

State Laws Pertaining to Citizenship Training
In Institutions of Higher Learning

Prepared By
Legislative Reference Library
December, 1950

The problem of citizenship training in colleges and universities has prompted legislative action by several states. In general state laws have dealt with this problem in three ways. One approach is represented by 11 states which merely require that American history, government, or a related subject be taught, without apparently making the course compulsory for the student. Other states definitely require the student to take such a course, while the remainder specify, as a condition to graduation, the satisfactory passing of an examination.

The majority of laws are broad enough to allow considerable discretion in interpretation and application. Some authorize the state board of education or equivalent body to determine the extent of and the regulations covering this instruction. Approximately half the laws set the length of such a course, ordinarily, one semester or one year. The laws are also about equally divided relative to their applicability to public institutions or to both public and private institutions. In one state the law applies only to teachers colleges.

The courses required in this field can be divided into 3 categories American history, government, and the state and federal constitutions. American institutions and ideals have usually been included as a subdivision of one of these.

It is evident that this type of legislation varies primarily as to inclusiveness of institutions covered, the extent to which the course is required--with the possibility of offering an examination as an alternative to it, and the nature of limitations imposed by the law, which may range from detailed specifications to a broad outline of general intent.

Listed below are extracts from the laws of those states which have enacted legislation on this subject.

ARKANSAS

No college or university, normal school or chartered institution of learning shall...grant to any student a degree unless he shall have passed a course in American history and civil government equivalent to that provided for in section 1173 (1 full year's work)...(Sec. 11732, *ibid.*).

CALIFORNIA

Sec. 10052. Beginning and continuation of instruction: Determination of Extent. Instruction in the Constitution of the United States shall begin not later than the opening of the eighth grade and shall continue in the high school course and in courses in State colleges, the universities, and educational departments of state, municipal, and private institutions, to an extent to be determined by the Superintendent of Public Instruction. (Enacted 1943).

Sec. 10052.1 Basic Instruction in certain subjects prerequisite to advanced courses. Basic instruction in geography, United States history, civics, the Declaration of Independence, the Constitution of the United States, and in American institutions and ideals as prescribed by sections 10051, 10052 and 10302 of this code shall be prerequisite to participation by pupils in advanced courses involving the study of problems in sociology, political science, economics, foreign trade, and foreign affairs. (Added by Stats. 1947, Ch. 1482, section 1).

Sec. 10053 Passage of examination: College and university transfers. No pupil shall receive a certificate of graduation from any school described in section 10052 unless he has satisfactorily passed an examination on the provisions and principles of the United States Constitution and in American history.

A student of a college or university who after having completed a course of instruction prescribed by this article and successfully passed an examination on the provisions and principles of the U.S. Constitution and in American history, transfers to another college or university, shall not be required to complete another such course or pass such an examination as a condition precedent to his graduation from the college or university (Amended by Stats 1945, Ch. 274, section 2).

GEORGIA

All schools and colleges in this state that are sustained or in any manner supported by public funds shall give instruction in the essentials of the United States Constitution and the Constitution of Georgia, including the study of and devotion to American institutions and ideals, and no student in said school and college shall receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution and the Constitution of the State of Georgia. (Sec. 32-706, Georgia School Laws, 1942).

MISSOURI

In all public and private schools (except privately operated trade schools)...there shall be given regular courses of instruction in the Constitution of the United States and of the State of Missouri, and in American history, including a study of American institutions. (Mo. School Laws, 1947, sec. 10373).

Such instruction...shall begin not later than the opening of the seventh grade, and shall continue in the high school courses and in the courses in State colleges and universities and, to an extent to be determined by the State Commissioner of Education. (Sec. 10374, *ibid.*).

No pupil shall receive a certificate of graduation from any school described in section 10373, unless he has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the State,...and in American history, including the study of American institutions. (Sec.10374-a, *ibid.*).

NEVADA

In all the public and private schools, colleges, and universities including the Nevada school of industry...there shall be given instruction in the essentials of the Constitution of the United States and the Constitution of the State of Nevada, including the origin and history of said constitutions and the study of and devotion to American institutions and ideals; and no student...shall receive a certificate or diploma without previously having passed a satisfactory examination upon the said constitution.

The instruction provided for...shall be given during at least one year each of the elementary, the high school, and the college grades. (Nevada School Code, 1935, p. 118).

OKLAHOMA

In all public, parochial, and private schools, colleges, and universities...there shall be taught by reading and discussing regular courses, lectures, and instruction in the Constitution of the United States; and it shall be the duty of the State Board of Education to provide rules and regulations for the carrying out of the provisions of this Act, provided, that the conditions of this bill shall not be construed to necessitate the adoption of additional textbook or books. (School Laws of Okla., 1943, sec. 14).

No pupil or student shall receive a certificate of graduation from any such school referred to in Section 14 unless he or she has satisfactorily passed an examination on the provisions and principles of the United States Constitution to an extent to be determined by the State Board of Education. (Sec. 15, *ibid.*).

No college or university shall grant any student any degree unless he has passed a course in American history and civil government. (Sec. 13, *ibid.*).

SOUTH CAROLINA

All high schools, colleges and universities sustained...by public funds shall give instruction in the essentials of the United States Constitution, including the study of and devotion to American institutions

and ideals, and no student in said schools...shall receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, and shall also satisfy the examining powers of his or her loyalty thereto.

