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Folder Title:
Education Summit 9/27-28/89 [OA 6269] [5]

Stack:	Row:	Section:	Shelf:	Position:
G	26	19	4	1

TOAST: GOVERNORS' DINNER
JEFFERSON'S HOME AT MONTICELLO
WEDNESDAY, SEPTEMBER 27, 1989
7:30 P.M.

TINA

((I WAS WORRIED ABOUT COMING UP ROUTE 53 TO GET HERE. I HEARD THAT THERE WOULD BE SO MANY LIMOUSINES HERE TONIGHT, THE SECRET SERVICE WAS GOING TO PUT THEM IN ALPHABETICAL ORDER BY STATE. THANK GOODNESS WE SWITCHED TO BUSSES -- I AM SURE GOVERNOR SULLIVAN OF WYOMING WONDERED IF HE'D GET DINNER OR BREAKFAST.))

I'LL TRY AND KEEP IT SHORT TONIGHT ... YOU SEE, THE RECORD HAS ALREADY BEEN SET FOR TOASTS HERE IN CHARLOTTESVILLE AT THE UNIVERSITY ... BACK IN 1824, MR. JEFFERSON HOSTED A DINNER IN THE DOME ROOM OF THE ROTUNDA FOR THE MARQUIS DE LAFAYETTE, ATTENDED BY FORMER PRESIDENT JAMES MADISON AND THEN-PRESIDENT JAMES MONROE.

WE ARE OVERLOOKING THE "ACADEMICAL VILLAGE" FOUNDED BY MR. JEFFERSON 170 YEARS AGO. EARLIER, AT SUNSET, WE COULD SEE THE ROTUNDA AND THE PURPLE SHADOWS OF THE LAWN -- ONCE AN OPEN-ENDED FIELD THAT LOOKED OUT TO THE BLUE RIDGE MOUNTAINS OF VIRGINIA. IT WAS MR. JEFFERSON'S WISH THAT IT REMAIN THAT WAY, SO THAT STUDENTS WOULD LOOK OUT TO THE HORIZON, POISED BETWEEN THEIR EDUCATION AND THEIR FUTURE.

TODAY, IN THE ROTUNDA, WE WORKED IN THAT ELUSIVE AREA BETWEEN EDUCATION AND THE FUTURE, DEFINING OUR DREAM FOR EXCELLENCE AND GIVING SHAPE TO OUR HOPES FOR AMERICA. AND IT WAS ONE DAY, SHORTLY BEFORE HE DIED, THAT MR. JEFFERSON GAZED AT THE ROTUNDA AND SAID THAT ESTABLISHING HIS UNIVERSITY WAS "THE LAST ACT OF USEFULNESS I CAN RENDER MY COUNTRY."

BUILDING THE ROTUNDA AND THE UNIVERSITY WERE THE CROWNING ACHIEVEMENTS OF "THE SAGE OF MONTICELLO," YET HE KNEW THAT WITHOUT THE CREATIVITY AND THE INTELLECTUAL CHALLENGE OF A GREAT FACULTY, HIS NEW CENTER OF LIVING AND THOUGHT WOULD BE NOTHING MORE THAN BRICKS AND MORTAR.

MR. JEFFERSON SEARCHED FOR THE BEST IN EUROPE, AND BROUGHT THEM TO TEACH AT THE UNIVERSITY AS NEW CITIZENS -- EXCEPT IN THE SUBJECT OF LAW, TO BE TAUGHT ONLY BY A RESIDENT AMERICAN. IN FACT, JEFFERSON'S FAVORITE TEACHER WAS HIS OWN LAW PROFESSOR, GEORGE WYTHE, A MAN WHO ALSO TAUGHT HIM THE ESSENTIALS OF ANCIENT PHILOSOPHY AND THE CLASSICS.

I'M SURE EVERYONE HERE HAS A FAVORITE TEACHER ... ONE OF MINE WAS MY HIGH SCHOOL TEACHER, DR. A.B. DARLING, WHO MADE THE IMMORTALS OF AMERICAN HISTORY COME ALIVE FOR ME.

TODAY, AS IT WAS IN JEFFERSON'S TIME, IT IS AMERICA'S TEACHERS WHO ENLIGHTEN OUR YOUNG PEOPLE AND INSPIRE THEM TO EXCELLENCE.

JEFFERSON KNEW THIS, WRITING ONCE THAT ASIDE FROM EDUCATION, "NO OTHER SURE FOUNDATION CAN BE DEVISED FOR THE PRESERVATION OF FREEDOM AND HAPPINESS."

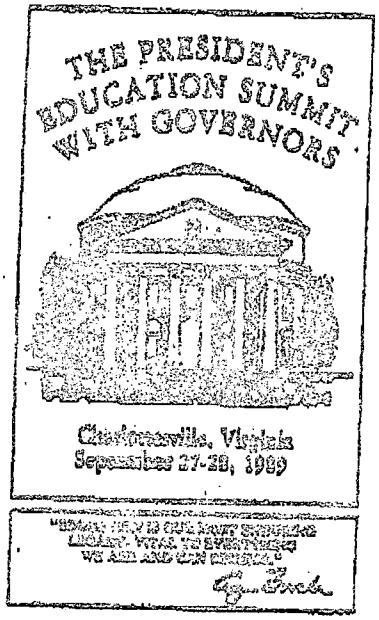
AND SO TONIGHT I TOAST THOSE WHO HAVE HEARD THE CALL AND FOLLOWED IT -- THOSE WHO HAVE SACRIFICED SO MUCH IN ORDER THAT AMERICA MIGHT ENJOY A SURE FOUNDATION OF FREEDOM AND HAPPINESS.

I TOAST OUR TEACHERS ... THOSE WHO TAUGHT US, AND TEACH OUR CHILDREN; AND THOSE AMONG US WHO HAVE BEEN MEMBERS OF THIS PROUD PROFESSION: THE SIX MEMBERS OF MY CABINET AND THE THIRTEEN GOVERNORS PRESENT WHO ARE FORMER TEACHERS. AND JUST TO GIVE A SMALL PLUG FOR ALTERNATIVE CERTIFICATION ... THERE IS ONE PERSON PRESENT WHO HAS NEVER HELD A TEACHING POSITION YET HAS BEEN A LEADER IN THE FIGHT AGAINST ILLITERACY ... MY WIFE BARBARA.

WE HAVE COME TO THE HOME OF THOMAS JEFFERSON, TO BUILD UPON HIS DREAM OF A STRONG SYSTEM OF EDUCATION FOR ALL. BUT WITHOUT OUR TEACHERS -- WITHOUT THEIR VISION AND THEIR DEDICATION -- THE DREAM WOULD BE LOST. I ASK YOU TO JOIN ME IN SALUTING THE TEACHERS OF AMERICA.

GOD BLESS THEM AND GOD BLESS AMERICA.

# # #



TO: Chris Winston

FROM: Barrie Trost

TOTAL NUMBER OF PAGES: 18
(including cover page)

DATE: 9-21-89

TIME: 10:15 pm

MESSAGE:

Thomas Jefferson background material

IF YOU HAVE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION PLEASE CALL.

TELEPHONE NUMBER: _____

UNIVERSITY OF VIRGINIA
CHARLOTTESVILLE

OFFICE OF THE PRESIDENT

September 18, 1989

Mr. Kevin Moley
White House Staff
Pavilion II, East Lawn
University of Virginia

Dear Kevin:

Jennings Wagoner is a senior professor in the School of Education and he has written extensively on Thomas Jefferson's views on education. When we learned last month that you all would be coming here, the University Relations Office asked him to put some notes together that they could use as background for the press. With the thought that Jennings' notes might be useful to speech writers, I enclose a copy of his paper.

Sincerely,

Alexander G. Gilliam, Jr.
Assistant to the President

AGG:ls

Enclosure

Thomas Jefferson: America's First "Education President"

A Briefing Paper Prepared for the Presidential Summit

Jennings L. Wagoner, Jr.
University of Virginia
September, 1989

Education and Liberty

Thomas Jefferson might well be considered our nation's first "Education President." Jefferson never arranged for an "education summit" nor did he issue any ringing proclamations in behalf of education while president. However, the third president of the United States was the first American statesman to propose the establishment of a unified system of publicly supported schools. Moreover, he founded a distinctive state university, the University of Virginia, an achievement he considered as one of the three most important accomplishments of his life--the other two being his authorship of the Declaration of Independence and of the Statute of Virginia for Religious Freedom. Furthermore, Thomas Jefferson was foremost among the founding fathers in giving firm and consistent voice to the proposition that only an enlightened people can hope to maintain a free society. As he put the matter in a letter in 1816: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

Education as a Public Responsibility

At a time when formal schooling was considered as basically a private matter, a privilege to be enjoyed by the few, Jefferson championed it as a public responsibility, an essential right and necessity for all citizens. In an era when most schooling was accessible only to those who could pay tuition fees, Jefferson advocated free access based upon public support. In a society in which the well-born often used the advantages of education to protect their privileged status, Jefferson advanced the idea that popular education should equalize opportunity and make it possible for all to engage in the pursuit of happiness. Driving Thomas Jefferson's commitment to popular education was a conviction he expressed to George Washington in 1786: "It is an axiom of my mind that our liberty can never be safe but in the hands of the people themselves, and that, too, of the people with a certain degree of instruction. This it is the business of the state to effect, and on a general plan."

Jefferson's Educational Proposals and Activities

The Context for Educational Reform

Thomas Jefferson's efforts in behalf of education began in the 1770s and continued throughout his lifetime. His initial labors in behalf of education were part and parcel of his larger effort to move Virginia and the emerging new nation from colonial status and mentality into governmental and social arrangements

befitting citizens of a free republic. In the fall of 1776, only months after drafting the Declaration of Independence, Jefferson was selected by his colleagues in the Virginia General Assembly to serve as chair of a small committee charged with the task of revising the laws of the Commonwealth. For the next several years Jefferson played a major role in drafting legislation that, as he phrased it, was designed to "lay the ax to the root of pseudo-aristocracy." Jefferson introduced bills that curtailed the practice of entailing estates and limiting inheritance to first-born sons. Other bills modernized the legal system, made more rational and humane the system of punishments for crimes, and liberalized provisions for the naturalization of foreigners. Not all of his legislative proposals were successful, as in the case of his advocacy of the gradual emancipation of slaves, and some of the 126 bills for which he was responsible, directly or indirectly, passed only after years of debate and sometimes in severely modified form.

A bill that did survive with only minor modifications, and one vastly important in its own right as well as in terms of its relation to Jefferson's educational views was the Virginia Statute for Religious Freedom. This act, which disestablished the Anglican church in Virginia, declared that no one could be compelled to attend any church or be made to support any religion not of his own choosing; that one could be made to suffer no reprisals for his belief or nonbelief in religion; that, in sum, "all men shall be free to profess, and by argument to maintain,

their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities." Jefferson wrote with understandable pride to James Madison that "it is honorable for us to have produced the first legislature who had the courage to declare that the reason of man may be trusted with the formation of his own opinions."

Jefferson's Educational Plan of 1779

Thomas Jefferson's faith in the right of free people to be trusted with the formation of their own opinions lay at the basis of his lifelong interest in and concern for the advancement of education. Thus, when as part of the revised code of laws he introduced a Bill for the More General Diffusion of Knowledge, he considered it at the time as the most important item in the entire legislative package. In the preamble to his bill, Jefferson reminded his legislative colleagues that history has shown that, even under the best forms of government, there is a tendency for those entrusted with power to pervert it into tyranny. The most effective means of preventing this from occurring, said Jefferson, would be "to illuminate, as far as practicable, the minds of the people at large." Jefferson noted further that many "whom nature hath fitly formed and disposed to become useful instruments for the public" are prevented by poverty from obtaining an education. It is far better, Jefferson maintained, that all should be educated "at the common expense of all, than that the happiness of all should be confided to the weak or wicked."

The general outline of Jefferson's bill, drafted in 1778 and presented to the legislature in June, 1779, seems so familiar today that we are apt to forget that two centuries ago some of its features were considered quite radical. Jefferson envisioned a three-tiered system of education--elementary schools, grammar (secondary) schools, and at the apex, a college or university--the whole resting upon a public base. Jefferson proposed that the state be divided into local wards ("hundreds," he called them) and that within each ward an elementary school should be established and maintained at public expense. Local overseers, appointed by the alderman of each county, were to supervise the work of the teachers in the ward schools in a specified district. To insure that even the poorest citizens would have access to basic education, Jefferson proposed that "at these schools all the free children, male and female, resident within the respective hundred," should be entitled to receive instruction without charge for the term of three years, "and as much longer, at their private expense, as their parents, guardians, or friends shall think proper." Jefferson believed that this statewide system of conveniently located and adequately supported elementary schools, attended in common by children of the rich and poor alike, would provide the general population with the skills and knowledge necessary to enable them to perform their duties and protect their rights as citizens.

In addition to providing a general education for the masses, Jefferson insisted that the state had an equal obligation to seek

out and cultivate leaders, members of the "natural aristocracy" of virtue and talent (as opposed to the "artificial aristocracy" who laid claim to privilege and power based on their wealth and favored birth). Jefferson's bill thus proposed that at public expense, twenty grammar schools be established at appropriate geographical locations throughout the state. To these boarding schools would come students who were able to pay tuition as well as a select number of "public foundationers" or scholarship students, survivors of a rigorous system of selection in the lower schools. The process of competition would continue in the upper grades as well. According to Jefferson's scheme, after the first year in the district secondary school, the bottom one-third of the scholarship students would be discontinued. After the second year, all the rest, "save one only, the best in genius and disposition," would bring their formal schooling as scholarship students to an end. The one best student in each of the secondary schools would continue his education free of charge for four more years. "By this means, " Jefferson noted, "twenty of the best geniuses will be raked from the rubbish annually." By this means too, Jefferson thought it possible "to avail the state of those talents which Nature has sown as liberally among the poor as the rich, but which perish without use if not sought for and cultivated."

At the top of Jefferson's educational pyramid stood the College of William and Mary which Jefferson, via a companion bill, hoped to convert into a state university. His scheme provided for

the free education at the College of William and Mary of a small number of the brightest graduates of the district schools. The other graduates who had been recipients of state support would become secondary school teachers.

Jefferson's Bill for the More General Diffusion of Knowledge, his bill to reform the College of William and Mary, and yet another bill to establish in Richmond a state-supported library, all met with defeat. Among a combination of factors contributing to the failure of Jefferson's educational plans, legislative fears regarding the expense of his projects seemed paramount. To Jefferson, however, such false economy was shortsighted. He encouraged his mentor and friend George Wythe to "Preach, my dear sir, a crusade against ignorance" and appealed to him to let it be known "that the tax which will paid for this purpose is not more than the thousandth part of what will be paid to kings, priests and nobles who will rise up among us if we leave the people in ignorance." For the moment, however, Jefferson's pleas were in vain.

Other Educational Ventures

The defeat of Jefferson's education plans signaled a delay but not an end to his interest in the cause of public education. Jefferson could take little satisfaction from legislative action in 1796 which passed into law one portion of his general plan. In that year, the legislature enacted part of the bill relating to elementary schools, but the bill was weakened severely by a

provision that allowed officials in each county to determine if and when the schools would be established. Only one county made a serious attempt to begin public elementary schools. Jefferson was no more successful in 1817 when he drafted yet another bill, similar in general outline to his 1779 bill, which also failed to win legislative approval.

Over the years, Jefferson considered still other measures that he thought might help realize at least in part some of his educational ideals. In the 1790s, for example, Jefferson expressed interest in the plan of Francis D'Ivernois to transport the entire faculty of the University of Geneva to America. Although Jefferson thought the idea a good one and Virginia the perfect location for the transplanted university, neither the Virginia legislature nor George Washington, to whom Jefferson turned for support, shared his enthusiasm. Washington, however, proved to be much more excited about plans for a national university than was Jefferson. Presidents Washington and Jefferson, along with John Adams, James Madison, James Monroe, and John Q. Adams all at various times gave serious consideration to plans recommending the creation in the District of Columbia of a national university. After leaving the White House and returning to his mountaintop home at Monticello in 1809, however, ex-President Thomas Jefferson soon began to concentrate his efforts on giving birth to an institution just a few miles away that was to have a national character as well as serve as the capstone of a state system of public education: the University of Virginia.

Jefferson and the University of Virginia

Jefferson's crowning achievement as an education statesman was his role as the founder of the University of Virginia. As any visitor to Charlottesville quickly discovers, the University of Virginia even today is often referred to as "Mr. Jefferson's University." It architectural design, its curriculum, and its guiding philosophy were all the product of Jefferson's vision and a reflection of his ideals.

Although Jefferson had for years been giving thought to the establishment of a superior institution of higher learning in Virginia, it was not until 1814 that his plans began to take definite shape. In that year Jefferson joined his nephew, Peter Carr, and other neighbors as a trustee of a newly revived secondary school to be known as Albemarle Academy. Rather quickly, Jefferson persuaded the other board members that they should elevate their aim and escalate the academy into a college, a move which the legislature approved in 1816. The charter for the new institution, Central College, empowered the governor of the state to appoint the members of its board of visitors. Two other Virginia presidents, James Madison and James Monroe, soon joined Jefferson as members of the board and were present with him when the cornerstone of the first building was laid on October 6, 1817.

A few months later, in February 1818, another bill cleared the General Assembly that provided initial funding toward the creation of a state university and that called for the appointment

of a special commission to determine the site for and plan of operation of the new institution. Jefferson chaired the meeting and wrote the final report of what became known as the Rockfish Gap Commission. Finally, in January 1919, the Virginia legislature accepted the recommendations of the Rockfish Gap Commission and converted the fledgling institution under construction at the foot of Monticello, Central College, into the University of Virginia. Six years later, in March of 1825, the University of Virginia accepted its first students. There to greet them was the institution's founder and first rector. Thomas Jefferson had been allowed to live long enough to the see institution he had long dreamed of come to life. He had been allowed to realize what he termed "the last act of usefulness I can render my country." He died the following year at the age of 83--on July 4, 1826.

The most distinctive and significant element in Jefferson's design for the University of Virginia was his commitment of the institution to the principle of intellectual freedom. "This institution of my native state, the hobby of my old age," he wrote in 1820, will be based on the illimitable freedom of the human mind to explore and expose every subject susceptible of its contemplation. For here we are not afraid to follow truth wherever it may lead, nor to tolerate any error, so long as reason is left free to combat it." It was this faith in reason and commitment to liberty that gave direction to his efforts beginning in the 1770s in behalf of a complete system of public education. The university he founded forty years later stands today as a

living reminder of that faith and as an enduring monument to that commitment.

It seems only fitting that, in our continuing crusade against ignorance, we pause to give Jefferson his due as our first "education president."

Thomas Jefferson and Education: Chronology of Major Events

1743, April 13	Born at Shadwell, Albemarle Co., Virginia
1748	Began schooling with private tutor at Tuckahoe, plantation of William Randolph
1752	Enrolled in boarding school in Goochland Co., taught by Rev. William Douglas, described by TJ later as a "superficial Latinist"
1757	Following father's death, enrolled in Latin boarding school conducted by Rev. James Maury of Louisa Co., "a correct classical scholar"
1760, March 25	Entered College of William & Mary; became close friends with Dr. William Small, the only non-clergyman on the faculty, George Wythe, a prominent lawyer, and Francis Fauquier, governor of the colony.
1762, April 25	Completed studies at William & Mary and began studying law privately with George Wythe
1767	Admitted to bar
1776	Delegate to Continental Congress; wrote the Declaration of Independence
1776	Returned to Virginia; appointed to committee to revise the laws of Virginia
1779, June	Submitted Bill for the More General Diffusion of Knowledge
1786	Bill defeated while Jefferson was in Paris
1786	Doctor of Laws from Yale
1787	Doctor of Laws from Harvard and Brown
1788	Cautious interest in proposal to establish in Richmond a scientific academy patterned after the French Academy
1790	Member of the American Academy of Arts and Sciences
1795, February	Proposed the removal of Geneva faculty to America

1797, January 6	Elected president of the American Philosophical Society
1800, January 18	Described plans for the University of Virginia in a letter to Joseph Priestley
1806, February 23	Advised Joel Barlow on a plan for a national university
1807	Chairman of Washington, D.C. School Board
1814, March 25	Joined Board of Trustees of Albemarle Academy
1814. September 7	Proposed college in place of academy
1816, February 14	Albemarle Academy became Central College
1817, May 5	Bought land for Central College
1817, October 6	Cornerstone of first building laid, with Madison, Monroe and Jefferson present
1818, February 21	Bill authorizing a state university passed
1818, August 1-4	Commissioners met at Rockfish Gap
1819, January 25	Central College became University of Virginia
1825, March 7	University of Virginia opened
1826, July 4	Thomas Jefferson died at Monticello

Thomas Jefferson on Public Education and an Enlightened Society:

Selected Quotations

Prepared by
Jennings L. Wagoner, Jr.
Professor, History of Education
University of Virginia
September, 1989

"If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."
Thomas Jefferson to Col. Charles Yancey, 1816

"It is an axiom in my mind that our liberty can never be safe but in the hands of the people themselves, and that, too, of the people with a certain degree of instruction. This it is the business of the state to effect, and on a general plan."
Thomas Jefferson to George Washington, Jan. 4, 1786

"I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness."
Thomas Jefferson to George Wythe, Aug. 13, 1786

"Preach, my dear Sir, a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils [tyranny, oppression, etc.] and that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests and nobles who will rise up among us if we leave the people in ignorance."
Thomas Jefferson to George Wythe, Aug. 13, 1786

"Above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty."
Thomas Jefferson to James Madison, 1787

"I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education."

