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Federalism and Fiscal Responsibility: A Lesson in Civics Education

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In the wake of the September 11, 2001, terrorist attacks and the wave of patriotism that has followed, there has been renewed concern about the state of civics education, citizen formation, and national character in the United States. Yet according to the most recent National Assessment of Educational Progress test in civics, only 24 percent of high school seniors were “proficient” in their knowledge of American government and civics.¹ Study after study since then continues to suggest that historical literacy is at a similarly abysmal level. Apprehension about declining civic knowledge and a desire to address the growing problem, however, should not obscure the principles of our civic order or lead Congress to ignore its own standards and policy responsibilities.

As part of a larger effort to control the growth of federal government spending, President George W. Bush’s budget proposal for fiscal year (FY) 2006 recommends that the Center for Civic Education (CCE) receive no federal funds.² The very civic principles at the core of the American Constitution and responsible budgetary management dictate that Congress should approve the Administration’s request by not restoring federal funding for the CCE.

The Center for Civic Education

In addition to several programs run directly by federal agencies, such as the Department of Education’s Teaching American History grants and the National Endowment for the Humanities’ “We the

Talking Points

- The President’s budget proposal for FY 2006 would cut all funding for the Center for Civic Education. The CCE currently receives more than 95 percent of its income from the federal government.
- An organization that does not have to compete annually with others for funding can easily lose sight of its mission or perform inadequately without suffering the consequences.
- In recent years, the CCE has moved beyond its core mission and curriculum by adding several new programs that shift away from civics education as *knowledge* toward civics as an *activity*.
- By eliminating federal funding for the CCE and leaving civic education to the states, Congress would be applying the principles of federalism required by the Constitution.

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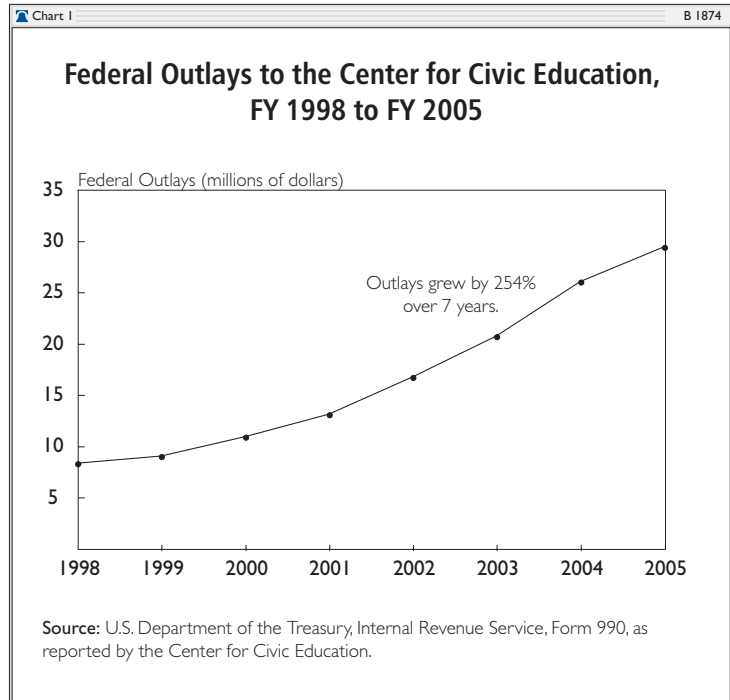
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People” program, Congress allocates money to private nonprofit organizations that seek to assist American students in becoming good citizens.

The largest and longest existing direct grant for this purpose is awarded to the Center for Civic Education, a California-based nonpartisan group that seeks “to promote an enlightened and responsible citizenry committed to democratic principles and actively engaged in the practice of democracy in the United States and other countries.”³ The CCE pursues this mission with a dedication “to fostering the development of informed, responsible participation in civic life by citizens committed to values and principles fundamental to American constitutional democracy.”⁴

Founded in 1964 as the Committee on Civic Education at the University of California, Los Angeles, the CCE’s flagship program is called “We the People: The Citizen and the Constitution” and features a textbook for high school students, who participate in a nationwide competition to demonstrate their knowledge of the curriculum. Since 1981, when it became an independent nonprofit organization, the CCE has continued to publish a wide array of curriculum materials for primary and secondary civics education.

