and those who cannot defend themselves. The courts protect our government against tyranny as well: “By practicing judicial review, judges maintain limited government and the rule of law by upholding the supremacy of the Constitution relative to all branches of government” (Patrick).

A cornerstone of the American democratic system is that power and, more specifically, civic responsibility are exercised by all adult citizens or through their freely elected representatives. At its core, democracy quite literally rests upon the principle of majority rule; therefore, the US must have a more-informed citizenry through civic education in order to best

reflect American ideals. Thus, the connection is evident between civic education benefitting the rule of law, which in turn preserves our nation's democracy and values. The Campaign for the Civic Mission of Schools "has enumerated a number of... benefits that result when high-quality civics education is put in place. These include... [d]evelopment of students' 21<sup>st</sup> century competencies and workforce readiness, [e]nabling and supporting deeper learning strategies, and [d]evelopment of students' news and information literacy" (Baumann). Especially in a continuously polarized world where journalistic truth remains harder to come across than ever, students must adapt to the loads of data they are receiving through technology. Similarly, Stanford researchers found that community life and citizenship responsibilities must "be taught and learned. Most if not all societies recognize a need to educate youth to be 'civic-minded'; that is, to think and care about the welfare of the community" (Waldron). In a country founded upon Enlightenment ideals of capitalism and individualism, a mandatory civic education seems preposterous. There is a fine line between cultivating the principles of a democracy and indoctrination: "To shape the structures of society... society must avoid the inculcation 'in children [of the] uncritical acceptance of any particular way or ways of [personal and political] life'" (Schwarz et al.). Accordingly, the incorporation of civics education into higher learning must allow students to develop the ability to study and scrutinize, in their own view, societal ideals; this freedom of thought justifies the need for the least government intervention possible while still fulfilling civic education's intended effect of providing a more well-informed citizenry. To improve civics education, American government classes, now required among public schools in this plan, should offer at the very least simulations of democratic processes throughout the year. Whether this is of general elections or actual opportunities for community service, the purpose of civics education will be further achieved as students become enlightened and committed citizens.

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## **ADEN BARTON**

### **Nashville, Tennessee**

*Aden is a student at Harvard considering majoring in economics or social studies. He is a member of the Harvard policy debate team and an analyst at the Harvard College Consulting Club.*

### **Civic Education: A Modern Necessity**

A popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both.

-James Madison, *Letter to W.T. Barry* [1]

A democratic structure of government, i.e. a system of governance that invites citizen participation in the decision-making process, requires an informed populace to function in an efficacious manner. This representative model assumes a level of knowledge of its members, whose responsibility is to make rational choices at the ballot box. In the same way that Adam Smith justified capitalism on the basis of better products outcompeting worse ones, our founders justified democracy by arguing that candidates who have better ideas will rise to the top in the marketplace of ideas, and the end result will be an election in which the country has aligned its ballot with the best politicians.

An informed knowledge of civics, though, is the proverbial engine that powers this machine of democracy. Only in a society in which the participants comprehend the workings of governments can the citizens understand differing policies, weigh their relative merits, and proceed with the best one. The founders understood this requisite condition of a representative system and tasked the education system with shaping the next generation of engaged citizenry, so that the wheels of the republic could keep on turning. That informed society, unfortunately, is a far cry from what America is currently. In fact, Madison's prescient observation seems all too relevant now: the nation seems to possess farce and tragedy in spades. The capacity for the country collectively to sort right from wrong, truth from falsehood eludes us.

This failure of government, in part, stems from the dearth of civic education in the United States. American youth are graduating from schools without the requisite political vocabulary to engage in the thorough debate that is necessary for the functioning of democracy. For example, only a fourth of twelfth graders were found to be “proficient” in civics, and 36% of seniors were deemed as not even possessing “basic” civic knowledge [2]. This problem is relatively contemporary and originates from inadequate schooling of the newest generations because older portions of the population consistently perform better on basic civics questions [3]. Even more so than basic political knowledge, our education system is failing to impart the core values of the United States political system. An increasing percentage of Americans express distrust in the institution of democracy [4]. The share of Americans who view democratically selecting representatives via free elections as unimportant increased from 14% in baby boomers to 26% in millennials [5]. Instead of being unimportant or immaterial, these trends have very real consequences for our political environment, shown by the relatively high number of Americans in 2016 who favored eliminating double-jeopardy protections (46%) or who favored the ability of the government to crackdown on peaceful marches for simply expressing offensive views (26%) [6].

This subtle erosion of both governmental knowledge and democratic values in subsequent generations of American youth is inimical to the country’s upholding of a stable rule of law. Rule of law describes the reliability of a given governmental system, and this reliability is the key characteristic that separates democracy from despotism because democratic policy is based not on the whims of a given leader but rather on the wishes of the general public. Our founders understand that consolidation of power and demagoguery was a threat constantly lurking on the margins of representative systems. Because it takes only one leader bent on control to undermine a government permanently, safeguards such as an independent judiciary were established to uphold the rule of law and to beat back against the unending tides of authoritarianism.

These safeguards, however, are only as strong as the population who controls them because an uninformed populace is one ripe for exploitation. After all, how can Americans who are not able to differentiate the three branches understand the importance of checks and balances from an independent judiciary? On a broader level, why would citizens who do not place value in democracy be concerned with the ability of a judiciary to restrain elected officials? In this

way, an educated citizenry imbues the judiciary and other democratic checks with the power necessary to conquer despotism, but an uneducated citizenry makes American governance inherently more volatile.

If our country continues to go down the path of political ignorance, we are opening the door to subversion of the rule of law as our institutions are corrupted from within. The country is already beginning to see these cracks and fissures, as attacks on justices become commonplace, and more executive leaders seek to exist outside the scope of the courts [7]. It is only through a reinvigoration of civic education that the country can hope to inspire faith in democratic safeguards and hold these leaders accountable.

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## **Sixth Circuit 2020 Student Essay Contest Judges**

### **Essay Winner Selection (Sixth Circuit Civics and Outreach Committee):**

Honorable Curtis L. Collier, Co-Chair, Eastern District of Tennessee

Honorable Michael J. Newman, Co-Chair, Southern District of Ohio

Honorable Jane B. Stranch, Sixth Circuit Court of Appeals

Honorable Denise Page Hood, Chief Judge, Eastern District of Michigan

Honorable Karen Caldwell, Eastern District of Kentucky

Honorable Jeffery P. Hopkins, Chief Bankruptcy Judge, Southern District of Ohio

### **Preliminary Judging (Sixth Circuit Court of Appeals Staff):**

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