Thomas Jefferson to William C. Jarvis, 1820

"The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers & be capable of reading them."

Thomas Jefferson to Edward Carrington, Jan. 16, 1787

"We wish to establish in the upper country [of Virginia], and more centrally for the State, a University on a plan so broad and liberal and modern, as to be worth patronizing with the public support, and be a temptation to the youth of other States to come and drink of the cup of knowledge and fraternize with us."

Thomas Jefferson to Dr. Joseph Priestley, Jan. 18, 1800

"I hope the necessity will, at length, be seen of establishing institutions here, as in Europe, where every branch of science, useful at this day, may be taught in its highest degree."

Thomas Jefferson to John Adams, July 5, 1814

The aims of elementary education for the general population:

"To give to every citizen the information he needs for the transaction of his own business;

To enable him to calculate for himself, and to express and preserve his ideas, his contracts and accounts, in writing;

To improve by reading, his morals and faculties;

To understand his duties to his neighbors and country, and to discharge with competence the functions confided to him by either;

To know his rights; to exercise with order and justice those he retains; to choose with discretion the fiduciary of those he delegates; and to notice their conduct with diligence, with candor, and judgment;

And, in general, to observe with intelligence and faithfulness all the social relations under which he shall be placed."

Thomas Jefferson, Report of the Commissioners Appointed to Fix the Site of the University of Virginia ("The Rockfish Gap Report"), August 4, 1818

The [illegible] Education

"To [illegible] men, legislators and judges, on whom [illegible] individual happiness are so much to depend;
To expound [illegible] principles and structure of government, the laws which regulate the intercourse of nations, those formed municipally for our own government, and a sound spirit of legislation which [illegible] hing all arbitrary and unnecessary restraint on individual action, shall leave us free to do whatever does not violate the equal rights of another;
To harmonize and promote the interests of agriculture, manufactures and commerce, and by well informed views of political economy to give a free scope to the public industry;
To develop the [illegible] ning faculties of our youth, enlarge their minds, cultivate their morals, and instill into them the precepts of virtue and order;
To enlighten them with mathematical and physical sciences, which advance the arts, and administer to the health, subsistence and [illegible] of human life;
And generally to form them to habits of reflection and correct conduct, so [illegible] them examples of virtue to others, and of happiness within themselves."

Thomas Jefferson, "The Rockfish Gap Report," August 4, 1818

On education and the future of mankind:

"Education, [illegible] makes a new man on the native stock, and improves what in him was vicious and perverse into qualities of virtue and social worth. And it cannot be but that each generation succeeding to the knowledge acquired by all those who preceded it, adding to it their own acquisitions and discoveries and handing the mass down for successive and constant accumulation, must advance the knowledge and well-being of mankind, not infinitely, as some have said, but indefinitely, and to a term [illegible] can see and foresee."

Thomas Jefferson, "The Rockfish Gap Report," August 4, 1818

EDUCATION

Education once again became an important political issue in the 1980s as the presidentially appointed National Commission on Excellence in Education declared that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity." Perhaps melodramatically, the commission went on to declare, "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."[44]

Reforms

The commission suggested numerous reforms. The average school day should be increased from six hours to seven, and the school year lengthened from 180 school days to 200. Teacher salaries should be increased in order to attract higher-quality people, and teachers should have an eleven-month contract. High school students should be assigned "far more homework." All high school students should be required to take four years of English, three years each of mathematics, science, and social studies, plus one-half year of computer science. College entrance requirements should be raised in these areas as well as in foreign languages.

The commission was particularly concerned about declining student test scores. In the federally funded testing program conducted by the National Assessment of Educational Progress, the top quarter of elementary and secondary students dropped the most between 1970 and 1980. (However, the greatest improvement was registered by the bottom quarter, especially black elementary school students.)

David Gardner, the president of the University of California, who headed the presidential commission, said that in the last fifteen years academic and vocational courses have been "systematically devalued" and replaced by remedial and personal development courses that "prepare young people for almost nothing." High school students are taking far fewer history, science, mathematics, and foreign language courses, but more health, physical education, remedial English and remedial math, and especially driver's education courses. Gardner was particularly critical of the latter, saying "My father went to a small, rural school in southern Utah, and the thought of substituting 'how to ride a horse' for English would never have occurred to him."[45]

Almost all of the commission's recommendations will cost a great deal of money, but no new money will be forthcoming from the Reagan administration. Whether state and local governments can, or will, fund such proposals will be discussed later in the chapter. Raising teacher salaries is a particularly expensive item, but the Carnegie Foundation for the Advancement of Teaching claims that "the teaching profession is in a crisis state because low pay and low morale are driving the most qualified young persons into other careers the caliber of those choosing e career is low and getting lower. for teachers. State and local gov frequently given across-the-boar thus negating the measure's "mer merit-raises are given to differer secret. Moreover, if school admir is the possibility of favoritism. C merit pay called the *mentor-teach* select outstanding instructors t teachers and developing curricul qualify.

Testing Laws

Over the last decade, the p that many young people are gr tering basic skills in reading, writ all state legislatures have passed point to the fact that education i that it is nearly twice as large as getting its money's worth? Opp who are usually liberals, argue t actually provided students, are t past racial discrimination (as in blacks and students who speak districts to deal with the third administer *functional skills tests*, compute one's gas mileage or h Other thorny questions concern educators set it so low that almo many students therefore fail, will Moreover, do school districts ha remedial instruction for student

If the minimum competen the same for prospective teache test, a subject matter test, or a pr have occasionally been startling prospective teachers could pass Testing Service (ETS); many ar avoid the testing law. A recent teachers by Louis Harris indica *practicing* teachers in their subjec teachers' unions.[47]

young persons into other careers.[46] The foundation further contends that the caliber of those choosing elementary and secondary teaching as a career is low and getting lower. One hotly debated reform is merit pay for teachers. State and local governments adopting such a proposal have frequently given across-the-board merit raises to virtually all employees, thus negating the measure's "merit" aspects. On the other hand, if different merit raises are given to different people, the amounts had better be kept secret. Moreover, if school administrators select merit-pay recipients, there is the possibility of favoritism. California has adopted a modified form of merit pay called the *mentor-teacher program*. Teachers and school officials select outstanding instructors to receive extra salary for helping new teachers and developing curriculum; only 5 percent of the instructors can qualify.

Testing Laws

Over the last decade, the public has become increasingly concerned that many young people are graduating from high school without mastering basic skills in reading, writing, and mathematics. In response, almost all state legislatures have passed *minimum competency testing laws*. Legislators point to the fact that education is the largest item in the state budget, and that it is nearly twice as large as the second item (welfare)—is the public getting its money's worth? Opponents of minimum competency testing, who are usually liberals, argue that the exams do not test the instruction actually provided students, are unfair to students who are the victims of past racial discrimination (as in Florida), and are culturally biased against blacks and students who speak only limited English. One way for school districts to deal with the third objection (but not the first two) is to administer *functional skills tests*, which feature questions such as how to compute one's gas mileage or how to fill out an employment application. Other thorny questions concern the cutoff line for passing the test: Will educators set it so low that almost anyone can pass? If it is set high and many students therefore fail, will parents continue to support the program? Moreover, do school districts have the financial resources to provide the remedial instruction for students who fail the tests?

If the minimum competency of students can be tested, why not do the same for prospective teachers? Twenty states administer a basic skills test, a subject matter test, or a professional teaching skills test. The results have occasionally been startling. In Louisiana, less than two thirds of prospective teachers could pass the test developed by the Educational Testing Service (ETS); many are said to be moving out of the state to avoid the testing law. A recent poll of nearly two thousand experienced teachers by Louis Harris indicates that they prefer periodic testing of *practicing* teachers in their subject-areas—a reform vigorously opposed by teachers' unions.[47]

The Expanding Role of the State

As we saw in Chapter 9, the Progressive reformers of the early twentieth century tried to take many areas of government, but especially education, "out of politics." Such a position could not be sustained in the 1980s, if for no other reason than the substantial amounts of public money involved. The issue is well summarized by Ellis Katz:

> For generations, the educational community struggled to remove education from the political arena. Behind a posture of professional expertise, it succeeded in having school board elections separated from general elections, giving local school districts independent taxing power, granting tenure to system professionals, and settling policy disputes among themselves. Today, however, the social and economic conditions that supported that image of professionalism and independence have changed so that education has become more of a political than a technical issue. Public dissatisfaction with the schools, the rapidly growing cost of education, and the development of special interest groups have combined to thrust education squarely into the political arena. Thus, solutions to educational problems will be more a result of general political leadership than of initiatives from a separate and independent educational community.[48]

Not only has education become political, it has become increasingly a matter for state, rather than local, concern. Frederick Wirt perhaps overstates when he writes that "local control is meaningless, . . . fully a myth," but his point is well taken.[49] Note in Table 11-6 that the states

TABLE 11-6 Estimated Revenue Receipts for Elementary and Secondary Schools,† Percentage Distribution by Level of Government, School Years 1970–1983

	1982–83[p]			*1969–70*		
	Federal	*State*	*Local**	*Federal*	*State*	*Local**
U.S. Average	7.4%	50.3%	42.3%	7.2%	40.9%	51.8%
New England	5.3	37.0	57.7	4.6	23.8	71.6
Connecticut	4.9	36.4	58.7	2.1	25.2	72.8
Maine	10.1	49.7	40.2	6.7	32.5	60.8
Massachusetts	4.8	39.4	55.8	6.0	20.0	74.0
New Hampshire	3.9	6.9	89.2	5.1	8.3	86.7
Rhode Island	4.7	37.0	58.3	5.9	35.3	58.8
Vermont	7.0	35.2	57.8	2.9	37.1	60.0
Mideast	5.2	42.0	52.7	5.9	41.6	52.5
Delaware	11.2	67.6	21.1	7.4	71.3	21.3
Dist. of Col.	15.5	n.a.	84.5	30.2	n.a.	69.8
Maryland	5.9	40.2	53.9	6.4	35.2	58.4
New Jersey	3.5	40.0	56.4	5.4	27.0	67.6
New York	4.0	41.9	54.1	4.7	46.4	48.9
Pennsylvania	7.5	45.2	47.4	6.2	46.2	47.6
Great Lakes	7.0	40.5	52.5	8.7	42.8	48.5
Illinois	8.5	38.0	53.4	12.8	41.2	46.0

TABLE 11-6 *(continued)*

	19
	Federal
Indiana	6.3
Michigan	8.1
Ohio	5.0
Wisconsin	5.4
Plains	6.5
Iowa	7.3
Kansas	4.8
Minnesota	4.7
Missouri	8.1
Nebraska	7.1
North Dakota	7.3
South Dakota	8.7
Southeast	11.2
Alabama	14.8
Arkansas	13.3
Florida	7.1
Georgia	10.2
Kentucky	10.7
Louisiana	9.4
Mississippi	23.0
North Carolina	16.1
South Carolina	13.6
Tennessee	13.0
Virginia	6.6
West Virginia	9.0
Southwest	10.2
Arizona	11.4
New Mexico	10.2
Oklahoma	10.3
Texas	10.0
Rocky Mountain	5.8
Colorado	5.4
Idaho	6.9
Montana	8.5
Utah	5.2
Wyoming	4.0
Far West	5.9
California	5.7
Nevada	5.3
Oregon	9.9
Washington	7.6
Alaska	8.8
Hawaii	5.4

SOURCE: *Significant Features of Fiscal* Commission on Intergovernmental Relatic

* Local and other revenue. p =
† Revenue receipts were used as a subst government.

have now become the dominant fiscal partner in educational funding, supplying over half of the money. However, the average is greatly lifted by states in the Southeast and the Far West. Whatever the region, the threat to withhold state educational aid is enough to bring a local school district into line. The reasons for this centralization, some of which were noted in the last chapter, include court decisions in the area of school finance (to be discussed shortly).

Even without court decisions limiting the use of the property tax, the fact that this levy is overburdened would have increased the state's role. Not only did states change their funding formulas, but they expanded their role in curriculum, achievement testing, and accountability.[50] Federal government involvement in education (to be discussed later in the chapter) has stimulated state departments of education to become more active in educational planning, evaluation, and program development. Moreover, the "once monolithic education community has developed internal divisions, and state legislators are besieged by conflicting demands from teacher unions, local school boards, school administrators, community colleges, state universities, and a multitude of other special interest groups," such as taxpayers, parents, racial or ethnic or religious minorities, teachers, those who sell goods or services to schools (such as contractors who build schools and suppliers of sports equipment or textbooks), and students (especially if they are poor or handicapped).[51] In addition, as the roster of participants in educational policy making has increased, the "pie" of resources to be distributed or redistributed has grown smaller because of tax and expenditure limitations. These limitations have frequently forced the state to step in and bail out school districts or even to curtail its own expenditures.

Table 11-7 shows each state's spending per student and its ability to finance that spending. (See Chapter 10 for a definition of tax capacity.) The range is quite large, with Alaska and New York at the top and Alabama and South Carolina at the bottom. An interesting question is whether more spending leads to better results. The ten states whose college-bound students scored the highest on the Scholastic Aptitude Tests (SATs) or the American College Test (ACT) are California, Colorado, Delaware, Iowa, Minnesota, Nebraska, New Hampshire, Oregon, Vermont, and Wisconsin.[52] Four of these ten states are below average in spending according to Table 11-7, with New Hampshire being way below the average.

Court decisions in twenty-five states have required reforms in state and local school-finance patterns. Courts have declared that the manner in which the property tax was used to finance public schools in those states is a violation of the equal protection clause of the state constitution because a district with a higher tax *base* (one with highly assessed industrial, commercial, or residential real estate) could set a lower tax *rate* and still generate higher school revenue. The judicial reasoning is that the property

TABLE 11-7 Spending per Pupil and

State	1982–83 School Year Spending per Pupil	1981 Capa
Alaska	$6103	$32
New York	3888	8
New Jersey	3807	10
Delaware	3679	11
Michigan	3648	9
Connecticut	3464	11
Rhode Island	3463	8
Oregon	3399	9
Wyoming	3260	21
Wisconsin	3216	9
Maryland	3192	9
Pennsylvania	3031	9
Iowa	3022	10
Minnesota	2987	10
Hawaii	2983	10
Illinois	2960	10
North Dakota	2933	12
Kansas	2917	109
Colorado	2850	113
Massachusetts	2803	96
Montana	2793	114
Florida	2768	101
New Mexico	2759	114
Total U.S.	2748	100
Vermont	2741	84
Arizona	2727	89

SOURCES: *National Journal*, October 15, *Federalism, 1982–83* (Washington, D.C.: tions, 1984), p. 92.

tax, as previously employed, ma (defined in terms of the amount c the presence of nearby industry o Supreme Court has ruled that t violate the U.S. Constitution, legi shifted a greater responsibility fo state taxes).

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TABLE 11-7 Spending per Pupil and Tax Capacity

State	1982–83 School Year Spending per Pupil	1981 Tax Capacity	State	1982–83 School Year Spending per Pupil	1981 Tax Capacity
Alaska	$6103	$324	Washington	2706	99
New York	3888	89	Oklahoma	2629	127
New Jersey	3807	105	Ohio	2609	94
Delaware	3679	111	Missouri	2587	92
Michigan	3648	96	Virginia	2551	94
Connecticut	3464	110	Indiana	2530	91
Rhode Island	3463	80	North Carolina	2525	80
Oregon	3399	99	California	2507	115
Wyoming	3260	216	Maine	2498	79
Wisconsin	3216	91	Nebraska	2488	97
Maryland	3192	98	West Virginia	2480	90
Pennsylvania	3031	90	Louisiana	2321	117
Iowa	3022	102	South Dakota	2289	86
Minnesota	2987	100	Georgia	2243	81
Hawaii	2983	105	New Hampshire	2187	95
Illinois	2960	104	Nevada	2178	148
North Dakota	2933	123	Texas	2162	132
Kansas	2917	109	Idaho	2110	87
Colorado	2850	113	Kentucky	2056	82
Massachusetts	2803	96	Utah	2016	86
Montana	2793	114	Tennessee	2003	79
Florida	2768	101	Mississippi	1995	72
New Mexico	2759	114	Arkansas	1988	82
Total U.S.	2748	100	South Carolina	1892	75
Vermont	2741	84	Alabama	1507	74
Arizona	2727	89			

SOURCES: *National Journal*, October 15, 1983, p. 2106; and *Significant Features of Fiscal Federalism, 1982–83* (Washington, D.C.: Advisory Commission on Intergovernmental Relations, 1984), p. 92.

tax, as previously employed, made the quality of a student's education (defined in terms of the amount of money spent per pupil) dependent on the presence of nearby industry or high-priced homes. Although the U.S. Supreme Court has ruled that this method of school finance does not violate the U.S. Constitution, legislatures in these twenty-five states have shifted a greater responsibility for school funding to the state level (and state taxes).

The reasoning of the courts in these various states ignores some significant factors. Spending varies not only among districts in a state, but also among schools in the same district. Schools serving an upper-class clientele tend to receive more largess than schools with a lower-class student body. Moreover, since about three fourths of a school district's budget is for salaries and other personnel costs, the fact that one district

spends more money than another district means primarily that teachers are better paid in the higher-spending district. The National Commission on Excellence in Education is correct when it says that teachers should be paid more money, but it does not automatically follow that better-paid teachers lead to better-educated students.

Finally, there is the question of whether school spending is the prime determinant of student learning. James S. Coleman, in a massive study of 600,000 students, their parents, and their schools done for the U.S. Office of Education, found that school resources are far less important in explaining student scores on standard achievement tests than are the student's home environment and the motivation he or she received from attending school with capable students.[53] School expenditures, facilities, and curriculum are much less significant than a factor beyond the reach of the school: early home environment.

Christopher Jencks and his associates set out to reanalyze Coleman's data and to refute him, but they ended up concluding that "the evidence we have examined does not suggest that doubling expenditures would raise students' performance on standardized tests."[54] On the other hand, one could argue that standardized tests do not measure such important aspects of schooling as appreciation of the arts, creativity, curiosity about other people and other cultures, good citizenship, and love of learning.

Federal Aid to Education

As Table 11-6 indicates, some states depend much more on federal education aid than other states. States in the Southeast and Southwest really seem to rely on this money. Federal aid to education is not intended to provide general support for elementary and secondary education, but is targeted for certain (categorical) purposes, such as for low-income or educationally deprived children, handicapped children, or bilingual education. The Elementary and Secondary Education Act of 1965 is particularly important legislation in this area. Ironically, some federal aid programs may have the inadvertent effect of harming the children they are intended to help. Teachers complain of the problem of *multiple pullouts:* children who are poor are temporarily removed from regular classes so that they may receive federally aided special instruction. If these children are also bilingual or handicapped, they are pulled out of class for additional assistance as well. The result is that these students miss out on their core courses of instruction. In a different vein, substantial amounts of federal aid also go to higher education.

Bilingual Education

In the area of bilingual education, school districts must comply with the U.S. Supreme Court's ruling in the 1974 case of *Lau* v. *Nichols,* 414 U.S. 563, that schools must provide extra assistance to children who cannot

speak or read English. Reversi
President Reagan has decided
approach" to teaching non-E
immersion in English-only cl
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schools what subject matter to

Bilingual education is an
purposes of integration, the
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are topics over which education
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education issue are those who
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high dropout rates among these
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bars them from many later oppc

Increased Enrollment

Yet another problem facin
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War II "baby boomers." After n
must now provide more teachers,
in rapidly growing areas of the
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Public Higher Education

Public higher education in t
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colleges. The *flagship universities*

speak or read English. Reversing the decisions of previous administrations, President Reagan has decided to allow local officials to use "any effective approach" to teaching non-English-speaking students, including total immersion in English-only classes. Education officials in the Reagan administration have criticized previous bilingual guidelines as expensive and excessive regulation by which the federal government dictated to local schools what subject matter to teach.