The CCE first received a noncompetitive earmark from the federal government in 1987 under the auspices of the Commission on the Bicentennial of the United States Constitution. By 1998, the CCE was receiving \$8.3 million from the federal government. For FY 2005, it received approximately \$29.4 million from the federal government. Federal funding directed to the CCE between 1998 and 2005



increased by 254 percent, with the most dramatic growth occurring since 2001.⁵ (See Chart 1.)

Civics Education: Vital for a Strong Democracy

The American Founders understood that self-government requires civics and history education. As President George Washington stated in his First Annual Message to Congress:

To the security of a free constitution [knowledge] contributes in various ways...by teaching the people themselves to know, and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful

1. U.S. Department of Education, National Center for Education Statistics, “Major Findings from the NAEP 1998 Civics Assessment,” updated July 13, 2004, at nces.ed.gov/nationsreportcard/civics/findings.asp (May 23, 2005). NAEP scores are reported according to three categories: basic or “partial mastery,” proficient or “solid academic performance,” and advanced or “superior performance.”
2. U.S. Department of Education, “Section III. Programs Proposed for Elimination,” in “Fiscal Year 2006 Budget Summary,” modified February 7, 2005, at www.ed.gov/about/overview/budget/budget06/summary/edlite-section3.html (May 23, 2005).
3. Center for Civic Education, “Mission Statement,” at www.civiced.org (May 23, 2005).
4. Center for Civic Education, “Introduction,” at www.civiced.org/about.php?link=intro (May 23, 2005).
5. Dollar figures are not adjusted for inflation.

authority; between burthens proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness—cherishing the first, avoiding the last; and uniting a speedy, but temperate vigilance against encroachments, with an inviolable respect to the laws.⁶

Future citizens must not only know that legitimate government is grounded in the protection of equal natural rights and the consent of the governed, but also understand and appreciate how the Constitution and our institutions of limited government work to protect liberty and the rule of law.

Civics education at its best should inculcate in students a keen knowledge of and profound respect for the principles of the Declaration of Independence and the United States Constitution. In a self-governing republic, one of the most responsible and indispensable missions of schools—public, private, and home-based—is educating young people about their rights and responsibilities as American citizens.

The Right Decision

Despite the vital importance of civics education for free government, the President's request to eliminate federal funding for the CCE is the right decision.

The debate that has erupted over CCE funding provides what a civics instructor might call a “teachable moment,” offering Congress an opportunity to recognize the important place of civics education in our daily lives while still abiding by the Constitution that is the core of our national *civitas*.

Although the CCE attempts to demonstrate the effectiveness of its programs by citing research, Congress cannot ignore that the Department of Education justifies eliminating CCE funding as “consistent

with the Administration's policy of terminating small categorical programs that have limited impact, and for which there is little or no evidence of effectiveness, to fund higher priority programs.”⁷

The Administration's decision is consistent with a principled understanding of the nature and purpose of American civics education. In addition to the general lack of effectiveness after almost 20 years of federal funding, Congress should consider three other factors that underscore this conclusion: (1) the corrupting nature of noncompetitive grants and federal funding, (2) the CCE's expanding mission and lack of focus, and (3) the constitutional requirements of federalism.

The Trouble with Earmarks

The CCE is almost entirely dependent upon federal funding, relying on the federal government for more than 95 percent of its income. While most nonprofit organizations devote a certain percentage of their income to fundraising, the CCE spends nothing on fundraising, but instead hires lobbyists to ensure that its annual earmark is renewed.⁸ Therein lies the larger problem of noncompetitive federal grants. Guaranteed income from a single source brings dependence on that one source, especially for a nonprofit institution. With only one major source of income, CCE's institutional independence is undermined.

At the same time, an organization that does not have to compete annually with others for funding can more easily lose sight of its mission or perform inadequately without suffering the consequences. Giving a single organization a virtual lock on an annual earmark is a disservice both to the organization and to the larger goals for which the appropriation is made.

Although the CCE would be reluctant to admit it, CCE's almost complete dependence on revenue from the federal government and the federal gov-

6. George Washington, “First Annual Message,” January 8, 1790, in W. B. Allen, ed., *George Washington: A Collection* (Indianapolis: Liberty Fund, 1988), p. 469.

7. U.S. Department of Education, “Section III.”

8. According to its IRS Form 990 figures, the CCE spent \$445,601 on lobbying efforts in FY 1998–FY 2004. For FY 2004, the most recent year for which public records are available, the CCE spent \$143,666 on lobbyists.

ernment's grant of monopoly status to the CCE⁹ have affected the organization's mission priorities.