The instruction provided for...shall be given for at least one year of the high schools, colleges and universities, respectively.

The state superintendent shall enforce the provisions of this act and for this purpose he "shall prescribe suitable texts adapted to the needs of the high schools, colleges,"etc. (Sec. 5324, *ibid.*)

TEXAS

There shall be given in all colleges and universities supported by public funds a course in American Government with special emphasis upon the Constitutions of the United States and of Texas, which course shall be given for at least 3 fifty minute periods per week for not less than 12 consecutive weeks, or its equivalent if given in summer sessions. No student shall be graduated from any such college or university who has not passed a satisfactory examination in such college or university course in the college or university from which he is graduating or in some other college or university which he may have attended previously. (Art. 2663 b-1, sec. 2, *ibid.*)

WASHINGTON

There shall also be one-quarter or semester course of Washington State history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of education. No person shall be graduated from any of said schools without completing such course of study. (Ch. 203, 1941, Session Laws of Wash.).

WYOMING

All schools and colleges...in any manner supported by public funds shall give instruction in the essentials of the United States Constitution and the constitution of this state, including the study of and devotion to American institutions and ideals, and no student in said schools and colleges shall receive a certificate of graduation without previously passing a satisfactory examination upon the provisions of the United States Constitution and of the State.

This instruction "shall be given for at least three years of the grammar school and one year in the high school and college grades respectively." (School laws of Wyoming, 1937, sections 57 and 58).

Laws of the following states require courses in American history, civics or related subjects in colleges and universities, but do not specify whether they are compulsory:

- Alabama - Constitution of the United States
- Arizona - Civics, economics, American political history and government.
- Colorado - Constitution of the U.S.
- Delaware - Constitution of the U.S., Constitution of the State.
- Idaho - Constitution of the U.S.
- Illinois - American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America, the Constitution of the State of Illinois, the proper use and display of the American flag. (Taught in all public schools and in all other educational institutions supported wholly or partly by public funds).
- Louisiana - Constitution of the United States.
- New Jersey - Constitution of the United States.
- Oregon - Constitution of the United States
- Pennsylvania - Constitution of the United States.
- South Dakota - Constitution of the United States.
- Utah - Constitution of the United States.

Background of Sections 40.22 (1) and 40.77 (1) of the
Wisconsin Statutes

Section 40.22 (1)

Subsection (1) goes back to 1863, when Chapter 155, section 55, enumerated the subjects to be taught in the public schools. In the 1878 Statutes this provision appears as section 447. The provisions concerning the teaching of history, of the Constitution of the U.S. and the State of Wisconsin, and of citizenship, however, were not in the original section, but were added at later dates.

Chapter 14, Laws of 1871, added the state and federal constitutions to the list of subjects.

Chapter 354, Laws of 1897 (Bill No. 103, A.) amended section 447 by adding history to the list. This was a general revision of chapter 27 of the statutes pertaining to the common schools.

Chapter 81, Laws of 1921 (Bill No. 128, S., introduced by Senator Kuckuk), amended section 40.30 (1) (renumbered from section 447) by adding citizenship to the list. Section 40.30 (1) was renumbered section 40.22 (1) by chapter 425, Laws of 1927.

Section 40.77 (1)

Section 40.77 (1) was created as section 40.36 (1) by chapter 21, laws of 1923 (Bill No. 108, S.) introduced by Senator Cashman, and was renumbered to be 40.77 (1) by chapter 425, Laws of 1927 (Bill No. 13, S., introduced by the Committee on Judiciary).

While Bill No. 108, S., was under consideration Senator Cashman made a speech in its behalf which was later printed. He had introduced this bill, because he believed that American history textbooks, were being influenced by and perverted by English propaganda, that the history of the American Revolution was being rewritten from a pro-English point of view. In 1923 there appears to have been considerable anti-British sentiment throughout the country, and Senator Cashman was voicing locally opinions which were apparently shared by numerous people elsewhere.

Bibliography

Books and Pamphlets

Cashman, John E., "The Speech of Hon. John E. Cashman, Senator from the First District on Bill No. 108, S.," delivered on March 1, 1923 in the Wisconsin State Senate.

"Deering's Education Code of the State of California," including 1949 Pocket Supplement.

Office of Education, Federal Security Agency, "Education for Freedom; As Provided by State Laws," Bulletin No. 11, 1948.

Schafer, Joseph, "Popular Censorship of History Texts," reprinted from the Wisconsin Magazine of History, Vol. VI, No. 4, June 1923.

State Law Index, 1947-1948, compiled by State Law Section, Legislative Reference Library, Library of Congress, U.S. Government Printing Office, 1949.

Wisconsin Annotations, 1950, 3rd ed., prepared and edited by Eugene E. Brossard and John E. Conway, State of Wisconsin, Madison, 1950.

Wisconsin Laws of 1863, 1871, 1897, 1911, 1921, 1923, 1927, 1935.

Wisconsin Statutes of 1858, 1878, 1898.

Clippings of the Legislative Reference Library

Clippings: "Controversy over American History Textbooks following the World War, including the Wisconsin Law Censorship History Textbooks Enacted in 1923, 1919-," Pt. 1.

Clippings: "School of Citizenship, Patriotism, Teaching of These subjects in American Life," Pt. 7.