Bilingual education is an intensely political issue, as are busing for purposes of integration, the teaching of "creationism," censorship of textbooks and library books, and strikes by teachers' unions. None of these are topics over which education professionals can claim that their expertise gives them the right to make a final decision. On one side of the bilingual education issue are those who say that pre-Reagan responses to the *Lau* decision overemphasized students' learning to speak their native tongue and that children were becoming dependent on that language. They frequently argue that children of previous generations, who may have spoken only Italian or Polish or Russian at home, were able to learn English fairly quickly. In vehement opposition are those Hispanic militants who want to maintain a distinct cultural identity based on a common language and who fear assimilation of their children. Complicating matters are the large number of people who have been trained, certified, and hired to teach bilingual classes and who fear loss of their jobs. However the bilingual controversy is finally resolved, school districts should proceed with caution if using the total-immersion approach, lest they traumatize children who speak little or no English and thereby increase the already high dropout rates among these students. Although students have a right to instruction in a language they can understand, a failure to learn English bars them from many later opportunities for well-paying employment.

Increased Enrollment

Yet another problem facing elementary and secondary education is how to accommodate enrollments swelled by the children of post–World War II "baby boomers." After many years of enrollment decline, schools must now provide more teachers, classrooms, and other facilities, especially in rapidly growing areas of the Sunbelt. Many of the children of this "baby boomlet" are minorities whose populations are growing faster than the white population. The existing shortage of science, mathematics, and bilingual education teachers is being severely worsened by this recent development.

Public Higher Education

Public higher education in the states is provided by three different types of colleges: flagship universities, state universities, and community colleges. The *flagship universities* are the most prestigious in the state

TABLE 11-8 *(continued)*

	1981–82 State and Local Appropriations per Student		*Adjusted for System Cost*	
	Amount	*Rank*	*Amount*	*Rank*
Virginia	3,237	34	3,375	25
Washington	2,710	47	2,760	45
West Virginia	3,742	18	3,716	16
Wisconsin	3,314	32	3,259	28
Wyoming	6,608	2	7,552	2
U.S. average	$3,646		$ 3,646	

SOURCE: "How the Fifty States Rank," *Chronicle of Higher Education,* February 24, 1982, p. 8. Copyright 1982 by *The Chronicle of Higher Education.* Reprinted by permission.

system, have the highest admission standards, and have a heavily research-oriented faculty. Examples are the main campuses of the University of Minnesota, the University of Texas, and the University of Washington. The *state universities* usually began as teachers' colleges, and they still perform that role as well as providing instruction in a broad range of fields, such as science, the liberal arts, and business. The *community colleges,* or *junior colleges,* have a two-year program in which students take courses in vocational education, courses for transfer to a four-year university, or courses for personal development. These colleges are usually locally funded and administered, but they receive substantial amounts of state aid.

The left-hand column in Table 11-8 ranks the states according to state and local appropriations per college student. However, such a listing can be highly misleading because some states, such as Hawaii and Iowa, have a large number of students in universities emphasizing research, which is an expensive endeavor. Florida and California, on the other hand, have emphasized community colleges, which are much less costly per student. The right-hand column shows how the states rank when *system costs* are considered. In addition to tax revenue, public universities receive substantial amounts of money from student fees, from research contracts, from endowments (especially the University of California, the University of Texas, the University of Minnesota, and the Massachusetts Institute of Technology), and from the sales of football tickets and television royalties (especially if the team is playing well).

Federal aid is particularly important in the form of such student-grants programs as Pell Grants, the Guaranteed Student Loan Program, and National Direct Student Loans. The Reagan administration has reduced funds for these programs and would like to end loans to students whose families earn more than $30,000 per year.

SUMMARY

According to one description, "three of the major functions of most states are the care of the insane, prisoners, and university students."[55] As we have seen, state and local governments provide these services and many more. The five policy areas considered in this chapter (law enforcement, welfare, health, housing, and education) are the focus of social services. In the next chapter, we will study services that are implemented less for the benefit of specific categories of people with particular needs, and more because these services are thought to benefit the state as a whole.

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STATE and LOCAL POLITICS and POLICY:

CHANGE and REFORM

Michael J. Ross
University of San Diego

PRENTICE-HALL, INC., ENGLEWOOD CLIFFS, NEW JERSEY 07632

elect a person, who must go out at the
removing every fourth year by the vote
will not exercise, and if they were dis-
be permitted. The King of Poland
ut they never remove him. Nor would
em to do it. Smaller objections are, the
laws; and the binding all persons, leg-
oath, to maintain that constitution. I do
e the best method of procuring the estab-
gs in this constitution, and of getting rid
in hopes of future amendment; or after
ıd canvassed by the people, after seeing
l those they generally approve, to say to
. You are willing to give to your federal
, but you wish, at the same time, to have
secured to you, and certain sources of
Send together deputies again. Let them
by a sacrosanct declaration, and let them
ou have approved. These will give powers
ent for your happiness."
would probably produce a speedy, more
of government. At all events, I hope you
ing other trials, if the present one should
espair of the commonwealth. I have thus
what I dislike, merely as a matter of cur-
power to offer matter of information to
formed after hearing and weighing every-
could offer on these subjects. I own, I am
overnment. It is always oppressive. It places
eir ease, at the expense of the people. The
s given more alarm, than I think it should
ebellion in thirteen States in the course of
State in a century and a half. No country
Nor will any degree of power in the hands
ions. In England, where the hand of power
ıre seldom half a dozen years without an
t is still heavier, but less despotic, as Mon-
other countries, and where there are always
men ready to crush insurrections, there have
hree years I have been here, in every one of
aged than in Massachusetts, and a great deal
y, where the sole nod of the despot is death,

insurrections are the events of every day. Compare again the ferocious depredations of their insurgents, with the order, the moderation and the almost self-extinguishment of ours. And say, finally, whether peace is best preserved by giving energy to the government, or information to the people. This last is the most certain, and the most legitimate engine of government. Educate and inform the whole mass of the people. Enable them to see that it is their interest to preserve peace and order, and they will preserve them. And it requires no very high degree of education to convince them of this. They are the only sure reliance for the preservation of our liberty. After all, it is my principle that the will of the majority should prevail. If they approve the proposed constitution in all its parts, I shall concur in it cheerfully, in hopes they will amend it, whenever they shall find it works wrong. This reliance cannot deceive us, as long as we remain virtuous; and I think we shall be so, as long as agriculture is our principal object, which will be the case, while there remains vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe, we shall become corrupt as in Europe, and go to eating one another as they do there. I have tired you by this time with disquisitions which you have already heard repeated by others, a thousand and a thousand times; and therefore, shall only add assurances of the esteem and attachment with which I have the honor to be, dear Sir, your affectionate friend and servant.

BILL OF RIGHTS[1]

March 15, 1789

In the arguments in favor of a declaration of rights, you omit one which has great weight with me; the legal check which it puts into the hands of the judiciary. This is a body, which, if rendered independent and kept strictly to their own department, merits great confidence for their learning and integrity. In fact, what degree of confidence would be too much, for a body composed of such men as Wythe, Blair and Pendleton? On characters like these, the *"civium ardor prava jubentium"* would make no impression. I am happy to find that, on the whole, you are a friend to this amendment.

The declaration of rights is, like all other human blessings, alloyed with some inconveniences, and not accomplishing fully its object. But the good in this instance, vastly overweighs the evil. I cannot refrain from making short answers to the objections which your letter states to have been raised.

1. That the rights in question are reserved, by the manner in which the federal powers are granted. Answer. A constitutive act may, certainly, be so formed, as to need no declaration of rights. The act itself has the force of a

[1] Letter to James Madison.

declaration, as far as it goes; and if it goes to all material points, nothing more is wanting. In the draught of a constitution which I had once a thought of proposing in Virginia, and printed afterwards,[2] I endeavored to reach all the great objects of public liberty, and did not mean to add a declaration of rights. Probably the object was imperfectly executed; but the deficiencies would have been supplied by others, in the course of discussion. But in a constitutive act which leaves some precious articles unnoticed, and raises implications against others, a declaration of rights becomes necessary, by way of supplement. This is the case of our new federal constitution. This instrument forms us into one State, as to certain objects, and gives us a legislative and executive body for these objects. It should, therefore, guard us against their abuses of power, within the field submitted to them. 2. A positive declaration of some essential rights could not be obtained in the requisite latitude. Answer. Half a loaf is better than no bread. If we cannot secure all our rights, let us secure what we can. 3. The limited powers of the federal government, and jealousy of the subordinate governments, afford a security which exists in no other instance. Answer. The first member of this seems resolvable into the first objection before stated. The jealousy of the subordinate governments is a precious reliance. But observe that those governments are only agents. They must have principles furnished them, whereon to found their opposition. The declaration of rights will be the text, whereby they will try all the acts of the federal government. In this view, it is necessary to the federal government also; as by the same text, they may try the opposition of the subordinate governments. 4. Experience proves the inefficacy of a bill of rights. True. But though it is not absolutely efficacious under all circumstances, it is of great potency always, and rarely inefficacious. A brace the more will often keep up the building which would have fallen, with that brace the less. There is a remarkable difference between the characters of the inconveniences which attend a declaration of rights, and those which attend the want of it. The inconveniences of the declaration are, that it may cramp government in its useful exertions. But the evil of this is short-lived, moderate and reparable. The inconveniences of the want of a declaration are permanent, afflicting and irreparable. They are in constant progression from bad to worse. The executive, in our governments, is not the sole, it is scarcely the principal object of my jealousy. The tyranny of the legislatures is the most formidable dread at present, and will be for many years. That of the executive will come in its turn; but it will be at a remote period. I know there are some among us, who would now establish a monarchy. But they are inconsiderable in number and weight of character. The rising race are all republicans. We were educated in royalism; no wonder, if some of

[2] For text, see pp. 103-120.

us retain that idolatry still. Our young people are educated in republicanism; an apostasy from that to royalism, is unprecedented and impossible. I am much pleased with the prospect that a declaration of rights will be added; and I hope it will be done in that way, which will not endanger the whole frame of government, or any essential part of it.

A CHARTER OF RIGHTS, ESTABLISHED BY THE [FRENCH] KING AND NATION[1]

June, 1789

1. The States-General shall assemble, uncalled, on the first day of November, annually, and shall remain together so long as they shall see cause. They shall regulate their own elections and proceedings, and until they shall ordain otherwise, their elections shall be in the forms observed in the present year, and shall be triennial.

2. The States-General alone shall levy money on the nation, and shall appropriate it.

3. Laws shall be made by the States-General only, with the consent of the King.

4. No person shall be restrained of his liberty, but by regular process from a court of justice, authorized by a general law. (Except that a Noble may be imprisoned by order of a court of justice, on the prayer of twelve of his nearest relations.) On complaint of an unlawful imprisonment, to any judge whatever, he shall have the prisoner immediately brought before him, and shall discharge him, if his imprisonment be unlawful. The officer in whose custody the prisoner is, shall obey the orders of the judge; and both judge and officer shall be responsible civilly and criminally, for a failure of duty herein.

5. The military shall be subordinate to the civil authority.

6. Printers shall be liable to legal prosecution for printing and publishing false facts, injurious to the party prosecuting; but they shall be under no other restraint.

7. All pecuniary privileges and exemptions, enjoyed by any description of persons, are abolished.

8. All debts already contracted by the King, are hereby made the debts of the nation; and the faith thereof is pledged for their payment in due time.

9. Eighty millions of livres are now granted to the King, to be raised by loan, and reimbursed by the nation; and the taxes heretofore paid, shall continue to be paid to the end of the present year, and no longer.

[1] Jefferson sent this draft to St. Etienne and Lafayette, for them to submit it to Louis XVI or to use it as a "canvas" on which to draw up a democratic constitution for France.

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THE COMPLETE JEFFERSON

Containing His Major Writings, Published and Unpublished, Except His Letters

Jefferson, Thomas, pres., U. S., 1743-1826.

ASSEMBLED AND ARRANGED BY

SAUL K. PADOVER

With Illustrations and analytic index



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The Emerging Agenda in State Constitutional Law

by Stanley M. Mosk

There may appear to be a kind of heresy in mentioning alternatives to the United States Constitution in this period when we are celebrating the Bicentennial of that remarkable document. The response to any such criticism can only be that human liberty is so fundamental that we must explore every avenue for its preservation. There are times when it may be expedient to look to international instruments—the Universal Declaration of Human Rights, for example—or to state constitutions.

Take, for openers, the right of privacy. In courts throughout the land, that somewhat elusive concept is being urged and generally accepted. Significantly, in many respects the Universal Declaration of Human Rights and the state constitutions protect individuals in a similar manner, and more expansively than does the United States Constitution.

Example: a police officer or a public prosecutor may walk into a bank, and with no authority of process, demand to examine the bank records of an individual or corporation. There is no constitutional violation, says the United States Supreme Court. But some states have pointed out that canceled checks, loan applications and other banking transactions are a mini-biography, that one reasonably expects private bank records to be used only for internal bank processes, and, therefore, an examination of them violates the state constitutional right of privacy unless the records are obtained by a warrant or subpoena. Does one reasonably expect privacy in credit card records or unlisted telephone numbers? Tune in later.

Education as a Fundamental Right?

To most of us, learning and knowledge are our most prized possessions. Yet, in *San Antonio Independent School District v. Rodriguez* [1] in 1973, the Supreme Court specifically held that education is not a fundamental right, and it has never retreated from that position. Contrast that result with the growing number of states that have recognized the inherent value of public education. California, in its celebrated 1971 *Serrano v. Priest* [2] case, openly and firmly declared that "the distinctive and priceless function of education in our society warrants, indeed compels, our treating it as a

Stanley M. Mosk is an associate justice of the California Supreme Court. This article appeared in *Intergovernmental Perspective* 13:2 (Spring 1987): 19-22. Used with permission from the U.S. Advisory Commission on Intergovernmental Relations.

fundamental interest." Courts in Connecticut, Michigan, Wyoming, Arizona, Mississippi, Washington, Wisconsin and West Virginia have reached the same fundamental right conclusion.

The State-Church Conflict Goes On

The revival of religious fervor in the country—indeed throughout the world—and the aggressiveness of the fundamentalist movement indicate future cases in the seemingly perpetual church-state conflict. In this area, United States Supreme Court cases have not been models of clarity.

In *Everson v. Board of Education*[3] in 1947, the Court upheld a New Jersey statute which authorized reimbursement to parents for fares to transport their children to public or nonprofit private schools, including religious schools. In a five-to-four decision, the majority held that the legislation did no more than provide a general program to assist parents, regardless of their religion, to get their children to school safely and expeditiously.

The first case dealing with the constitutionality of providing textbooks for use in religious schools was the 1968 *Board of Education v. Allen*[4] challenge to a New York law. The Court invoked what has come to be called the "child benefit" theory, i.e., it held that the financial benefit of the program was to the children and their parents rather than to the parochial schools, that no funds or books were furnished to the schools. Moreover, it held, while books, unlike buses, are critical to the teaching process, the record did not support the proposition that textbooks on nonreligious subjects were used by the parochial schools to teach religion. Later, in 1973, the Supreme Court declared that a law which confers an indirect, remote and incidental benefit on religious institutions is not for that reason alone unconstitutional.

The "child benefit" theory has been criticized by several state courts on the ground that it proves too much. If the fact that a child is aided by an expenditure of public money insulates a statute from challenge, constitutional prohibitions of state aid to sectarian schools would be virtually eradicated. There is no logical stopping point.

It is impossible to predict how many states will rely on their own constitutions to retain the traditional wall of separation, but some have done so and others will face the test in the near future. Many states have constitutional provisions more precise and sweeping than the First Amendment, and have been stricter than the Supreme Court in enforcing separation of church and state.

What to Do About *Miranda*

High on the constitutional agenda in the next few years will be what, if anything, to do about *Miranda*. When the *Miranda v. Arizona*[5] ruling was announced in 1966, many states were reluctant to accept it. Some were dragged kicking and screaming into conformity. But conform they did. The question will be, if *Miranda* expires—and, to paraphrase Mark Twain, reports of its imminent demise are no doubt exaggerated—will the states revert to policies of anything-goes-at-the-stationhouse or will they insist on some form of *Miranda*-type warning under state constitutional authority?

Unless the Supreme Court should rule that a *Miranda* warning is absolutely forbidden—which seems inconceivable—many if not most states will adhere to the rules they adopted. It has taken two decades, but law enforcement officers in the states have become reconciled to giving appropriate warnings to suspects. And trial judges understand that they must reject statements obtained from defendants who were not warned. Many of the state decisions have been based on state constitutions.

STATE GOVERNMENT

CQ's GUIDE TO CURRENT ISSUES AND ACTIVITIES 1988-89

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nations of Indians inhabiting the Missouri and other parts beyond the Mississippi, come charged with the assurances of their satisfaction with the new relations in which they are placed with us, of their disposition to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us. A statement of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated so soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the treasury during the year ending the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upward of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal. Congress, by their act of November 10th, 1803, authorized us to borrow one million seven hundred and fifty thousand dollars, toward meeting the claims of our citizens assumed by the convention with France. We have not, however, made use of this authority, because the sum of four millions and a half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars appropriated to the funded debts, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars assumed by the French convention, and still leaves a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance, that I will exert my best endeavors to administer faithfully the executive department, and will zealously co-operate with you in every measure which may tend to secure the liberty, property, and personal safety of our fellow citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of the public business, and all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

SIXTH ANNUAL MESSAGE

December 2, 1806

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED: It would have given me, fellow citizens, great satisfaction to announce in the moment of your meeting that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions charged with such powers and instructions as in the event of failure could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British government appears to have proceeded from causes which do not forbid the expectation that during the course of the session I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place at the date of the last despatches enables us to pronounce. On the western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of redelivery to France and the United States, that she continued a guard of half a dozen men which had been stationed there. A proposition, however, having been lately made by our commander-in-chief, to assume the Sabine river as a temporary line of separation between the troops of the two nations until the issue of our negotiation shall be known; this has been referred by the Spanish commandant to his superior, and in the meantime, he has withdrawn his force to the western side of the Sabine river. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you with great pleasure of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the

general determination to protect them efficaciously under all circumstances which may occur.

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on military expeditions against the territories of Spain, I thought it necessary, by proclamations as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions; it was due to good order and regular government, that while the public force was acting strictly on the defensive and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiation with Spain; but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence, and in conjunction with them to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the legislature.

The gun-boats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are competent and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such works as may have real effect

in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the people, directly expressed by their free suffrages; where the principal executive functionaries, and those of the legislature, are renewed by them at short periods; where under the characters of jurors, they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to everyone the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishments for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain extent are given by the laws; would they not be as reasonable and useful were the enterprise preparing against the United States? While adverting to this branch of the law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The states on the coast of Barbary seem generally disposed at present to respect our peace and friendship; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms, or not at all, I propose to send in due time a reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare; and as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri, and the best communication from that to the Pacific ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean,

ascertained with accuracy the geography of that interesting communication across our continent, learned the character of the country, of its commerce, and inhabitants; and it is but justice to say that Messrs. Lewis and Clarke, and their brave companions, have by this arduous service deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended to its source, and whose journal and map, giving the details of the journey, will shortly be ready for communication to both houses of Congress. Those of Messrs. Lewis and Clarke, and Freeman, will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi, and its western waters. Some principal rivers, however, remain still to be explored, toward which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the treasury during the year ending on the 30th of September last, have amounted to near fifteen millions of dollars, which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in parts of the price of Louisiana; to pay of the funded debt upward of three millions of principal, and nearly four of interest; and in addition, to reimburse, in the course of the present month, near two millions of five and a half per cent stock. These payments and reimbursements of the funded debt, with those which have been made in four years and a half preceding, will, at the close of the present year, have extinguished upward of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present season. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished, there will still ere long be an accumulation of moneys in the treasury beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues—the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward,—to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid is foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recom-

mended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment for education, particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent on war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

This, fellow citizens, is the state of the public interest at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such too the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs that may change from moment to moment, during the course of your session or after you shall have separated. Our duty is, therefore, to act upon things as they are, and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened pace in preparations for the defence of our seaport towns and waters; an early settlement of the most exposed and vulnerable parts of our country; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them to serve a sufficient time, are means which may always be ready yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and toward throwing its burdens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

SPECIAL MESSAGE

January 22, 1807

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES: Agreeably to the request of the House of Representatives, communicated in their resolution of the sixteenth instant, I proceed to state under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in the constant expectation of receiving such further information as would have enabled me to lay before the legislature the termination as well as the beginning and progress of this scene of depravity, so far as it has been acted on the Ohio and its waters. From this the state and safety of the lower country might have been estimated on probable grounds, and the delay was indulged the rather, because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information now recently communicated has brought us nearly to the period contemplated. The mass of what I have received, in the course of these transactions, is voluminous, but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as render it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, or the particular credibility of the relater. In this state of the evidence, delivered sometimes too under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question.