Ending the CCE earmark would have the benefit of forcing the CCE to compete for other funding sources, something every university and college takes for granted, not to mention the many national civics education groups that cannot rely upon a federal earmark for their funding. For example, the Department of Education reports that one such group, the Close Up Foundation, does not need its \$1.5 million annual earmark because of its "successful private fundraising."¹⁰

For many years, the CCE could claim to be the only organization that provided materials and programs for civics education. This is no longer the case. Civics education activity has flourished in recent years, and today many private groups provide extensive materials and rigorous programs in civics education.

Mission Confusion

For decades, the cornerstone of the CCE's outreach to American students has been its "We the People: The Citizen and the Constitution" curriculum and competition. While the CCE curriculum is by no means perfect—for instance, a sense of historicism about the natural rights basis of the American Founding pervades its later sections¹¹—it provides a good program for civics education.

However, in recent years, the CCE has moved beyond its core mission and curriculum. The addi-

tion of several new programs marks an important shift away from civics education as *knowledge* toward civics as an *activity*.

The CCE's program for middle school students, "We the People: Project Citizen," requires students to choose a public policy problem in their community and propose a solution to it. The methodology of the project suggests to students that governmental action is the default solution to community problems—a danger that is inadequately addressed in the curriculum.¹² The project promises to enhance students' "tolerance" and "feelings of political efficacy" rather than to enhance their concrete civics knowledge.¹³

In general, a certain softness pervades many of the CCE's most recent publications—a softness in which the virtues esteemed by the Founders as requisite for republican government, such as courage, temperance, wisdom, and justice, are supplanted by more sentimental "values" like tolerance or political efficacy. This approach to teaching American history is typical of the predominant "social studies" model in American K–12 education.

The CCE has also recently migrated into other areas of education far removed from traditional civics education. The School Violence Prevention Demonstration Program and Youth for Justice¹⁴ serve important goals, but these goals are very different from those of traditional civics education. This difference is decisive, especially when the CCE

9. Under the No Child Left Behind Act of 2001 (NCLB), the 670-page reauthorization of the Elementary and Secondary Education Act of 1965, civics education funding is restricted to the Center for Civic Education, the National Council for Economic Education, and entities promoting democracy overseas. The NCLB thus gives the CCE a monopoly on federal funding for American civics education. See No Child Left Behind Act of 2001, Sections 2341–2346, at www.ed.gov/policy/elsec/leg/esea02/pg31.html#sec2344 (June 15, 2005).
10. U.S. Department of Education, "Section III."
11. Concurring with the "living Constitution" philosophy of former Supreme Court Justice William Brennan, the textbook concludes that: "In a sense, what Justice Brennan said applies to every citizen called on to make sense of the Constitution—we cannot escape altogether the context and perspective of our own time." Center for Civic Education, *We the People: The Citizen and the Constitution* (Calabasas, Calif.: Center for Civic Education, 2003), p. 212.
12. For a critique of "service learning" methods as they relate to national service programs, see Matthew Spalding, Ph.D., "Principles and Reforms for Citizen Service," Heritage Foundation *Background* No. 1642, April 1, 2003, at www.heritage.org/Research/Labor/bg1642.cfm.
13. Statement by the Center for Civic Education, IRS Form 990, Schedule for Part III, FY 2002–FY 2003.
14. Youth for Justice is an anti-drug program for which the CCE developed its Foundations of Democracy curriculum, which emphasizes the core values of justice, privacy, responsibility, and authority.

uses significant federal funding to pay for its growing array of programs.

The mission, especially in recent years, has also extended beyond educating young Americans to include exchange programs and other instructional programs for teachers and students in developing democracies. Such programs and conferences may offer international teachers and students the opportunity to learn more about the United States, but it is far from evident that the results achieved by the CCE's international programs (insofar as any of the results can be accurately quantified) merited spending almost \$10 million of federal taxpayer funds on this effort in FY 2004. It is also questionable whether the CCE's participatory approach is the best method of civics education for other countries, especially prior to the establishment of democratic institutions and the rule of law in those countries.