Some time in the latter part of September, I received intimations that designs were in agitation in the western country, unlawful and unfriendly to the peace of the Union; and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not until the latter part of October, that the objects of the conspiracy began to be perceived, but still so blended and involved in mystery that nothing distinct could be singled out for pursuit. In this state of un-

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staining the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.

The revised code further proposes to proportion crimes and punishments. This is attempted on the following scale:

I. Crimes whose punishment extends to LIFE.

1. High treason. Death by hanging.
   Forfeiture of lands and goods to the commonwealth.
2. Petty treason. Death by hanging. Dissection.
   Forfeiture of half the lands and goods to the representatives of the party slain.
3. Murder. 1. By poison. Death by poison.
   Forfeiture of one-half, as before.
   2. In duel. Death by hanging. Gibbeting, if the challenger.
   Forfeiture of one-half as before, unless it be the party challenged, then the forfeiture is to the commonwealth.
   3. In any other way. Death by hanging.
   Forfeiture of one-half as before.
4. Manslaughter. The second offence is murder.

II. Crimes whose punishment goes to LIMB.

1. Rape
2. Sodomy
   } Dismemberment.
3. Maiming
4. Disfiguring
   } Retaliation, and the forfeiture of half of the lands and goods to the sufferer.

III. Crimes punishable by LABOR.

1. Manslaughter, 1st offence.	Labor VII. years for the public.	Forfeiture of half, as in murder.
2. Counterfeiting money.	Labor VI. years	Forfeiture of lands and goods to the commonwealth.
3. Arson. 4. Asportation of vessels.	Labor V. years	Reparation threefold.
5. Robbery. 6. Burglary.	Labor IV. years	Reparation double.
7. House-breaking. 8. Horse-stealing.	Labor III. years	Reparation.
9. Grand larceny.	Labor II. years	Reparation. Pillory.
10. Petty larceny.	Labor I. year	Reparation. Pillory. Stripes.
11. Pretensions to witchcraft, &c.	Ducking.	
12. Excusable homicide. 13. Suicide. 14. Apostasy. Heresy.	To be pitied, not punished.	

Pardon and privilege of clergy are proposed to be abolished; but if the verdict be against the defendant, the court in their discretion may allow a new trial. No attainder to cause a corruption of blood, or forfeiture of dower. Slaves guilty of offences punishable in others by labor, to be transported to Africa,

or elsewhere, as the circumstances of the time admit, there to be continued in slavery. A rigorous regimen proposed for those condemned to labor.

Another object of the revisal is, to diffuse knowledge more generally through the mass of the people. This bill proposes to lay off every county into small districts of five or six miles square, called hundreds, and in each of them to establish a school for teaching, reading, writing, and arithmetic. The tutor to be supported by the hundred, and every person in it entitled to send their children three years gratis, and as much longer as they please, paying for it. These schools to be under a visitor who is annually to choose the boy of best genius in the school, of those whose parents are too poor to give them further education, and to send him forward to one of the grammar schools, of which twenty are proposed to be erected in different parts of the country, for teaching Greek, Latin, Geography, and the higher branches of numerical arithmetic. Of the boys thus sent in one year, trial is to be made at the grammar schools one or two years, and the best genius of the whole selected, and continued six years, and the residue dismissed. By this means twenty of the best geniuses will be raked from the rubbish annually, and be instructed, at the public expense, so far as the grammar schools go. At the end of six years instruction, one half are to be discontinued (from among whom the grammar schools will probably be supplied with future masters); and the other half, who are to be chosen for the superiority of their parts and disposition, are to be sent and continued three years in the study of such sciences as they shall choose, at William and Mary college, the plan of which is proposed to be enlarged, as will be hereafter explained, and extended to all the useful sciences. The ultimate result of the whole scheme of education would be the teaching all the children of the State reading, writing, and common arithmetic; turning out ten annually, of superior genius, well taught in Greek, Latin, Geography, and the higher branches of arithmetic; turning out ten others annually, of still superior parts, who, to those branches of learning, shall have added such of the sciences as their genius shall have led them to; the furnishing to the wealthier part of the people convenient schools at which their children may be educated at their own expense. The general objects of this law are to provide an education adapted to the years, to the capacity, and the condition of everyone, and directed to their freedom and happiness. Specific details were not proper for the law. These must be the business of the visitors entrusted with its execution. The first stage of this education being the schools of the hundreds, wherein the great mass of the people will receive their instruction, the principal foundations of future order will be laid here. Instead, therefore, of putting the Bible and Testament into the hands of the children at an age when their judgments are not sufficiently matured for religious inquiries, their memories may here be stored with the most useful facts from Grecian, Roman, European and American history. The first elements of morality too may be instilled into their minds; such as, when further developed as their judgments advance in strength, may teach them how to work out their own greatest happiness, by showing them that it does not depend on the condition of life in which chance has placed them, but is always the result of a

good conscience, good health, occupation, and freedom in all just pursuits. Those whom either the wealth of their parents or the adoption of the State shall destine to higher degrees of learning, will go on to the grammar schools, which constitute the next stage, there to be instructed in the languages. The learning Greek and Latin, I am told, is going into disuse in Europe. I know not what their manners and occupations may call for; but it would be very ill-judged in us to follow their example in this instance. There is a certain period of life, say from eight to fifteen or sixteen years of age, when the mind like the body is not yet firm enough for laborious and close operations. If applied to such, it falls an early victim to premature exertion; exhibiting, indeed, at first, in these young and tender subjects, the flattering appearance of their being men while they are yet children, but ending in reducing them to be children when they should be men. The memory is then most susceptible and tenacious of impressions; and the learning of languages being chiefly a work of memory, it seems precisely fitted to the powers of this period, which is long enough too for acquiring the most useful languages, ancient and modern. I do not pretend that language is science. It is only an instrument for the attainment of science. But that time is not lost which is employed in providing tools for future operation; more especially as in this case the books put into the hands of the youth for this purpose may be such as will at the same time impress their minds with useful facts and good principles. If this period be suffered to pass in idleness, the mind becomes lethargic and impotent, as would the body it inhabits if unexercised during the same time. The sympathy between body and mind during their rise, progress and decline, is too strict and obvious to endanger our being missed while we reason from the one to the other. As soon as they are of sufficient age, it is supposed they will be sent on from the grammar schools to the university, which constitutes our third and last stage, there to study those sciences which may be adapted to their views. By that part of our plan which prescribes the selection of the youths of genius from among the classes of the poor, we hope to avail the State of those talents which nature has sown as liberally among the poor as the rich, but which perish without use, if not sought for and cultivated. But of the views of this law none is more important, none more legitimate, than that of rendering the people the safe, as they are the ultimate, guardians of their own liberty. For this purpose the reading in the first stage, where *they* will receive their whole education, is proposed, as has been said, to be chiefly historical. History, by apprizing them of the past, will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views. In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate and improve. Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe, their minds must be improved to a

certain degree. This indeed is not all that is necessary, though it be essentially necessary. An amendment of our constitution must here come in aid of the public education. The influence over government must be shared among all the people. If every individual which composes their mass participates of the ultimate authority, the government will be safe; because the corrupting the whole mass will exceed any private resources of wealth; and public ones cannot be provided but by levies on the people. In this case every man would have to pay his own price. The government of Great Britain has been corrupted, because but one man in ten has a right to vote for members of parliament. The sellers of the government, therefore, get nine-tenths of their price clear. It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier of the people; but it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption.

Lastly, it is proposed, by a bill in this revisal, to begin a public library and gallery, by laying out a certain sum annually in books, paintings, and statues.

QUERY XV

The Colleges and Public Establishments, the Roads, Buildings, &c.

The college of William and Mary is the only public seminary of learning in this State. It was founded in the time of king William and queen Mary, who granted to it twenty thousand acres of land, and a penny a pound duty on certain tobaccoes exported from Virginia and Maryland, which had been levied by the statute of 25 Car. II. The assembly also gave it, by temporary laws, a duty on liquors imported, and skins and furs exported. From these resources it received upwards of three thousand pounds *communibus annis*. The buildings are of brick, sufficient for an indifferent accommodation of perhaps an hundred students. By its charter it was to be under the government of twenty visitors, who were to be its legislators, and to have a president and six professors, who were incorporated. It was allowed a representative in the general assembly. Under this charter, a professorship of the Greek and Latin languages, a professorship of mathematics, one of moral philosophy, and two of divinity, were established. To these were annexed, for a sixth professorship, a considerable donation by Mr. Boyle, of England, for the instruction of the Indians, and their conversion to Christianity. This was called the professorship of Brafferton, from an estate of that name in England, purchased with the monies given. The admission of the learners of Latin and Greek filled the college with children. This rendering it disagreeable and degrading to young gentlemen already prepared for entering on the sciences, they were discouraged from resorting to it, and thus the schools for mathematics and moral philosophy, which might have been of some service, became of very little. The revenues, too, were exhausted in accommodating those who came only to acquire the rudiments of science. After the present revolution, the visitors, having no power to change

those circumstances in the constitution of the college which were fixed by the charter, and being therefore confined in the number of the professorships, undertook to change the objects of the professorships. They excluded the two schools for divinity, and that for the Greek and Latin languages, and substituted others; so that at present they stand thus:

A Professorship for Law and Police;
Anatomy and Medicine;
Natural Philosophy and Mathematics;
Moral Philosophy, the Law of Nature and Nations, the Fine Arts;
Modern Languages;
For the Brafferton.

And it is proposed, so soon as the legislature shall have leisure to take up this subject, to desire authority from them to increase the number of professorships, as well for the purpose of subdividing those already instituted, as of adding others for other branches of science. To the professorships usually established in the universities of Europe, it would seem proper to add one for the ancient languages and literature of the north, on account of their connection with our own language, laws, customs, and history. The purposes of the Brafferton institution would be better answered by maintaining a perpetual mission among the Indian tribes, the object of which, besides instructing them in the principles of Christianity, as the founder requires, should be to collect their traditions, laws, customs, languages, and other circumstances which might lead to a discovery of their relation with one another, or descent from other nations. When these objects are accomplished with one tribe, the missionary might pass on to another.

The roads are under the government of the county courts, subject to be controlled by the general court. They order new roads to be opened wherever they think them necessary. The inhabitants of the county are by them laid off into precincts, to each of which they allot a convenient portion of the public roads to be kept in repair. Such bridges as may be built without the assistance of artificers, they are to build. If the stream be such as to require a bridge of regular workmanship, the court employs workmen to build it, at the expense of the whole county. If it be too great for the county, application is made to the general assembly, who authorize individuals to build it, and to take a fixed toll from all passengers, or give sanction to such other proposition as to them appears reasonable.

Ferries are admitted only at such places as are particularly pointed out by law, and the rates of ferriage are fixed.

Taverns are licensed by the courts, who fix their rates from time to time.

The private buildings are very rarely constructed of stone or brick, much the greatest portion being of scantling and boards, plastered with lime. It is impossible to devise things more ugly, uncomfortable, and happily more perishable. There are two or three plans, on one of which, according to its size, most of the houses in the State are built. The poorest people build huts of logs, laid horizontally in pens, stopping the interstices with mud. These are warmer in

winter, and cooler in summer, than the more expensive construction of scantling and plank. The wealthy are attentive to the raising of vegetables, but very little so to fruits. The poorer people attend to neither, living principally on milk and animal diet. This is the more inexcusable, as the climate requires indispensably a free use of vegetable food, for health as well as comfort, and is very friendly to the raising of fruits. The only public buildings worthy mention are the capitol, the palace, the college, and the hospital for lunatics, all of them in Williamsburg, heretofore the seat of our government. The capitol is a light and airy structure, with a portico in front of two orders, the lower of which, being Doric, is tolerably just in its proportions and ornaments, save only that the intercolonations are too large. The upper is Ionic, much too small for that on which it is mounted, its ornaments not proper to the order, nor proportioned within themselves. It is crowned with a pediment, which is too high for its span. Yet, on the whole, it is the most pleasing piece of architecture we have. The palace is not handsome without, but it is spacious and commodious within, is prettily situated, and with the grounds annexed to it, is capable of being made an elegant seat. The college and hospital are rude, misshapen piles, which, but that they have roofs, would be taken for brick-kilns. There are no other public buildings but churches and court-houses, in which no attempts are made at elegance. Indeed, it would not be easy to execute such an attempt, as a workman could scarcely be found capable of drawing an order. The genius of architecture seems to have shed its maledictions over this land. Buildings are often erected, by individuals, of considerable expense. To give these symmetry and taste, would not increase their cost. It would only change the arrangement of the materials, the form and combination of the members. This would often cost less than the burthen of barbarous ornaments with which these buildings are sometimes charged. But the first principles of the art are unknown, and there exists scarcely a model among us sufficiently chaste to give an idea of them. Architecture being one of the fine arts, and as such within the department of a professor of the college, according to the new arrangement, perhaps a spark may fall on some young subjects of natural taste, kindle up their genius, and produce a reformation in this elegant and useful art. But all we shall do in this way will produce no permanent improvement to our country, while the unhappy prejudice prevails that houses of brick or stone are less wholesome than those of wood. A dew is often observed on the walls of the former in rainy weather, and the most obvious solution is, that the rain has penetrated through these walls. The following facts, however, are sufficient to prove the error of this solution: 1. This dew upon the walls appears when there is no rain, if the state of the atmosphere be moist. 2. It appears upon the partition as well as the exterior walls. 3. So, also, on pavements of brick or stone. 4. It is more copious in proportion as the walls are thicker; the reverse of which ought to be the case, if this hypothesis were just. If cold water be poured into a vessel of stone, or glass, a dew forms instantly on the outside; but if it be poured into a vessel of wood, there is no such appearance. It is not supposed, in the first case, that the water has exuded through the glass, but that it is precipitated from the

circumambient air; as the humid particles of vapor, passing from the boiler of an alembic through its refrigerant, are precipitated from the air, in which they are suspended, on the internal surface of the refrigerant. Walls of brick and stone act as the refrigerant in this instance. They are sufficiently cold to condense and precipitate the moisture suspended in the air of the room, when it is heavily charged therewith. But walls of wood are not so. The question then is, whether the air in which this moisture is left floating, or that which is deprived of it, be most wholesome? In both cases the remedy is easy. A little fire kindled in the room, whenever the air is damp, prevents the precipitation on the walls; and this practice, found healthy in the warmest as well as coldest seasons, is as necessary in a wooden as in a stone or brick house. I do not mean to say, that the rain never penetrates through walls of brick. On the contrary, I have seen instances of it. But with us it is only through the northern and eastern walls of the house, after a north-easterly storm, this being the only one which continues long enough to force through the walls. This, however, happens too rarely to give a just character of unwholesomeness to such houses. In a house, the walls of which are of well-burnt brick and good mortar, I have seen the rain penetrate through but twice in a dozen or fifteen years. The inhabitants of Europe, who dwell chiefly in houses of stone or brick, are surely as healthy as those of Virginia. These houses have the advantage, too, of being warmer in winter and cooler in summer than those of wood; of being cheaper in their first construction, where lime is convenient, and infinitely more durable. The latter consideration renders it of great importance to eradicate this prejudice from the minds of our countrymen. A country whose buildings are of wood, can never increase in its improvements to any considerable degree. Their duration is highly estimated at fifty years. Every half century then our country becomes a *tabula rasa,* whereon we have to set out anew, as in the first moment of seating it. Whereas when buildings are of durable materials, every new edifice is an actual and permanent acquisition to the State, adding to its value as well as to its ornament.

QUERY XVI

The measures taken with regard to the estates and possessions of the Rebels, commonly called Tories

A tory has been properly defined to be a traitor in thought but not in deed. The only description, by which the laws have endeavored to come at them, was that of non-jurors, or persons refusing to take the oath of fidelity to the State. Persons of this description were at one time subjected to double taxation, at another to treble, and lastly were allowed retribution, and placed on a level with good citizens. It may be mentioned as a proof, both of the lenity of our government, and unanimity of its inhabitants, that though this war has now raged near seven years, not a single execution for treason has taken place.

Under this query I will state the measures which have been adopted as to

British property, the owners of which stand on a much fairer footing than the tories. By our laws, the same as the English as in this respect, no alien can hold lands, nor alien enemy maintain an action for money, or other movable thing. Lands acquired or held by aliens become forfeited to the State; and, on an action by an alien enemy to recover money, or other movable property, the defendant may plead that he is an alien enemy. This extinguishes his right in the hands of the debtor or holder of his movable property. By our separation from Great Britain, British subjects became aliens, and being at war, they were alien enemies. Their lands were of course forfeited, and their debts irrecoverable. The assembly, however, passed laws at various times, for saving their property. They first sequestered their lands, slaves, and other property on their farms in the hands of commissioners, who were mostly the confidential friends or agents of the owners, and directed their clear profits to be paid into the treasury; and they gave leave to all persons owing debts to British subjects to pay them also into the treasury. The monies so to be brought in were declared to remain the property of the British subject, and if used by the State, were to be repaid, unless an improper conduct in Great Britain should render a detention of it reasonable. Depreciation had at that time, though unacknowledged and unperceived by the whigs, begun in some small degree. Great sums of money were paid in by debtors. At a later period, the assembly, adhering to the political principles which forbid an alien to hold lands in the State, ordered all British property to be sold; and, become sensible of the real progress of depreciation, and of the losses which would thence occur, if not guarded against, they ordered that the proceeds of the sales should be converted into their then worth in tobacco, subject to the future direction of the legislature. This act has left the question of retribution more problematical. In May, 1780, another act took away the permission to pay into the public treasury debts due to British subjects.

QUERY XVII

The different religions received into that State

The first settlers in this country were emigrants from England, of the English Church, just at a point of time when it was flushed with complete victory over the religious of all other persuasions. Possessed, as they became, of the powers of making, administering, and executing the laws, they showed equal intolerance in this country with their Presbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from persecution in England. They cast their eyes on these new countries as asylums of civil and religious freedom; but they found them free only for the reigning sect. Several acts of the Virginia assembly of 1659, 1662, and 1693, had made it penal in parents to refuse to have their children baptized; had prohibited the unlawful assembling of Quakers; had made it penal for any master of a vessel to bring a Quaker into the State; had ordered those already here, and such as should come thereafter, to be imprisoned till they should abjure the country; provided a

proposition of office? And I therefore, again invite Mr. Coleman to take the field for the state of New York, not doubting that some champion there will enter the lists for the opposite interest. In my own state the fact is so obvious that I believe no Federalists here will undertake to question it. Should anyone however appear, he will certainly find persons able and ready to confront him with facts.

"FAIR PLAY"

ARISTOCRACY AND LIBERTY[1]

October 28, 1813

The passage you quote from Theognis, I think has an ethical rather than a political object.[2] The whole piece is a moral *exhortation,* παραινεσις, and this passage particularly seems to be a reproof to man, who, while with his domestic animals he is curious to improve the race, by employing always the finest male, pays no attention to the improvement of his own race, but intermarries with the vicious, the ugly, or the old, for considerations of wealth or ambition. It is in conformity with the principle adopted afterwards by the Pythagoreans, and expressed by Ocellus in another form; "περι δε τῆς ἐκ των αλληλων ανθρωπων γενεσεως, etc.—ουχ ηδουησενεκα η μιξις" which, as literally as intelligibility will admit, may be thus translated: "concerning the interprocreation of men, how, and of whom it shall be, in a perfect manner, and according to the laws of modesty and sanctity, conjointly, this is what I think right. First to lay it down that we do not commix for the sake of pleasure, but of the procreation of children. For the powers, the organs and desires for coition have not been given by God to man for the sake of pleasure, but for the procreation of the race. For as it were incongruous, for a mortal born to partake of divine life, the immortality of the race being taken away, God fulfilled the purpose by making the generations uninterrupted and continuous. This, therefore, we are especially to lay down as a principle, that coition is not for the sake of pleasure." But nature, not trusting to this moral and abstract motive, seems to have provided more securely for the perpetuation of the species, by making it the effect of the *oestrum*

[1] Letter to John Adams.

[2] On July 9, 1813, Adams wrote to Jefferson, mentioning a book of moral sentences from the ancient Greek poets: "In one of the oldest of them, I read in Greek, that I cannot repeat, a couplet, the sense of which was: 'Nobility in men is worth as much as it is in horses, asses, or rams; but the meanest blooded puppy in the world, if he gets a little money, is as good a man as the best of them.' Yet birth and wealth together have prevailed over virtue and talents in all ages. The many will acknowledge no other *αριστοι.*"

On September 15, 1813, Adams wrote him again: "I asked you in a former letter how far advanced we were in the science of aristocracy since Theognis' Stallions, Jacks and Rams? Have not Chancellor Livingston and Major General Humphreys introduced an hereditary aristocracy of Merino Sheep? How shall we get rid of this aristocracy? It is entailed upon us forever. And an aristocracy of land jobbers and stock jobbers is equally and irremediably entailed upon us, to endless generations." Jefferson's reply is given above.

implanted in the constitution of both sexes. And not only has the commerce of love been indulged on this unhallowed impulse, but made subservient also to wealth and ambition by marriage, without regard to the beauty, the healthiness, the understanding, or virtue of the subject from which we are to breed. The selecting the best male for a Harem of well chosen females also, which Theognis seems to recommend from the example of our sheep and asses, would doubtless improve the human, as it does the brute animal, and produce a race of veritable αριστοι. For experience proves, that the moral and physical qualities of man, whether good or evil, are transmissible in a certain degree from father to son. But I suspect that the equal rights of men will rise up against this privileged Solomon and his Harem, and oblige us to continue acquiescence under the "Αμαυρωσις γενεος αστων" which Theognis complains of, and to content ourselves with the accidental aristoi produced by the fortuitous concourse of breeders. For I agree with you that there is a natural aristocracy among men. The grounds of this are virtue and talents. Formerly, bodily powers gave place among the aristoi. But since the invention of gunpowder has armed the weak as well as the strong with missile death, bodily strength, like beauty, good humor, politeness and other accomplishments, has become but an auxiliary ground of distinction. There is also an artificial aristocracy, founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. The natural aristocracy I consider as the most precious gift of nature, for the instruction, the trusts, and government of society. And indeed, it would have been inconsistent in creation to have formed man for the social state, and not to have provided virtue and wisdom enough to manage the concerns of the society. May we not even say, that that form of government is the best, which provides the most effectually for a pure selection of these natural aristoi into the offices of government? The artificial aristocracy is a mischievous ingredient in government, and provision should be made to prevent its ascendency. On the question, what is the best provision, you and I differ; but we differ as rational friends, using the free exercise of our own reason, and mutually indulging its errors. You think it best to put the pseudo-aristoi into a separate chamber of legislation, where they may be hindered from doing mischief by their co-ordinate branches, and where, also, they may be a protection to wealth against the Agrarian and plundering enterprises of the majority of the people. I think that to give them power in order to prevent them from doing mischief, is arming them for it, and increasing instead of remedying the evil. For if the co-ordinate branches can arrest their action, so may they that of the co-ordinates. Mischief may be done negatively as well as positively. Of this, a cabal in the Senate of the United States has furnished many proofs. Nor do I believe them necessary to protect the wealthy; because enough of these will find their way into every branch of the legislation, to protect them-

selves. From fifteen to twenty legislatures of our own, in action for thirty years past, have proved that no fears of an equalization of property are to be apprehended from them. I think the best remedy is exactly that provided by all our constitutions, to leave to the citizens the free election and separation of the aristoi from the pseudo-aristoi, of the wheat from the chaff. In general they will elect the really good and wise. In some instances, wealth may corrupt, and birth blind them; but not in sufficient degree to endanger the society.

It is probable that our difference of opinion may, in some measure, be produced by a difference of character in those among whom we live. From what I have seen of Massachusetts and Connecticut myself, and still more from what I have heard, and the character given of the former by yourself (vol. 1, page 111), who know them so much better, there seems to be in those two States a traditionary reverence for certain families, which has rendered the offices of the government nearly hereditary in those families. I presume that from an early period of your history, members of those families happening to possess virtue and talents, have honestly exercised them for the good of the people, and by their services have endeared their names to them. In coupling Connecticut with you, I mean it politically only, not morally. For having made the Bible the common law of their land, they seem to have modeled their morality on the story of Jacob and Laban. But although this hereditary succession to office with you, may, in some degree, be founded in real family merit, yet in a much higher degree, it has proceeded from your strict alliance of Church and State. These families are canonised in the eyes of the people on common principles, "you tickle me, and I will tickle you." In Virginia we have nothing of this. Our clergy, before the revolution, having been secured against rivalship by fixed salaries, did not give themselves the trouble of acquiring influence over the people. Of wealth, there were great accumulations in particular families, handed down from generation to generation, under the English law of entails. But the only object of ambition for the wealthy was a seat in the King's Council. All their court then was paid to the crown and its creatures; and they Philipised in all collisions between the King and the people. Hence they were unpopular; and that unpopularity continues attached to their names. A Randolph, a Carter, or a Burwell must have great personal superiority over a common competitor to be elected by the people even at this day. At the first session of our legislature after the Declaration of Independence, we passed a law abolishing entails. And this was followed by one abolishing the privilege of primogeniture, and dividing the lands of intestates equally among all their children, or other representatives. These laws, drawn by myself, laid the axe to the foot of pseudo-aristocracy. And had another which I prepared been adopted by the legislature, our work would have been complete. It was a bill for the

more general diffusion of learning. This proposed to divide every county into wards of five or six miles square, like your townships; to establish in each ward a free school for reading, writing and common arithmetic; to provide for the annual selection of the best subjects from these schools, who might receive, at the public expense, a higher degree of education at a district school; and from these district schools to select a certain number of the most promising subjects, to be completed at an University, where all the useful sciences should be taught. Worth and genius would thus have been sought out from every condition of life, and completely prepared by education for defeating the competition of wealth and birth for public trusts. My proposition had, for a further object, to impart to these wards those portions of self-government for which they are best qualified, by confiding to them the care of their poor, their roads, police, elections, the nomination of jurors, administration of justice in small cases, elementary exercises of militia; in short, to have made them little republics, with a warden at the head of each, for all those concerns which, being under their eye, they would better manage than the larger republics of the county or State. A general call of ward meetings by their wardens on the same day through the State, would at any time produce the genuine sense of the people on any required point, and would enable the State to act in mass, as your people have so often done, and with so much effect by their town meetings. The law for religious freedom, which made a part of this system, having put down the aristocracy of the clergy, and restored to the citizen the freedom of the mind, and those of entails and descents nurturing an equality of condition among them, this on education would have raised the mass of the people to the high ground of moral respectability necessary to their own safety, and to orderly government; and would have completed the great object of qualifying them to select the veritable aristoi, for the trusts of government, to the exclusion of the pseudalists; and the same Theognis who has furnished the epigraphs of your two letters, assures us that "Ουδεμιαν πω, Κυρν', αγαθοι πολιν ωλεσαν ανδρες." Although this law has not yet been acted on but in a small and inefficient degree, it is still considered as before the legislature, with other bills of the revised code, not yet taken up, and I have great hope that some patriotic spirit will, at a favorable moment, call it up, and make it the key-stone of the arch of our government.

With respect to aristocracy, we should further consider, that before the establishment of the American States, nothing was known to history but the man of the old world, crowded within limits either small or overcharged, and steeped in the vices which that situation generates. A government adapted to such men would be one thing; but a very different one, that for the man of these States. Here everyone may have land to labor for himself, if he chooses; or, preferring the exercise of any other industry, may exact for

it such compensation as not only to afford a comfortable subsistence, but wherewith to provide for a cessation from labor in old age. Everyone, by his property, or by his satisfactory situation, is interested in the support of law and order. And such men may safely and advantageously reserve to themselves a wholesome control over their public affairs, and a degree of freedom, which, in the hands of the *canaille* of the cities of Europe, would be instantly perverted to the demolition and destruction of everything public and private. The history of the last twenty-five years of France, and of the last forty years in America, nay of its last two hundred years, proves the truth of both parts of this observation.

But even in Europe a change has sensibly taken place in the mind of man. Science had liberated the ideas of those who read and reflect, and the American example had kindled feelings of right in the people. An insurrection has consequently begun, of science, talents, and courage, against rank and birth, which have fallen into contempt. It has failed in its first effort, because the mobs of the cities, the instrument used for its accomplishment, debased by ignorance, poverty, and vice, could not be restrained to rational action. But the world will recover from the panic of this first catastrophe. Science is progressive, and talents and enterprise on the alert. Resort may be had to the people of the country, a more governable power from their principles and subordination; and rank, and birth, and tinsel-aristocracy will finally shrink into insignificance, even there. This, however, we have no right to meddle with. It suffices for us, if the moral and physical condition of our own citizens qualifies them to select the able and good for the direction of their government, with a recurrence of elections at such short periods as will enable them to displace an unfaithful servant, before the mischief he meditates may be irremediable.

I have thus stated my opinion on a point on which we differ, not with a view to controversy, for we are both too old to change opinions which are the result of a long life of inquiry and reflection; but on the suggestions of a former letter of yours, that we ought not to die before we have explained ourselves to each other. We acted in perfect harmony, through a long and perilous contest for our liberty and independence. A constitution has been acquired, which, though neither of us thinks perfect, yet both consider as competent to render our fellow citizens the happiest and the securest on whom the sun has ever shone. If we do not think exactly alike as to its imperfections, it matters little to our country, which, after devoting to it long lives of disinterested labor, we have delivered over to our successors in life, who will be able to take care of it and of themselves.

Of the pamphlet on aristocracy which has been sent to you, or who may be its author, I have heard nothing but through your letter. If the person you suspect, it may be known from the quaint, mystical, and hyperbolical

ideas, involved in affected, new-tangled and pedantic terms which stamp his writings. Whatever it be, I hope your quiet is not to be affected at this day by the rudeness or intemperance of scribblers; but that you may continue in tranquillity to live and to rejoice in the prosperity of our country, until it shall be your own wish to take your seat among the aristoi who have gone before you. Ever and affectionately yours.

GOVERNMENT BY THE PEOPLE[1]

July 12, 1816

SIR: I duly received your favor of June the 13th, with the copy of the letters on the calling a convention, on which you are pleased to ask my opinion. I have not been in the habit of mysterious reserve on any subject, nor of buttoning up my opinions within my own doublet. On the contrary, while in public service especially, I thought the public entitled to frankness, and intimately to know whom they employed. But I am now retired: I resign myself, as a passenger, with confidence to those at present at the helm, and ask but for rest, peace and good will. The question you propose, on equal representation, has become a party one, in which I wish to take no public share. Yet, if it be asked for your own satisfaction only, and not to be quoted before the public, I have no motive to withhold it, and the less from you, as it coincides with your own. At the birth of our republic, I committed that opinion to the world, in the draught of a constitution annexed to the "Notes on Virginia," in which a provision was inserted for a representation permanently equal. The infancy of the subject at that moment, and our inexperience of self-government, occasioned gross departures in that draught from genuine republican canons. In truth, the abuses of monarchy had so much filled all the space of political contemplation, that we imagined everything republican which was not monarchy. We had not yet penetrated to the mother principle, that "governments are republican only in proportion as they embody the will of their people, and execute it." Hence, our first constitutions had really no leading principles in them. But experience and reflection have but more and more confirmed me in the particular importance of the equal representation then proposed. On that point, then, I am entirely in sentiment with your letters; and only lament that a copy-right of your pamphlet prevents their appearance in the newspapers, where alone they would be generally read, and produce general effect. The present vacancy too, of other matter, would give them place in every paper, and bring the question home to every man's conscience.

But inequality of representation in both Houses of our legislature, is not

[1] Letter to Samuel Kercheval.

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STATE and LOCAL POLITICS and POLICY:

CHANGE and REFORM

Michael J. Ross
University of San Diego

PRENTICE-HALL, INC., ENGLEWOOD CLIFFS, NEW JERSEY 07632

EDUCATION

Education once again became an important political issue in the 1980s as the presidentially appointed National Commission on Excellence in Education declared that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity." Perhaps melodramatically, the commission went on to declare, "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."[44]

Reforms

The commission suggested numerous reforms. The average school day should be increased from six hours to seven, and the school year lengthened from 180 school days to 200. Teacher salaries should be increased in order to attract higher-quality people, and teachers should have an eleven-month contract. High school students should be assigned "far more homework." All high school students should be required to take four years of English, three years each of mathematics, science, and social studies, plus one-half year of computer science. College entrance requirements should be raised in these areas as well as in foreign languages.

The commission was particularly concerned about declining student test scores. In the federally funded testing program conducted by the National Assessment of Educational Progress, the top quarter of elementary and secondary students dropped the most between 1970 and 1980. (However, the greatest improvement was registered by the bottom quarter, especially black elementary school students.)

David Gardner, the president of the University of California, who headed the presidential commission, said that in the last fifteen years academic and vocational courses have been "systematically devalued" and replaced by remedial and personal development courses that "prepare young people for almost nothing." High school students are taking far fewer history, science, mathematics, and foreign language courses, but more health, physical education, remedial English and remedial math, and especially driver's education courses. Gardner was particularly critical of the latter, saying "My father went to a small, rural school in southern Utah, and the thought of substituting 'how to ride a horse' for English would never have occurred to him."[45]

Almost all of the commission's recommendations will cost a great deal of money, but no new money will be forthcoming from the Reagan administration. Whether state and local governments can, or will, fund such proposals will be discussed later in the chapter. Raising teacher salaries is a particularly expensive item, but the Carnegie Foundation for the Advancement of Teaching claims that "the teaching profession is in a crisis state because low pay and low morale are driving the most qualified young persons into other caree the caliber of those choosing career is low and getting lowe for teachers. State and local g frequently given across-the-bo thus negating the measure's "m merit raises are given to differ secret. Moreover, if school adm is the possibility of favoritism. merit pay called the *mentor-tea* select outstanding instructors teachers and developing curri qualify.

Testing Laws

Over the last decade, the that many young people are tering basic skills in reading, wr all state legislatures have passe point to the fact that educatio that it is nearly twice as large getting its money's worth? Op who are usually liberals, argue actually provided students, ar past racial discrimination (as i blacks and students who spea districts to deal with the thi administer *functional skills test* compute one's gas mileage or Other thorny questions conce educators set it so low that al many students therefore fail, w Moreover, do school districts remedial instruction for stude

If the minimum compete the same for prospective teach test, a subject matter test, or a have occasionally been startli prospective teachers could p Testing Service (ETS); many avoid the testing law. A recen teachers by Louis Harris ind *practicing* teachers in their sub teachers' unions.[47]

young persons into other careers.[46] The foundation further contends that the caliber of those choosing elementary and secondary teaching as a career is low and getting lower. One hotly debated reform is merit pay for teachers. State and local governments adopting such a proposal have frequently given across-the-board merit raises to virtually all employees, thus negating the measure's "merit" aspects. On the other hand, if different merit raises are given to different people, the amounts had better be kept secret. Moreover, if school administrators select merit-pay recipients, there is the possibility of favoritism. California has adopted a modified form of merit pay called the *mentor-teacher program*. Teachers and school officials select outstanding instructors to receive extra salary for helping new teachers and developing curriculum; only 5 percent of the instructors can qualify.

Testing Laws

Over the last decade, the public has become increasingly concerned that many young people are graduating from high school without mastering basic skills in reading, writing, and mathematics. In response, almost all state legislatures have passed *minimum competency testing laws*. Legislators point to the fact that education is the largest item in the state budget, and that it is nearly twice as large as the second item (welfare)—is the public getting its money's worth? Opponents of minimum competency testing, who are usually liberals, argue that the exams do not test the instruction actually provided students, are unfair to students who are the victims of past racial discrimination (as in Florida), and are culturally biased against blacks and students who speak only limited English. One way for school districts to deal with the third objection (but not the first two) is to administer *functional skills tests*, which feature questions such as how to compute one's gas mileage or how to fill out an employment application. Other thorny questions concern the cutoff line for passing the test: Will educators set it so low that almost anyone can pass? If it is set high and many students therefore fail, will parents continue to support the program? Moreover, do school districts have the financial resources to provide the remedial instruction for students who fail the tests?

If the minimum competency of students can be tested, why not do the same for prospective teachers? Twenty states administer a basic skills test, a subject matter test, or a professional teaching skills test. The results have occasionally been startling. In Louisiana, less than two thirds of prospective teachers could pass the test developed by the Educational Testing Service (ETS); many are said to be moving out of the state to avoid the testing law. A recent poll of nearly two thousand experienced teachers by Louis Harris indicates that they prefer periodic testing of *practicing* teachers in their subject areas—a reform vigorously opposed by teachers' unions.[47]

The Expanding Role of the State

As we saw in Chapter 9, the Progressive reformers of the early twentieth century tried to take many areas of government, but especially education, "out of politics." Such a position could not be sustained in the 1980s, if for no other reason than the substantial amounts of public money involved. The issue is well summarized by Ellis Katz:

> For generations, the educational community struggled to remove education from the political arena. Behind a posture of professional expertise, it succeeded in having school board elections separated from general elections, giving local school districts independent taxing power, granting tenure to system professionals, and settling policy disputes among themselves. Today, however, the social and economic conditions that supported that image of professionalism and independence have changed so that education has become more of a political than a technical issue. Public dissatisfaction with the schools, the rapidly growing cost of education, and the development of special interest groups have combined to thrust education squarely into the political arena. Thus, solutions to educational problems will be more a result of general political leadership than of initiatives from a separate and independent educational community.[48]

Not only has education become political, it has become increasingly a matter for state, rather than local, concern. Frederick Wirt perhaps overstates when he writes that "local control is meaningless, . . . fully a myth," but his point is well taken.[49] Note in Table 11-6 that the states

TABLE 11-6 Estimated Revenue Receipts for Elementary and Secondary Schools,† Percentage Distribution by Level of Government, School Years 1970–1983

	1982–83[p]			*1969–70*		
	Federal	*State*	*Local**	*Federal*	*State*	*Local**
U.S. Average	7.4%	50.3%	42.3%	7.2%	40.9%	51.8%
New England	5.3	37.0	57.7	4.6	23.8	71.6
Connecticut	4.9	36.4	58.7	2.1	25 2	72.8
Maine	10.1	49.7	40.2	6.7	32.5	60.8
Massachusetts	4.8	39.4	55.8	6.0	20 0	74.0
New Hampshire	3.9	6.9	89.2	5.1	8 3	86.7
Rhode Island	4.7	37.0	58.3	5.9	35 3	58.8
Vermont	7 0	35.2	57 8	2.9	37.1	60.0
Mideast	5.2	42.0	52.7	5.9	41 6	52.5
Delaware	11.2	67.6	21.1	7.4	71 3	21.3
Dist. of Col	15.5	n.a	84.5	30.2	n.a.	69.8
Maryland	5.9	40.2	53 9	6.4	35 2	58.4
New Jersey	3.5	40.0	56 4	5 4	27 0	67.6
New York	4 0	41.9	54.1	4.7	46 4	48 9
Pennsylvania	7 5	45.2	47.4	6.2	46 2	47.6
Great Lakes	7 0	40 5	52 5	8 7	42.8	48.5
Illinois	8.5	38 0	53 4	12 8	41 2	46 0

TABLE 11-6 *(continued)*

	198.	
	Federal	*S*
Indiana	6 3	5
Michigan	8 1	3
Ohio	5 0	4
Wisconsin	5 4	3
Plains	6 5	4
Iowa	7 3	4
Kansas	4 8	4
Minnesota	4 7	4
Missouri	6	3
Nebraska	7	2
North Dakota	7 3	5
South Dakota	6 7	2
Southeast	1 2	5
Alabama	14 3	6
Arkansas	13 3	5
Florida	7 1	6
Georgia	10 2	5
Kentucky	10 7	7
Louisiana	9 4	5
Mississippi	23 0	5
North Carolina	16 1	6
South Carolina	13 6	5
Tennessee	13 0	4
Virginia	6 6	4
West Virginia	9 0	6
Southwest	10 2	5
Arizona	11 4	4
New Mexico	10 2	7
Oklahoma	10 3	6
Texas	10 0	5
Rocky Mountain	5 8	4
Colorado	5.4	3
Idaho	6 9	6
Montana	8.5	4
Utah	5.2	5
Wyoming	4.0	3
Far West	5 9	7
California	5 7	7
Nevada	5.3	8
Oregon	9.9	8
Washington	7.6	6
Alaska	8 8	3
Hawaii	5 4	7

SOURCE: *Significant Features of Fisca* Commission on Intergovernmental Re

* Local and other revenue

† Revenue receipts were used as a subst government.

have now become the dominant fiscal partner in educational funding, supplying over half of the money. However, the average is greatly lifted by states in the Southeast and the Far West. Whatever the region, the threat to withhold state educational aid is enough to bring a local school district into line. The reasons for this centralization, some of which were noted in the last chapter, include court decisions in the area of school finance (to be discussed shortly).