The diffusion of CCE's mission is ultimately tied to its easy dependence on the federal government. To justify continued and expanding federal funding, the CCE—perhaps because the rigorous inculcation of traditional civic knowledge is passé in social studies circles—seems to have decided that its mission must expand to meet perceived national circumstances and expectations. In the process, the CCE has de-emphasized its core mission and focus and moved into new and more questionable areas.

Constitutional Responsibility

Fostering an enlightened appreciation for the fundamentals of free government—the very idea of civic literacy—is a necessary and noble goal. However, teaching children to respect the Constitution is difficult if public policy weakens the structure and ignores the purposes of our national charter.

An important feature of our constitutional structure, and thus of civics education, is the concept of federalism: the decentralized system of governance that allows political bodies closest to the people to decide various questions within their own purview of government. Thus, for example, the U.S. Constitution leaves education policymaking and funding to the states. For most of our history, we have abided by this important facet of federalism. For example, the federal Department of Education has existed as a stand-alone agency for only 25 years. Even the executive director of the CCE has noted that “the capacity and responsibility to improve civic education lie at the state and local levels.”¹⁵

Cutting federal funding to the CCE is a small step in what should be a long process of reinvigorating federalism in education policy, and it might help to break the cycle of growing federal control over education policy.¹⁶ At the very least, it would go a long way toward preventing federal government control of America's civics education policy.

It should come as no surprise that the CCE advocates a larger role for the federal government in civics education. From the CCE's position, a larger federal role for civics education has meant a larger federal grant for the CCE.

It is also no coincidence that the organization's high-profile advocacy of national standards has followed the growth of its federal funding. The CCE intervened in 1995 to help salvage the politicized national history standards that the Senate had denounced earlier that year in a historic 99–1 vote. Their own set of voluntary standards, outlined in *Civitas: A Framework for Civic Education*, a massive 650-page book, was published to help the federal government and state governments implement national standards for civics education.¹⁷

15. Charles N. Quigley, “The Status of Civic Education: Making the Case for a National Movement,” presentation to the Second Annual Congressional Conference on Civic Education, December 5, 2004, p. 6, at www.civiced.org/pdfs/CongressionalConference2004.pdf (May 23, 2005).

16. The recent growth in federal allocations for education has been considerable. For example, a Department of Education press release boasts: “Since taking office, President Bush has increased education funding by \$13.8 billion, or 33 percent.” The Administration has requested approximately \$56 billion in FY 2006 funding for the Department of Education. This figure does not include federal spending on education administered through other departments and agencies. Press release, “President's FY 2006 Budget Focuses Resources on Students Who Need Them the Most,” U.S. Department of Education, February 7, 2005, at www.ed.gov/news/pressreleases/2005/02/02072005.html (June 10, 2005).

What started as a mostly traditional, state-based effort to assist California students in understanding the Constitution has become a large, federally funded, and increasingly politicized operation intent on nationalizing civics standards.

Conclusion

It is interesting to note that the civic knowledge of young Americans has decreased as federal involvement in education has markedly increased. In fact, one might almost say that civic knowledge appears to have declined in direct proportion to the increase in federal dollars spent on it. More money for less learning is not a formula for success.

The solution to the problems plaguing American civics education must go beyond the status quo. State governments should implement rigorous academic programs that improve civics instruction. The revival of traditional history and civics in K–12 schools should be encouraged, as should the many private organizations that are promoting and assisting in civics education throughout the United States. These civics education organizations, including the CCE, should be free to compete for state dollars to assist those efforts, but they should not receive direct federal support.

This outcome would be best for civics education and for the CCE. Where we have seen successful edu-

cation reform, market dynamics have provided the catalyst. Civics education should be no exception.

After almost 20 years of federal government funding, an organization the size and breadth of the CCE should be able to attract private and state funding. The federal government should not provide a permanent funding stream to such organizations, nor should it use taxpayers' money to create institutional monopolies over civics education policy.

Congress should heed the President's request to end federal funding for the Center for Civic Education. Language that authorizes exclusive funding for the CCE should be removed from federal law at the next opportunity.¹⁸ Together, Congress and the President should change course and work to arrest the alarming growth of federal education policy. These efforts—both small and large—would in themselves provide a valuable civics lesson for all Americans.

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17. Charles F. Bahmueller, ed., *Civitas: A Framework for Civic Education* (Calabasas, Calif.: Center for Civic Education, 1991).

18. The No Child Left Behind Act of 2001 can next be considered for reauthorization in 2007.