Even without court decisions limiting the use of the property tax, the fact that this levy is overburdened would have increased the state's role. Not only did states change their funding formulas, but they expanded their role in curriculum, achievement testing, and accountability.[50] Federal government involvement in education (to be discussed later in the chapter) has stimulated state departments of education to become more active in educational planning, evaluation, and program development. Moreover, the "once monolithic education community has developed internal divisions, and state legislators are besieged by conflicting demands from teacher unions, local school boards, school administrators, community colleges, state universities, and a multitude of other special interest groups," such as taxpayers, parents, racial or ethnic or religious minorities, teachers, those who sell goods or services to schools (such as contractors who build schools and suppliers of sports equipment or textbooks), and students (especially if they are poor or handicapped).[51] In addition, as the roster of participants in educational policy making has increased, the "pie" of resources to be distributed or redistributed has grown smaller because of tax and expenditure limitations. These limitations have frequently forced the state to step in and bail out school districts or even to curtail its own expenditures.

Table 11-7 shows each state's spending per student and its ability to finance that spending. (See Chapter 10 for a definition of tax capacity.) The range is quite large, with Alaska and New York at the top and Alabama and South Carolina at the bottom. An interesting question is whether more spending leads to better results. The ten states whose college-bound students scored the highest on the Scholastic Aptitude Tests (SATs) or the American College Test (ACT) are California, Colorado, Delaware, Iowa, Minnesota, Nebraska, New Hampshire, Oregon, Vermont, and Wisconsin.[52] Four of these ten states are below average in spending according to Table 11-7, with New Hampshire being way below the average.

Court decisions in twenty-five states have required reforms in state and local school-finance patterns. Courts have declared that the manner in which the property tax was used to finance public schools in those states is a violation of the equal protection clause of the state constitution because a district with a higher tax *base* (one with highly assessed industrial, commercial, or residential real estate) could set a lower tax *rate* and still generate higher school revenue. The judicial reasoning is that the property

TABLE 11-7 Spending per Pupil and

State	*1982–83 School Year Spending per Pupil*	*1981 Capa*
Alaska	$6103	$32
New York	3888	8
New Jersey	3807	10
Delaware	3679	11
Michigan	3643	9
Connecticut	3464	11
Rhode Island	3463	8
Oregon	3399	9
Wyoming	3260	21
Wisconsin	3216	9
Maryland	3192	9
Pennsylvania	3031	9
Iowa	3022	10
Minnesota	2987	10
Hawaii	2983	10
Illinois	2960	10
North Dakota	2933	12
Kansas	2917	10
Colorado	2850	11
Massachusetts	2803	96
Montana	2793	11
Florida	2768	10
New Mexico	2759	11
Total U S	2748	10
Vermont	2741	84
Arizona	2727	89

SOURCES: *National Journal*, October 15 *Federalism, 1982–83* (Washington, D C tions, 1984), p. 92

tax, as previously employed, ma (defined in terms of the amount the presence of nearby industry Supreme Court has ruled that violate the U.S. Constitution, legi shifted a greater responsibility fo state taxes).

The reasoning of the court significant factors. Spending varie also among schools in the same clientele tend to receive more student body. Moreover, since al budget is for salaries and other p

TABLE 11-7 Spending per Pupil and Tax Capacity

State	1982–83 School Year Spending per Pupil	1981 Tax Capacity	State	1982–83 School Year Spending per Pupil	1981 Tax Capacity
Alaska	$6103	$324	Washington	2706	99
New York	3888	89	Oklahoma	2629	127
New Jersey	3807	105	Ohio	2609	94
Delaware	3679	111	Missouri	2587	92
Michigan	3648	96	Virginia	2551	94
Connecticut	3464	110	Indiana	2530	91
Rhode Island	3463	80	North Carolina	2525	80
Oregon	3399	99	California	2507	115
Wyoming	3260	216	Maine	2498	79
Wisconsin	3216	91	Nebraska	2488	97
Maryland	3192	98	West Virginia	2480	90
Pennsylvania	3031	90	Louisiana	2321	117
Iowa	3022	102	South Dakota	2289	86
Minnesota	2987	100	Georgia	2243	81
Hawaii	2983	105	New Hampshire	2187	95
Illinois	2960	104	Nevada	2178	148
North Dakota	2933	123	Texas	2162	132
Kansas	2917	109	Idaho	2110	87
Colorado	2850	113	Kentucky	2056	82
Massachusetts	2803	96	Utah	2016	86
Montana	2793	114	Tennessee	2003	79
Florida	2768	101	Mississippi	1995	72
New Mexico	2759	114	Arkansas	1988	82
Total U.S.	2748	100	South Carolina	1892	75
Vermont	2741	84	Alabama	1507	74
Arizona	2727	89			

SOURCES: *National Journal*, October 15, 1983, p. 2106, and *Significant Features of Fiscal Federalism, 1982–83* (Washington, D.C.: Advisory Commission on Intergovernmental Relations, 1984), p. 92.

tax, as previously employed, made the quality of a student's education (defined in terms of the amount of money spent per pupil) dependent on the presence of nearby industry or high-priced homes. Although the U.S. Supreme Court has ruled that this method of school finance does not violate the U.S. Constitution, legislatures in these twenty-five states have shifted a greater responsibility for school funding to the state level (and state taxes).

The reasoning of the courts in these various states ignores some significant factors. Spending varies not only among districts in a state, but also among schools in the same district. Schools serving an upper-class clientele tend to receive more largess than schools with a lower-class student body. Moreover, since about three fourths of a school district's budget is for salaries and other personnel costs, the fact that one district

spends more money than another district means primarily that teachers are better paid in the higher-spending district. The National Commission on Excellence in Education is correct when it says that teachers should be paid more money, but it does not automatically follow that better-paid teachers lead to better-educated students.

Finally, there is the question of whether school spending is the prime determinant of student learning. James S. Coleman, in a massive study of 600,000 students, their parents, and their schools done for the U.S. Office of Education, found that school resources are far less important in explaining student scores on standard achievement tests than are the student's home environment and the motivation he or she received from attending school with capable students.[53] School expenditures, facilities, and curriculum are much less significant than a factor beyond the reach of the school: early home environment.

Christopher Jencks and his associates set out to reanalyze Coleman's data and to refute him, but they ended up concluding that "the evidence we have examined does not suggest that doubling expenditures would raise students' performance on standardized tests."[54] On the other hand, one could argue that standardized tests do not measure such important aspects of schooling as appreciation of the arts, creativity, curiosity about other people and other cultures, good citizenship, and love of learning.

Federal Aid to Education

As Table 11-6 indicates, some states depend much more on federal education aid than other states. States in the Southeast and Southwest really seem to rely on this money. Federal aid to education is not intended to provide general support for elementary and secondary education, but is targeted for certain (categorical) purposes, such as for low-income or educationally deprived children, handicapped children, or bilingual education. The Elementary and Secondary Education Act of 1965 is particularly important legislation in this area. Ironically, some federal aid programs may have the inadvertent effect of harming the children they are intended to help. Teachers complain of the problem of *multiple pullouts:* children who are poor are temporarily removed from regular classes so that they may receive federally aided special instruction. If these children are also bilingual or handicapped, they are pulled out of class for additional assistance as well. The result is that these students miss out on their core courses of instruction. In a different vein, substantial amounts of federal aid also go to higher education.

Bilingual Education

In the area of bilingual education, school districts must comply with the U.S. Supreme Court's ruling in the 1974 case of *Lau* v. *Nichols*, 414 U.S. 563, that schools must provide extra assistance to children who cannot speak or read English. Reversi
President Reagan has decided
approach" to teaching non-E
immersion in English-only cl
administration have criticized
and excessive regulation by whi
schools what subject matter to

Bilingual education is an
purposes of integration, the
textbooks and library books, an
are topics over which education
gives them the right to make a
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with caution if using the total-in
children who speak little or no
high dropout rates among these
to instruction in a language they
bars them from many later oppo

Increased Enrollment

Yet another problem facing
how to accommodate enrollment
War II "baby boomers." After m
must now provide more teachers,
in rapidly growing areas of the
"baby boomlet" are minorities wh
the white population. The existin
bilingual education teachers is b
development.

Public Higher Education

Public higher education in t
types of colleges: flagship univers
colleges. The *flagship universities*

speak or read English. Reversing the decisions of previous administrations, President Reagan has decided to allow local officials to use "any effective approach" to teaching non-English-speaking students, including total immersion in English-only classes. Education officials in the Reagan administration have criticized previous bilingual guidelines as expensive and excessive regulation by which the federal government dictated to local schools what subject matter to teach.

Bilingual education is an intensely political issue, as are busing for purposes of integration, the teaching of "creationism," censorship of textbooks and library books, and strikes by teachers' unions. None of these are topics over which education professionals can claim that their expertise gives them the right to make a final decision. On one side of the bilingual education issue are those who say that pre-Reagan responses to the *Lau* decision overemphasized students' learning to speak their native tongue and that children were becoming dependent on that language. They frequently argue that children of previous generations, who may have spoken only Italian or Polish or Russian at home, were able to learn English fairly quickly. In vehement opposition are those Hispanic militants who want to maintain a distinct cultural identity based on a common language and who fear assimilation of their children. Complicating matters are the large number of people who have been trained, certified, and hired to teach bilingual classes and who fear loss of their jobs. However the bilingual controversy is finally resolved, school districts should proceed with caution if using the total-immersion approach, lest they traumatize children who speak little or no English and thereby increase the already high dropout rates among these students. Although students have a right to instruction in a language they can understand, a failure to learn English bars them from many later opportunities for well-paying employment.

Increased Enrollment

Yet another problem facing elementary and secondary education is how to accommodate enrollments swelled by the children of post–World War II "baby boomers." After many years of enrollment decline, schools must now provide more teachers, classrooms, and other facilities, especially in rapidly growing areas of the Sunbelt. Many of the children of this "baby boomlet" are minorities whose populations are growing faster than the white population. The existing shortage of science, mathematics, and bilingual education teachers is being severely worsened by this recent development.

Public Higher Education

Public higher education in the states is provided by three different types of colleges: flagship universities, state universities, and community colleges. The *flagship universities* are the most prestigious in the state

TABLE 11-8 (*continued*)

	1981–82 State and Local Appropriations per Student		Adjusted for System Cost	
	Amount	Rank	Amount	Rank
Virginia	3.237	34	3.375	25
Washington	2.710	47	2,760	45
West Virginia	3.742	18	3,716	16
Wisconsin	3.314	32	3.259	28
Wyoming	6.608	2	7.552	2
U.S. average	$3.646		$ 3.646	

SOURCE: "How the Fifty States Rank," *Chronicle of Higher Education*, February 24 1982, p 8. Copyright 1982 by *The Chronicle of Higher Education*. Reprinted by permission

system, have the highest admission standards, and have a heavily research-oriented faculty. Examples are the main campuses of the University of Minnesota, the University of Texas, and the University of Washington. The *state universities* usually began as teachers' colleges, and they still perform that role as well as providing instruction in a broad range of fields, such as science, the liberal arts, and business. The *community colleges*, or *junior colleges*, have a two-year program in which students take courses in vocational education, courses for transfer to a four-year university, or courses for personal development. These colleges are usually locally funded and administered, but they receive substantial amounts of state aid.

The left-hand column in Table 11-8 ranks the states according to state and local appropriations per college student. However, such a listing can be highly misleading because some states, such as Hawaii and Iowa, have a large number of students in universities emphasizing research, which is an expensive endeavor. Florida and California, on the other hand, have emphasized community colleges, which are much less costly per student. The right-hand column shows how the states rank when *system costs* are considered. In addition to tax revenue, public universities receive substantial amounts of money from student fees, from research contracts, from endowments (especially the University of California, the University of Texas, the University of Minnesota, and the Massachusetts Institute of Technology), and from the sales of football tickets and television royalties (especially if the team is playing well).

Federal aid is particularly important in the form of such student-grants programs as Pell Grants, the Guaranteed Student Loan Program, and National Direct Student Loans. The Reagan administration has reduced funds for these programs and would like to end loans to students whose families earn more than $30,000 per year.

SUMMARY

According to one description, "three of the major functions of most states are the care of the insane, prisoners, and university students."[55] As we have seen, state and local governments provide these services and many more. The five policy areas considered in this chapter (law enforcement, welfare, health, housing, and education) are the focus of social services. In the next chapter, we will study services that are implemented less for the benefit of specific categories of people with particular needs, and more because these services are thought to benefit the state as a whole.

NOTES

1. V. O. Key, Jr., *Southern Politics in State and Nation* (New York: Knopf, 1949); and Key, *American State Politics* (New York: Knopf, 1956).

2. Thomas R. Dye, *Politics, Economics, and the Public* (Chicago: Rand McNally, 1966). See also Richard E. Dawson and James A. Robinson, "Inter-Party Competition, Economic Variables and Welfare Policies in the American States," *Journal of Politics*, 25 (May 1963), 265–89.

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Christina

Davis/Martin
Sept. 20, 1989
Draft: One
Title: Jefferson

PRESIDENTIAL ADDRESS: "Jefferson's Children"
CONVOCATION, UNIV. OF VIRGINIA
Thursday, Sept. 28, 11:30 a.m.

It's a delight to be back in Charlottesville. My son Marvin and my daughter-in-law Margaret have told me to be humble while I'm at U. Hall. ((I guess you only do the wave for Ralph Sampson.)) ////

((Acknowledge governors, events of the last few days.)) I have been deeply impressed by the commitment, the intelligence and the knowledge that you bring to education reform.

((I've also heard eloquent appeals from many authorities on education in the last few weeks, from state legislators to leaders in business and education. I have listened. And I am deeply appreciative of all that I have heard.))

((But I want to share with you the concerns of someone from an under-represented group in this debate -- first-graders. LETTER ANECDOTE from a "Johnny"))

The (("Johnnys)) of our schools are, in many ways, the luckiest generation of children in history. Just last month, these children observed, in the clarity of Voyager's sight, the horizons of alien worlds, the majesty of space. Think what these images would have meant to the ever-curious founder of this university, who could only look through a primitive telescope at faint patches of light, and wonder.

But our children are growing up in an age where wonder is common place, and peace and prosperity are often taken for granted. Our children are also the beneficiaries of a nation that lavishes unsurpassed resources on their schooling. So in many ways, we are close to fulfilling the Enlightenment dream of universal education, a dream that became a reality in the Shenandoah Valley, here at Mister Jefferson's school.

"Jefferson had not only an eighteenth century rationalist's faith in the perfectibility of man; he had not only an aristocrat's enlightened concern for the less fortunate; he had not only a cultivated awareness of the educational principles of his humanistic heritage, he also had the American's fundamental conviction that on the 'good sense' of an educated citizenry, we could build and defend a country of liberty and justice."

I borrowed these last few words from a friend. This assessment of Thomas Jefferson comes from another Renaissance man, yet a man of our times -- the late A. Bartlett Giamatti. //

The vision of the founders was as old as Athens and as fresh as the New World -- to lead an examined life. This was the credo of Thomas Jefferson. And this was the belief by which Bart Giamatti lived.

Bart's career was a metaphor for decency and public service. And it is that commitment to public service that we must carry on, not just as an education President, but as education governors, as an education society.

We have come close to the Jeffersonian ideal of an educated citizenry. And yet, after two centuries of progress, we are backsliding. While millions of Americans read for pleasure, millions of others don't read at all. While millions of Americans graduate from college, millions of others never finish high school. Jefferson said that no nation could for long be both ignorant and free. The state of our educational system is nothing less than the future of our democracy.

So I come to Jefferson's university to make a frank observation: This nation is moving away from the aspirations of its founders. The Founding Fathers were as fluent in geography and science as they were in Latin and French. They began as rapt students of the ancients, the statecraft of Marcus Aurelius, the philosophy of thinkers from Socrates to Cicero. And yet they surpassed their long-dead teachers to become the greatest political philosophers of all time.

Our founders lived at a time when the purpose of education was to develop the **character** of young people. Schools taught literature, physics and geometry. But they also taught honesty, discipline and service to country. Judge for yourself how well we teach these lessons today.

Jefferson wanted to redeem "that mass of talents which lies buried in poverty." And for most of our history, education **has** been the great champion of the poor, leveling all distinctions of class, race and background. Fifty years ago, the poorest immigrants in the bleakest slum knew that their children could go

anywhere, be anything, because they could get **an American education.** Again, judge for yourself if the same could be said today.

We've heard of high school graduates who believe New Mexico is in Latin America. We've seen schools that are overrun by crack and coke. We've read about children who don't know George Bush from George Mitchell,// or either from George Washington. We are all, by now, fully aware of the extent to which our nation is at risk.

This is only the third time a President has called a summit with the governors. And I did not ask you to such an historic occasion merely to discuss what is wrong with our schools. We are here to **work;** to work **together;** to again make **an American education** the **best** in the world. ////

This is not a distant goal to be passively pursued. It is urgent. Imperative. Vital. In the past, one could rise to the middle class without a high school education or a special skill. You know as well as I that in the service economy of the future, this will no longer be possible. There will be **no** jobs for the illiterate and the unskilled. By the year 2000, between five million and fifteen million low-skill jobs will be replaced by jobs that require vastly greater knowledge and ability. If we do not find a way to reach that quarter of young Americans who never attain a high school degree, then the underclass will be truly permanent. And America will no longer be synonymous with opportunity.

Education is our most enduring legacy, vital to everything we are and can become. And come the next century -- just ten years away -- what will we be? Will our descendants forget all that we have been and forsake all we could become? Will they still be the children of Jefferson?

Bill Milliken, a friend of mine in the educational community, told me last week of a boy he knows who is from an inner-city neighborhood, a neighborhood where chaos and violence reigns. For the trouble of going to school, this boy was shot through his shoulder.

Bill went to visit him in the hospital. The boy cried, and Bill rose to get a nurse, thinking that the pain of his wound had become unbearable. But it wasn't that; it wasn't that at all. The boy said he was crying because, and I quote: "I'm afraid to go home. I'm afraid to walk the streets. And I'm afraid to go to school." Before we do anything, we must first give these children what they need most -- **safety** on the streets and **sanctuary** at school. **Then** they can learn.////

We must become a reading nation, to again approach universal literacy. We must grapple with the hard sciences. And because education is as spiritual as it is practical, our children must know **why** Americans died at Concord, at Gettysburg, at Monte Cassino and Inchon. They must **never again** be allowed to forget our heritage -- **Washington, Jefferson, Jackson, Lincoln, Roosevelt, Roosevelt, Eisenhower and Kennedy.** ////

To beat illiteracy, to again lead the world in science and to know history by heart -- these are ambitious goals. To some, they may appear over-ambitious. But Americans are not a people who aim for half-way. Nothing less than a full-fledged challenge will mobilize us as a people.

As President, I am here to make such a challenge. As governors, you can provide the leadership to match it. You already are working with the state legislatures and school boards to better our schools. Let us, then, come together -- President and principal, governor and teacher -- to define **national** goals, to set **national** standards. ////

My Administration is committed to doing its part. I have enunciated four principles for federal action. First: Excellence in education should be recognized and rewarded. Second: Federal funding should be targeted to those who need it most. Third: Choice and flexibility -- for educators as well as for parents and students -- are important to educational reform. And fourth and finally: Greater accountability.

Accountability means discipline, structure and goals. And most of all, it means competition -- competition between students, between teachers and between schools. In short, a report card for all -- back to the basics.

Yet I do not counsel a naive nostalgia, a timid adherence to the past. We should embrace only what works. And when hallowed tradition proves to be hollow convention, then we must shatter tradition. The public is ready for sweeping and far-reaching

changes, for lasting reform. We **must// not// disappoint** them. ////

Less than three percent of all families live on a farm; and yet we still educate by an agrarian school calendar largely unchanged since the 1880s. The school year could easily be lengthened to more than 200 days, with generous breaks throughout. Listen to the children. They will tell you that it is a tossup as to which is more boring: nine straight months of school, or three straight months of vacation. **Let us shatter this tradition.**

Some subjects may require hours a day; others minutes. Yet we teach all subjects in rigid 55 minutes formats, as if the human attention span were a Pavlovian ((PAHV-Low-Vian)) response to the ring of a school bell. School days, like school years, are structured by custom, not by creativity. **Let us shatter this tradition.**

Americans fully realize that when government bodies swell beyond the boundaries of community interest, bureaucracy takes control. We should scale our school districts to the communities they serve, empowering parents and teachers alike. Giantism is deadly. **Let us shatter this tradition.**

Reform requires even more of us. Too many parents have come to see education as a service we can hand over to the school boards, in much the same way we expect our cities to provide electricity or water. But education is not a utility, not something to be delegated to public policy. Education is a way

of life, and educational reform is an urgent responsibility for every parent, every student, every community. Those who do not advance the cause of education, **hinder it.** ////

Too often, excessive regulation has also hindered education. How many great ideas, how many grand and noble experiments, have been impaled on the narrow spike of a federal directive? Regulation is the enemy of the bold. And **bold action** is what we need **most** of all. //

Look to Chelsea, Massachusetts, where Boston University has been asked to assume control of a school system in trouble. These schools will now stay open from 7:30 a.m. to 5:30 p.m., serving as day-care centers for children whose parents work. Eventually, Boston University will offer pre-school classes for all children ages three to five, and "after-school" programs involving arts and exercise.

Look to Milton Goldman and Jeffrey Reed -- teachers in Los Angeles who use video science to entice the children of the television age to enjoy reading.

And look to Pine Villa Elementary School in Miami. In this inner-city school, boys from poor households headed by single mothers were put into an experimental program, in which all the students and their teachers were males. The idea was simple, and it worked. These boys were given what they desperately needed -- their first exposure to a positive, male role model. The principal reported the experiment to be a resounding success. There were no fights, no major discipline problems. Not a single

parent complained. Most important, the academic ability of these children improved by leaps and bounds. And yet the federal government interpreted this program as a violation of its regulations, and terminated it. This is not oversight, this is overkill.

Some experiments are sure to come up short. But for a third of our schools, experimentation is preferable to the status quo, because the status quo could scarcely be worse. The worthy and the useful will win out only if we allow for the vigorous competition of ideas at the local level.

Some say that the greater answer is to spend more money. The fact is, our nation already spends more to educate our youth than it does to defend them -- this year, 353 billion dollars in all. The average per-pupil expenditure in American public education has risen by more than $1,500 since 1983, about as twice as much per student as in the mid-sixties and nearly three times the level of the mid-fifties. And over the decades, while spending growth burgeoned, high school graduation rates and SAT scores tumbled. Hard experience teaches that we cannot buy our way out of this problem.//

I have requested nearly a half a billion dollars on ten worthy programs. The states may choose to spend more. But our main focus should no longer be on resources. It must be on **results. It is time we got our money's worth in education.** //

To get results in education, I offer two proposals, each a radical departure from tradition. For the first time, a

President is ready to define, with the governors, national goals and standards in education. Tighter standards// higher goals// greater aspirations -- beginning with sharp reductions in illiteracy and drop-out rates. So my first proposal is to achieve ((goal)) before the high school class of 1999 lines up for its diplomas. ((Specifics to come.))

Second, I also intend the reverse the tightening web of federal restrictions. So I will issue an executive order on ((date)) to ((language to come)).

In return for greater flexibility from Washington, I ask that you, in turn, ease state restrictions on local bodies. And then we will ask superintendents and principals to meet the higher national standard.

We must eventually be ready to do more than measure our progress against our past performance. We must be willing to compare ourselves with our present competitors. We must come out on top of the toughest of all grading curves -- that the other major industrial nations.

One way to meet a more stringent standard is to establish the principle of choice in education. Parents should be free to choose their schools. Principals should be free to choose the best methods for their schools. And schools should be free to choose teachers with alternative certification -- those whose knowledge surpasses their credentials.

These proposals do not add up to a quick and easy solution. They are the beginning of a process, the work of years. So let

me make a third proposal -- that we meet again in a less formal setting to take stock of where we succeeded, and where we need to redouble our efforts.

Individuals must make the same assessment, for our education is the work of a lifetime. With the average lifespan lengthening to three-quarters of a century, it is absurd that we should quit learning at age 18 or 22. Education shouldn't begin with kindergarten, and end with a diploma and a handshake. Education begins when we draw our first breath. And it stops only when we breathe our last.

Our homes and our workplaces must be places of learning; schools that continually sharpen our skills and upgrade our competence. Seventy-five percent of the workforce of the year 2000 are already on the job today. This makes vocational and adult education essential.

Yet we need to practice lifelong education for greater reasons than the trade balance, or the greying of our work force. These reasons are broader than the narrow compass of economics and government.

A scholar once wrote that great books are not lifeless paper, but minds alive on the shelves. He said that just as the touch of a button on a stereo will fill the room with music, so by taking down one of these volumes, and opening it, one can call into range the voice of a man far distant in time and space, and hear him speak to us, mind to mind, heart to heart.

As a nation, we can impart this enchantment -- every time a parent reads a bedtime story to a sleepy child; every time a young scholar turns to the great books. When the day comes that every young American can participate in the life of the mind, then we will truly be Jefferson's children.

Thank you for your hard work and dedication. Thank you for your partnership. Let us leave Charlottesville determined to work together, to work for America. God bless you all.

# # #

Davis/Martin
Sept. 26, 1989
Draft: Six
Title: Jefferson

PRESIDENTIAL ADDRESS: CONVOCATION, UNIV. OF VIRGINIA
Thursday, Sept. 28, 11:30 a.m.

It's a delight to be back in Charlottesville. ((Imagine this -- you have a President, the Cabinet and America's governors visiting your school. And the big man on campus today is still Sean Moore.)) ////

And then my son Marvin and daughter-in-law Margaret advise me to be humble while I'm at U. Hall. ((You see, they told me you only do the wave for Ralph Sampson.)) ////

Well, it's easy to be humble at a school so rich in history and educational endeavor. And I have also been deeply impressed by the commitment, the creativity and the knowledge that my fellow chief executives from the states bring to education reform.

It is you -- the governors -- along with the legislators and school boards, leaders of business, parents and teachers -- those throughout this nation's vast decentralized education system, who face tough decisions. I've heard eloquent advice from all of you in the last few weeks. I have listened. And I am deeply appreciative of all that I have heard.

We should also listen to the children. They have much to say to us. In many ways, they are the luckiest generation in history. Just last month, our children observed, in the clarity of Voyager's sight, the horizons of new worlds, the majesty of

space. Think what these images would have meant to the ever-curious founder of this university, who could only look through a primitive telescope at faint patches of light and wonder.

But our children are growing up in an age where wonder is common place, and peace and prosperity are often taken for granted. Our children are also the beneficiaries of a nation that lavishes unsurpassed resources on their schooling. So in many ways, we are close to fulfilling the Enlightenment dream of universal education, a dream that became a reality in the Shenandoah Valley, here at Mister Jefferson's school.//

Every step we take at this University is truly a walk in Thomas Jefferson's footsteps. When he first charted the ground on which we gather today, there was just a field of grass, and a horizon limited only by the blue mountains beyond. But Jefferson surveyed a horizon no one else could see. He saw the graceful dome of the Rotunda, and the elegance of the Lawn and its pavilions. He saw meeting rooms, libraries and lecture halls -- and hoped they would be teeming with professors and students yet unborn.

Jefferson set out to fashion his rarified vision into solid reality, brick by brick, book by book. And it is his University -- and his dream -- that inspires us today to follow in his footsteps.

Thomas Jefferson was a relentless advocate for universal public education. You might say he was our first education president. He had a "fundamental conviction that on the 'good

sense of' an educated citizenry, we could build and defend a country of liberty and justice."

I borrowed this assessment from a friend of mine -- another Renaissance man, a man of **our** time -- the late A. Bartlett Giamatti. //

Like Jefferson, Bart's life was a metaphor for civility and public service. And it is this commitment to public service that we must carry on, not just as an education President, but as education governors, as an education society.

We have come close to the Jeffersonian ideal. Our educational system is, in many ways, unrivaled in its scale and diversity; in its commitment to meeting special needs and individual differences. We are inspired by our best teachers, who give more than we can rightly expect; and from our best students, who surpass our highest expectations.

Jefferson wanted to redeem "that mass of talents which lies buried in poverty." And for most of our history, education **has** been the great champion of the poor, compensating for all distinctions of class, race and background. A century ago, the poorest parents in the bleakest slum knew their children could go **anywhere**, could be **anything**, if they could get **an American education.**

Yet after two centuries of progress, we are stagnant. While millions of Americans read for pleasure, millions of others don't read at all. While millions go to college, millions never graduate from high school.

The National Assessment of Educational Progress estimates that fewer than one in four of our high school seniors can write a decent letter. Only half can manage decimals, fractions and percentages. Barely one in three can locate the Civil War in the correct half-century. No modern nation can long afford to allow so many of its sons and daughters to emerge into adulthood ignorant and unskilled. The status quo is a guarantee for mediocrity, social decay and national decline.//

Education is our most enduring legacy, vital to everything we are and can become. And come the next century -- just ten years away -- what will we be? Will we be the children of the Enlightenment, or its orphans?

Six and one-half years ago, the Commission on Excellence in Education issued its powerful report; and yet today, our nation is **still** at risk. The educational reform movement has done well in articulating its criticisms. Now it is time to define goals.

Too much is at stake not to act now. Jefferson said that no nation could long be both ignorant and free. The state of our educational system is nothing less than the future of our democracy. This is a time for **action**.//

I sent my proposals for federal action in education to Congress last spring. The Educational Act of 1989 includes ways to reshape and expand federal efforts, to recognize excellence, address needs, foster flexibility and choice, and measure and reward progress. I remain solidly committed to these principles,

and I value your advice and ideas as we continue to refine the federal role.

Some offer a completely different answer -- to spend more money. I do not wholly agree, although I have asked Congress to provide nearly a half a billion dollars for ten worthy programs. Your states may also choose to spend more. But to those who say that money alone is **the** answer, I say that there is no **one** answer. If anything, hard experience teaches that we are simply **not** getting our money's worth in education.// Our focus must no longer be on resources. It must be on **results**.//

This is only the third time in our 200 years as a nation that a President has called a summit with the governors. I have called you together because you bear the Constitutional responsibility for education. And I did not ask you to such an historic occasion merely to bemoan what is wrong. We are here to **work**; to work **together**; to put the future before the moment, and progress before partisanship, to again make **an American education** the **best** in the world. //

You already are consulting with the state legislatures to better our schools. Our teachers are already giving their heart and soul to their jobs. But we have never before worked **together** -- President and principal, governor and teacher -- to achieve **results** in education.

A social compact begins today in Charlottesville, a compact between parents, teachers, principals, superintendents, state legislators, governors and the Administration. Our compact is

founded not on promises, but on challenges -- each one a radical departure from tradition.

I challenge **you** to join me, for the first time, to define national goals and standards in education. From this day forward, America will turn to tighter standards// higher goals// and greater aspirations.

And our standards are "national," not "federal." That is why I welcome the initiatives of the National Governors Association, from the Time for Results report in 1986, to the goal-setting project recently begun under the leadership of Terry Branstad, Carroll Campbell and Bill Clinton. My Administration will work with you to build on the National Assessment program's first state-by-state achievement results. We will work with you to formulate national goals. And then **we** will challenge superintendents and principals to meet our higher standards.

I accept **your** challenge to loosen the grip of federal restrictions.//// How many great ideas, how many grand and noble experiments, have been impaled on the narrow spike of a federal directive? Regulation is the enemy of the bold. And **bold action** is what we need **most** of all. //

As we provide more flexibility from Washington -- and we will -- I ask that you, in turn, ease state restrictions on local bodies.

Then we will judge our efforts not by our intentions, but by our **results**.

So to get results, we need national standards, and more flexibility from federal and state government.

To get results, we will need a new spirit of competition between students, between teachers and between schools -- a report card for all.

And **to get results**, we will need discipline, structure and goals. In a phrase, back to the basics.

Yet I do not counsel a naive nostalgia, a tame adherence to the past. Business as usual is not getting us where we need to go. So when hallowed tradition proves to be hollow convention, then we must shatter tradition. The polls show what every P.T.A. board knows: The American people are ready for radical reforms. **We must// not// disappoint// them.//**

I envision tradition-shattering reform in five areas.

First, I see the day when every student is literate. But literacy today means more than the "three R's." We must be a reading nation, ready to fight again for universal literacy. We must grapple with the hard sciences. And because education is as spiritual as it is practical, our children must know **why** Americans died at Concord, at Gettysburg, at Monte Cassino and Inchon. They must understand the generosity of Andrew Carnegie, the genius of Alexander Graham Bell and the heroism of Rosa Parks. //

Some youngsters will naturally take longer than others. Some will need to more study, and extra instruction. But we

should **never** send a hopeful student from school just because he or she has reached a specified birthday.//

Second, I see a day when our educational system will be unafraid of diversity. Of course, all schools will share a core curriculum and minimum standards of achievement. But the means by which that curriculum is taught, and those standards met, should be as diverse and varied as our children, our teachers and their communities. Let them blend, in myriad ways, the traditional and the modern, the human and the technological. Let us give our schools and our teachers the freedom to do **what they do best.**

Children also differ -- in their interests, learning styles and capabilities. So third, I see the day when choice among schools will be the norm rather than the exception; when parents will be full partners in the education of their children.

Too many parents have come to see education as a service we can hand over to the school boards, in much the same way we expect our cities to provide electricity or water. But education is not a utility, not something to be delegated to public policy. Education is a way of life, and educational reform is an urgent responsibility for every parent, every student, every community. Those who do not advance the cause of education, **hinder it.**

This means enlisting the parents, grandparents and other adults who play large roles in children's lives in their formal, as well as their informal education. This means that parents,

students and professional educators will be accountable to one another, as a community.

But to be accountable, we need to know just how much progress we're making. So fourth, I see the day when we use accurate assessments, carefully linked to our educational goals and standards. We need to first know where we are; this means accepting the bad news along with the good. We have always measured our progress against our past performance. We must now evaluate ourselves on a tougher grading curve -- one that includes the other major industrial nations.

Accountability also means we must act on evaluation. Weak performance in the classroom, or the principal's office, will no longer be tolerated. But neither will indifference toward good educators. Society has no greater benefactors than outstanding teachers and principals. Let them get what they deserve -- solid rewards and generous praise.

Fifth, I see an educational system that never settles for the minimum, in academics or in behavior. Decades of research bear out what the best teachers already know: when standards and expectations are high, everyone does better. This includes both the unusually gifted, and those with special needs and disabilities. And it includes the forgotten student, the average student. For I believe, that with a little care and a little work, we can unleash within each of these so-called ordinary children an extraordinary potential.

This potential is within every disadvantaged child, those from troubled neighborhoods: children for whom our schools must be a beacon of excellence; a sanctuary from violence; a model of good character, sound values and exemplary ethics.

Some of our reforms and experiments are sure to come up short. But for too many of our schools, experimentation is preferable to the status quo, because the status quo could scarcely be worse. The worthy and the useful will win out only if we give our schools the freedom they need. Such freedom will not lead to a quick and easy solution. It is the work of years.

We have taken such a long-term view in our meetings. We have discussed the need for educational reform in terms of our national competitiveness, even our national future. But I am sure you agree that learning has more to do than with just our trade balance or the greying of our work force; it is broader than the narrow compass of economics and government.

A scholar once wrote that great books are not lifeless paper, but minds alive on the shelves. He observed that just as the touch of a button on a stereo will fill the room with music, so by taking down one of these volumes, and opening it, one can call into range the voice of a man far distant in time and space, and hear him speak to us, mind to mind, heart to heart.

As a nation, we can again hear these voices, feel this enchantment -- every time a parent reads a bedtime story to a sleepy child; every time a young scholar turns to the great

books. The day must come when every young American can know the life of the mind.

That is why we have gathered here, at Mister Jefferson's school. He was just **one** man, but look at what one man can do. Imagine what **we** can do, if we -- more than fifty strong -- are united by a great cause. So let us dream. Let us talk. If need be, let us argue. But in the end, let us walk together on a journey to enlightenment, in the footsteps of Thomas Jefferson.

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Thank you for your hard work and dedication. God bless you all, and God bless America.

# # #

((Grant))
September 20, 1989
Draft one
A:opening

REMARKS: OPENING ADDRESS
EDUCATION SUMMIT
OLD CABELL HALL
WEDNESDAY, SEPTEMBER 27, 1989
3:30 P.M.

[Members of the Cabinet, Governors Clinton and Campbell, distinguished Governors, President O'Neill, members of the faculty, and friends ... Thank you and welcome.]

Welcome to "Mr. Jefferson's University," the alma mater of President Woodrow Wilson, as well as our current governor of Virginia, Governor Baliles; as well as both Senators Robb and Warner.

I call it "Mr. Jefferson's University," as nearly everyone does in Charlottesville. President William Howard Taft said once that they still spoke of Mr. Jefferson here as though he were in the next room. His spirit is here, in the next room, more real than the painting of Plato and Aristotle behind me, or the statue of Homer in front outside on the Lawn. His ideas on individual freedom, humanism, and the inalienable rights of man stand alone in the history of this Republic, and no one among us today is likely to live up to the legend of his diversity and achievements.

But Mr. Jefferson had one idea that he did not see realized in his lifetime. One which has, over the past 200 years, been fulfilled: that of a strong public education system in this

country. But while that system exists, we have yet to reach the ideal of an enlightened citizenry ... and an educated America. Millions of Americans -- graduates of our schools -- cannot read. Some never even make it to graduation, dropping out of school and society. Drugs have invaded our classrooms, and violence has entered our schoolyards. Were these the Founders intentions? I don't think so, and I'm sure you don't either.

And so you have accepted my invitation to come together today for open and candid discussions about the future of American education. I am grateful to those of you who have traveled far, and I appreciate the depth of commitment shown by each of you assembled here today. Everyone in this room is committed to educational excellence, and we all know too much is at stake to engage in bickering or partisan nit-picking. There's only one kind of "p.r." I'm interested in at this summit -- and it's that we all assume public responsibility.

The call was sounded in 1984, when the Reagan Administration warned that we were "A Nation at Risk." That report awakened Americans to the situation in our schools, and the alarm bells rang. After nearly five years, everyone now knows what the problems are -- and no one is here to point fingers. But for the good of our children's education, for the good of the country, we must decide on a course of action. The time for study is over.

There are real problems right now in our educational system, but there is no federal solution. Yes, the federal government has an important role to play -- which is why I am here, and why my Cabinet is here. We will work with you, and help find the

answer. But I firmly believe that the key to it all will be found at the state and local levels.

You are the ones, as governors, who are on the firing line. You see what goes on in the classrooms, in the local school boards, and in your state-level policymaking sessions. Truly, the states are the laboratories of reform in this country, and you are the experts. That is why this Administration is relying on you.

We must work together, the States and the Federal government. Each side has something to contribute -- we can bring accountability, flexibility and innovation together to improve the quality of our education system. The federal Government can provide States with greater flexibility in the use of federal education dollars ... States can build greater accountability into their educational systems ... and both can encourage innovation at the most local level of all -- the classroom.

What I am seeking at this summit is this: an agreement between us to establish a process by which we can set education goals and measure our progress.

We've got to challenge the education system if we are to meet the challenge of educational excellence. It's time to stop debating over commissions and studies -- and set priorities. It's time to get on with it.

Shortly, we will leave this hall and walk down the Lawn to the Rotunda, for the first of our working group meetings. On the way, we will walk past Pavilion VII, known as the Colonnade Club.

The cornerstone of that building was laid by a set of American immortals still unmatched at this University ... Presidents Jefferson, Madison and Monroe.

[There is no offense intended to the many American immortals we have in the assembly this afternoon ...] In fact, to paraphrase President Kennedy, I haven't seen such erudition at the University of Virginia since Thomas Jefferson walked the halls alone.

But as you walk past the Colonnade Club, think of those three men -- Jefferson, Madison and Monroe -- and what they envisioned for this Republic. Think of the schools the Founders sought to establish to develop the character of students, with values like honesty, discipline and public service. Let us work together these next two days in frankness and honesty -- because as Mr. Jefferson said, "For here we are not afraid to follow truth wherever it may lead." Let us follow the truth.
God bless you and thank you.

# # #

Jeffersonian quotes:

Armstrong —
Wapakoneta H.S. (OH)

King —
Booker T. Wash. H.S.
also public grade school
private lab school junior high years

Salk -
Townsend Harris H.S.
Bronx, N.Y.

O'Conner - private grade school
public at 13 Lordsburg, New Mexico
and Austen, H.S. El Paso

Davis/Martin
Sept. 21, 1989
Draft: Four
Title: Jefferson

PRESIDENTIAL ADDRESS: CONVOCATION, UNIV. OF VIRGINIA
Thursday, Sept. 28, 11:30 a.m.

It's a delight to be back in Charlottesville. My son Marvin and my daughter-in-law Margaret have told me to be humble while I'm at U. Hall. ((You see, they told me you only do the wave for Ralph Sampson.)) ////

((Acknowledge governors, events of the last few days.)) I have been deeply impressed by the commitment, the creativity and the knowledge that you bring to education reform.

((I've also heard eloquent appeals from many authorities on education in the last few weeks, from state legislators to leaders in business and education. I have listened. And I am deeply appreciative of all that I have heard.))

((But I want to share with you the concerns of someone from an under-represented group in this debate -- grade-schoolers. I got a letter from a boy from upstate New York who wrote me to suggest several intriguing ideas. And his letter ended with the most unusual proposal of all: He asked me to advance the cause of science// by sending his teacher// to perform some research //// in the Bermuda Triangle.))

Of course, this little boy does not yet appreciate it, but it will be the tough teachers that he will remember fondly as an adult. The (("Johnnys)) of our schools are, in many ways, the luckiest generation of children in history. Just last month,

these children observed, in the clarity of Voyager's sight, the horizons of alien worlds, the majesty of space. Think what these images would have meant to the ever-curious founder of this university, who could only look through a primitive telescope at faint patches of light, and wonder.

But our children are growing up in an age where wonder is common place, and peace and prosperity are often taken for granted. Our children are also the beneficiaries of a nation that lavishes unsurpassed resources on their schooling. So in many ways, we are close to fulfilling the Enlightenment dream of universal education, a dream that became a reality in the Shenandoah Valley, here at Mister Jefferson's school.

Every step we take at this University is a walk in Thomas Jefferson's footsteps. When Jefferson first charted the ground on which we gather today, there was just a field of grass, and a horizon limited only by the blue mountains beyond. But Jefferson surveyed a horizon no one else could see. He saw the graceful dome of the Rotunda, and the elegance of the Lawn and its pavilions. He saw meeting rooms and lectures halls -- and hoped they would be teeming with professors and students yet unborn.

Jefferson fashioned his ethereal vision into solid reality, brick by brick, book by book. And it is his University -- and his dream -- that inspires us today to follow in his footsteps.

Thomas Jefferson was our first education president. He was a relentless advocate for universal public education. He did so because he had a "fundamental conviction that on the 'good sense

May 16, 1982
UPI
Commentary/
Viewpt
by A. Bartlett
Gramatti

of' an educated citizenry, we could build and defend a country of liberty and justice."

I borrowed these last few words from a friend of mine. This assessment of Thomas Jefferson came from another Renaissance man, a man of **our** time -- the late A. Bartlett Giamatti. //

Like Jefferson, Bart's life was a metaphor for civility and public service. And it is this commitment to public service that we must carry on, not just as an education President, but as education governors, as an education society.

We have come close to this Jeffersonian ideal of an education society. And yet, after two centuries of progress, we are backsliding. While millions of Americans read for pleasure, millions of others don't read at all. While millions of Americans graduate from college, millions of others never finish high school. Jefferson said that no nation could long be both ignorant and free. The state of our educational system is nothing less than the future of our democracy.

So I come to Jefferson's university to make a frank observation: This nation is moving away from the aspirations of its founders. The Founding Fathers were as fluent in geography and science as they were in Latin and French. They began as rapt students of antiquity, the statecraft of Marcus Aurelius, the philosophy of thinkers from Socrates to Cicero. And yet they surpassed their ancient teachers to become the greatest political philosophers of all time.

Our founders lived at a time when the purpose of education was to develop the **character** of young people. Schools taught literature, physics and geometry. But they also taught honesty, discipline and service to country. Judge for yourself we always impart these lessons today.

Jefferson wanted to redeem "that mass of talents which lies buried in poverty." And for most of our history, education **has** been the great champion of the poor, leveling all distinctions of class, race and background. A century ago, the poorest parents in the bleakest slum knew their children could go **anywhere**, could be **anything**, if they could get **an American education.** Again, judge for yourself if the same could be said today.

We've heard of high school graduates who believe New Mexico is in Latin America. We've seen schools that are overrun by crack and coke. We've read about children who cannot identify George Bush, or, for that matter, George Washington. We are all, by now, fully aware of the extent to which our nation is at risk. This is not a time for assessment. This is a time for **action**.//

I have built my proposals for federal action in education around four principles. First: Excellence in education should be recognized and rewarded. Second: Federal funding should be targeted to those who need it most. Third: Choice and flexibility -- we should give more freedom to educators, as well as to parents and students. And fourth and finally: Greater accountability for all -- students, teachers, principals, and, yes, ourselves -- elected officials.

Some say there is another answer -- to spend more money. I do not wholly agree, although I have asked Congress to provide nearly a half a billion dollars for ten worthy programs. Your states may also choose to spend more. But to those who say that money alone is **the** answer, I say that there is **no one** answer. Our nation already spends more to educate our youth than it does to defend them -- this year, 353 billion dollars in all. Over the decades, while the rate of spending has escalated, high school graduation rates and SAT scores have tumbled. So, hard experience teaches that we are simply **not** getting our money's worth in education.// Our focus must no longer be on resources. It must be on **results**.

This is my program. Some support it. Some do not. But I am sure we all agree this is no time to work at cross purposes. This is a time for us to coordinate our efforts to **save our schools**.//

Education reform is not a distant goal to be passively pursued. It is urgent. Imperative. Vital. In the past, one could rise to the middle class without a high school education or a special skill. You know as well as I that in the service economy of the future, this will no longer be possible. By the year 2000, between five million and fifteen million low-skill jobs will be replaced by positions that require vastly greater knowledge and ability. If we do not find a way to reach that quarter of young Americans who never attain a high school degree,

then the underclass will be truly permanent. And America will no longer be synonymous with opportunity.

Education is our most enduring legacy, vital to everything we are and can become. And come the next century -- just ten years away -- what will we be? Will our descendants forget all that we were and forsake all they could achieve? Will Americans be the children, or the orphans, of the Enlightenment?

Bill Milliken, a friend of mine in the educational community, told me a story last week about a boy he knows from an inner-city neighborhood, a neighborhood where chaos and violence reign. The child Bill knows was shot through his shoulder while going to school.

Bill went to visit him in the hospital. The boy cried, and Bill rose to get a nurse, thinking that the pain of his wound had become unbearable. But it wasn't that; it wasn't that at all. The boy said he was crying because he was **afraid, afraid** to go home, **afraid** to walk the streets and **afraid** to go to school. Before we do anything, we must first give these children what they need most -- **safety** on the streets and **sanctuary** at school. **Then** they can learn.////

We must become a reading nation, to again fight for universal literacy. We must grapple with the hard sciences. And because education is as spiritual as it is practical, our children must know **why** Americans died at Concord, at Gettysburg, at Monte Cassino and Inchon. They must understand the generosity

of Andrew Carnegie, the genius of Alexander Graham Bell and the heroism of Rosa Parks. //

To beat illiteracy, to again lead the world in science and to know history by heart -- these are ambitious goals. To some, they may seem impossible to achieve. But Americans are not a people who aim for half-way. Nothing less than a full-fledged challenge will mobilize us as a people.

As President, I am here to make such a challenge. As governors, you can provide the leadership to match it.

You already are consulting with the state legislatures to better our schools. Our teachers are already giving their heart and soul to their jobs. But we have never before worked **together** -- President and principal, governor and teacher -- to achieve **results** in education.

This is only the third time in our 200 years as a nation that a President has called a summit with the governors. And I did not ask you to such an historic occasion merely to bemoan what is wrong. We are here to **work**; to work **together**; to put the future before the moment, and progress before partisanship, to again make **an American education** the **best** in the world. //

We must begin with a social compact, a compact between parents, teachers, principals, superintendents, state legislators, governors and the Administration. Our compact is founded not on promises, but on challenges. Let us start with three challenges -- three radical departures from tradition.

I challenge you to join me, for the first time, to define national goals and standards in education. I seek tighter standards// higher goals// greater aspirations. ((Specifics to come.))

Second, I accept your challenge to loosen the grip of federal restrictions.//// How many great ideas, how many grand and noble experiments, have been impaled on the narrow spike of a federal directive? Regulation is the enemy of the bold. And **bold action** is what we need **most** of all. //

In return for greater flexibility from Washington, I ask that you, in turn, ease state restrictions on local bodies. And then we will challenge superintendents and principals to meet our higher standards. I will start this process by issuing ((an executive order)) on ((date)) to ((language to come)).

Third, let us judge our efforts not by our intentions, but by our **results**. We need to first know where we are, no matter how unpleasant that realization may be. We have always measured our progress against our past performance. But **to get results**, we must evaluate ourselves on a tougher grading curve -- one that includes the other major industrial nations.

To get results, we will need a new spirit of competition between students, between teachers and between schools -- a report card for all.

And **to get results**, we will need discipline, structure and goals. In a phrase, back to the basics.

Yet I do not counsel a naive nostalgia, a timid adherence to the past. We should embrace only what works. And when hallowed tradition proves to be hollow convention, then we must shatter tradition. The public is ready for sweeping and far-reaching changes, for lasting reform. We **must// not// disappoint** them.

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Less than three percent of all families live on a farm; and yet we still educate by an agrarian school calendar largely unchanged since the 1880s. The school year could easily be lengthened to more than 200 days, with generous breaks throughout. Listen to the children. They will tell you that it is a tossup as to which is more boring: nine straight months of school, or three straight months of vacation. **Let us shatter this tradition.**

Some school subjects may require hours a day; others minutes. Yet we teach all subjects in rigid 55 minutes formats, as if the human attention span were a Pavlovian ((PAHV-Low-Vian)) response to the ring of a school bell. School days, like school years, are structured by custom, not by creativity. **Let us shatter this tradition.**

Americans fully realize that when government bodies swell beyond the boundaries of community interest, bureaucracy takes control. We should scale our school districts to the communities they serve, empowering parents and teachers alike. Large is deadly. **Let us shatter this tradition.**

Reform requires even more of us. Too many parents have come to see education as a service we can hand over to the school boards, in much the same way we expect our cities to provide electricity or water. But education is not a utility, not something to be delegated to public policy. Education is a way of life, and educational reform is an urgent responsibility for every parent, every student, every community. Those who do not advance the cause of education, **hinder it.** ////

Look to those who are already in the lead.

Look to Chelsea, Massachusetts, where Boston University has been asked to assume control of a school system in trouble. These schools will now stay open from 7:30 in the morning to 5:30 in the evening, serving as day-care centers for children whose parents work. Eventually, Boston University will offer pre-school classes for all children ages three to five, and "after-school" programs involving arts and exercise.

Look to Milton Goldman and Jeffrey Reed -- teachers in Los Angeles who use video science to entice the children of the television age to enjoy reading.

Look to ((name of teacher to come)) and every other teacher who struggles to transform the dull and the rote into the magical and the enterprising.

Some of these experiments are sure to come up short. But for too many of our schools, experimentation is preferable to the status quo, because the status quo could scarcely be worse. The

worthy and the useful will win out only if we give our schools the freedom they deserve.

Choice is another form of freedom in education I referred to earlier, and it is a demonstrated success. Parents should be free to choose their schools. Principals should be free to choose the best methods for their teachers. And schools should be free to choose teachers with alternative certification -- those whose knowledge surpasses their credentials.

Of course, this summit will not, cannot, lead to a quick and easy solution. We are embarking on the work of years. So let me make a final proposal -- that we meet again in a less formal setting to take stock of where we succeeded, and where we need to redouble our efforts.

Every American must make the same assessment, for our education is the work of a lifetime. With the average lifespan lengthening to three-quarters of a century, it is absurd that we should quit learning at age 18 or 22. Education shouldn't begin with kindergarten, and end with a diploma and a handshake. Education begins when we draw our first breath. And it stops only when we breathe our last.

Our homes and our workplaces must be places of learning; schools that continually sharpen our skills and upgrade our competence. Seventy-five percent of the work force of the year 2000 are already on the job today. This makes vocational and adult education essential.

Yet our most basic need for lifelong learning has nothing to do with the trade balance, or the greying of the work force; it is broader than the narrow compass of economics and government.

A scholar once wrote that great books are not lifeless paper, but minds alive on the shelves. He observed that just as the touch of a button on a stereo will fill the room with music, so by taking down one of these volumes, and opening it, one can call into range the voice of a man far distant in time and space, and hear him speak to us, mind to mind, heart to heart.

As a nation, we can again hear these voices, feel this enchantment -- every time a parent reads a bedtime story to a sleepy child; every time a young scholar turns to the great books. The day must come when every young American can know the life of the mind.

That is why we have gathered here, at Mister Jefferson's school. He was just **one** man, but look at what one man can do. Imagine what **we** can do if we -- fifty-one strong -- are united by a great cause. So let us dream. Let us talk. If need be, let us argue. But in the end, let us let us walk together on a journey to enlightenment, in the footsteps of Thomas Jefferson.

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Thank you for your hard work and dedication. Thank you for your partnership. Let us leave Charlottesville determined to work with each other, to work for America. God bless you all.

# # #

((Grant/Martin))
September 22, 1989
Draft three
A:opening

REMARKS: OPENING ADDRESS
EDUCATION SUMMIT
OLD CABELL HALL
WEDNESDAY, SEPTEMBER 27, 1989
3:30 P.M.

[Members of the Cabinet, Governors Clinton and Campbell, distinguished Governors, President O'Neill, members of the faculty, and friends ... Thank you and welcome.]

Welcome to "Mr. Jefferson's University," the alma mater of President Woodrow Wilson; Virginia's gracious governor, Gerry Baliles; and both its U.S. Senators.

I call it "Mr. Jefferson's University," as nearly everyone does in Charlottesville. In fact, President William Howard Taft said once that they still spoke of Mr. Jefferson here as though he were in the next room -- his spirit more real than the painting of Plato and Aristotle behind me, or the statue of Homer outside on the Lawn.

Although his ideas on individual freedom, humanism, and the inalienable rights of man stand alone in the history of this Republic, Mr. Jefferson had one overriding vision that he did not see realized in his lifetime. But one which has, over the past 200 years, been fulfilled: a vision of a strong public education system in this country. It is a system that has brought Americans from all walks of life together, and enabled all citizens to build better lives for themselves ... a system that

has given us Neil Armstrong, Martin Luther King, Jonas Salk and Sandra Day O'Connor ... a system unparalled in the world .... in which over 180 million Americans have been enrolled over the last century alone.

But today, millions of Americans cannot read. Some never even make it to graduation, dropping out of school and society. Drugs have invaded our classrooms, and violence has entered our schoolyards. Clearly, the enlightened America dreamed of by Thomas Jefferson still eludes us.

And so you have accepted my invitation to come together for open and candid discussions about the future of American education. I am grateful to each of you, and I appreciate the depth of commitment shown by everyone assembled here today. Education isn't a Republican or a Democratic issue. It's an American issue, and everyone in this room is committed to educational excellence. We all know too much is at stake to let partisanship get in the way of progress.

The call was sounded in 1984, when the Reagan Administration warned in its historic education report that we were "A Nation at Risk." That report awakened Americans to the situation in our schools, and the alarm bells rang. Everyone now knows what the problems are -- and no one is here to point fingers. But for the good of our children's education, for the good of the country, we must decide on a course of <u>action</u>. The time for study is over.

There are real problems right now in our educational system, but there is no one federal solution. Yes, the federal

government has an important role to play -- which is why I am here, and why my Cabinet is here. We will work with you, to help find answers. But I firmly believe that the key will be found at the state and local levels.

You are the ones, as governors, who are on the firing line. You see what goes on in the classrooms, in the local school boards, and in your state-level policymaking sessions. Truly, the states are the laboratories of reform in this country, and you are the experts.

But we must work together, the States and the Federal government. We must work together over the next two days. We will talk about many issues -- most importantly, choice, competitiveness, teaching quality, and improving the learning environment.

Accountability, flexibility, tougher standards and a results-oriented system -- all of these must be on the table. **What I am seeking at this summit is not just dialogue but a new sense of direction.**

We've got to challenge the education system if we are to meet the challenge of educational excellence. It's time to stop debating over commissions and studies -- and set priorities. It's time to get on with it.

Shortly, we will leave this hall and walk down the Lawn to the Rotunda, for the first of our working group meetings. On the way, we will walk past Pavilion VII, known as the Colonnade Club.

mr fishbowl

The cornerstone of that building was laid by three great Americans ... Presidents Jefferson, Madison and Monroe.

As you walk past the Colonnade Club, let us think of these three men and what they envisioned for this Republic. Think of the schools the Founders sought to establish to develop the character of students, with values like honesty, discipline and public service. Let us work together these next two days in frankness and honesty -- and let us not be afraid, as Mr. Jefferson said, to follow truth wherever it may lead. God bless you and thank you.

# # #

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May 16, 1982, Sunday, BC cycle

ADVANCED-DATE: May 12, 1982, Wednesday, BC cycle

SECTION: Commentary

DISTRIBUTION: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

LENGTH: 760 words

HEADLINE: Viewpoint

BYLINE: By A. BARTLETT GIAMATTI, Distributed By UPI; A. Bartlett Giamotti is president of Yale University, New Haven, Conn. This commentary was excerpted from his annual report.

KEYWORD: Viewpoint-Giamatti

BODY:

I believe that as a matter of public policy the government in America must wish, as Thomas Jefferson wished, to have an educated citizenry to defend and cherish a free republic. I think, therefore, that the government has a role now, as it had a role throughout of history, in promoting access to education by people who merit it and desire it.

Our instincts as a people for the good of education and for education as a means to the good cannot be ignored except at our peril. If one wishes, as I do, to argue for the defense of America and of her freedoms and traditions of liberty, then it is not enough to spend public money only on armament; we must spend also public money on education, or the values of liberty and justice, defined and strengthened through education, will be weakened from within.

There is no point to yet another missile if the classroom or lecture hall it guards has decayed and the values education transmits have lost their vitality.

Education was ever the acknowledged best way to enlighten us to cherish our freedom. Perhaps the most passionate of those who reflected and molded our beliefs was Jefferson, and Jefferson saw education as essential to our life as a free people.

''Preach, my dear sir, a crusade against ignorance; establish and improve the law for educating the common people.'' (To George Wythe, August 13, 1786.)

And he wrote similar words on December 20, 1787, to James Madison: ''Above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty.''

Jefferson had not only an eighteenth century rationalist's faith in the perfectibility of man; he had not only an aristocrat's enlightened concern for the less fortunate; he had not only a cultivated thinker's awareness of the educational principles of his humanistic heritage, he also had the American's

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fundamental conviction that ''on the good sense'' of an educated citizenry we could build and defend a country of liberty and justice. He was placing his faith in education as essential to a free and orderly society.

The retreat sounded from such first principles, as enunciated by the architects of our nation and built into our history, presents Americans with a grave situation now rightly receiving national attention and congressional concern.

Already the amount the university is devoting this year out of its operating budget for aid to undergraduates and graduate students totals over $18 million from money available to Yale that comes from the endowment and restricted funds and from the generosity of our graduates through the alumni fund. This sum represents about 10 percent of the university's total expenditures from endowments and general appropriations for the 1981-82 academic year.

Many Yale College students graduate with debts amounting to about $10,000. Most professional schools at Yale and elsewhere build financial aid around the assumption of a minimal annual loan of $5,000. As a result, one can, if one wants to become liberally and professional educated, owe a great deal of money.

Yale's policies in the College encourage people of talent to apply regardless of financial circumstances, and assist people of talent to enroll regardless of financial background. The policy and procedure of admission and of financial aid states no qualified student will be denied the opportunity to attend Yale because they and their families cannot, by reasonable efforts, provide the full cost. It is a policy that assumes merit, not wealth, as the determining factor in pursuing an education.

Our policy of need-blind admissions means that the child of a poor family and th child of a rich family both knows something very important: whatever the reasons for their presence at Yale, it was not family wealth or the absence of wealth that brought them here. They came by reason of merit, and their obligation is to make good on that promise and share the fruits of thir privilege.

The pressure from Washington on the university that might prevent us from maintaining an adequate financial aid policy is very real and very disturbing. In the last two years Yale has lost 18 percent, or about $800,000, in funds that the government gives the university to administrater on behalf of needy undergraduates ... The current administration's policy on aid to education presents us with a great challenge as we continue our own policy of encouraging and promoting talent and diversity from everywhere.

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