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Thursday, May 19, 2011

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## **SWEET LAND OF LIBERTY**

# Our Constitution: How many of us know it?

Nat Hentoff decries 'national crisis of rampant ignorance' regarding law of the land

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Posted: May 17, 2011  
7:33 pm Eastern

By Nat Hentoff

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Thomas Jefferson often insisted that the ultimate guardians of our rights and liberties are We the People. But when many Americans are largely ignorant of the Constitution, an imperial president – like George W. Bush or Barack Obama – can increasingly invade our privacy; and now, with Obamacare, ration our health care and – for some – our very lives.

But our founders, insistent on not replacing George III with a made-in-America king, mandated the constitutional separation of powers to prevent any president, including the two I cited earlier, from utterly disregarding Congress and the courts.

Among our imminent and future voters – students in our schools – how many know about the separation of powers? In the National Assessment of Educational Progress – NAEP ("The nation's report card"):

"Only one in 10 demonstrated acceptable knowledge of the checks and balances among the legislative, executive and judicial branches, according to test results released on Wednesday." (New York Times, May 4)

And what of their parents? Of 1,000 citizens who were asked in a Newsweek poll: "What is the supreme law of the land?" 70 percent of the 1,000 citizens polled by Newsweek couldn't answer correctly." (ABC News, May 13)

Answer: The Constitution!

Among the high-school seniors surveyed by the NAEP, three-quarters could not name "a power granted to Congress by the Constitution."

What most startled me was "the nation's report card" revealing that "a smaller proportion of fourth- and eighth-graders demonstrated proficiency in civics (who we are as Americans) than in any other subject the federal government has tested since 2005, except history, American students' worst subject."

*When did government officials start ignoring our national charter – and why does it continue? Find out in "Who Killed the Constitution?"*

The cold truth about this crisis among a supposedly self-governing citizenry is stated by former Supreme Court Justice Sandra Day O'Connor: "Knowledge of our system of government is not handed down through the gene pool. ... But we have neglected civic education for the past several decades, and the results are predictably dismal." She also lamented ([jewishworldreview.com](http://jewishworldreview.com), April 28): "Barely one-third of Americans

can even name the three branches of government."

She adds: "We face difficult challenges at home and abroad." (I would add, indefinitely.) "Meanwhile," O'Connor continues, "divisive rhetoric and a culture of sound bites threaten to drown out rational dialogue and debate. We cannot afford to continue to neglect the preparation of future generations for active and informed citizenship" (New York Times, "Civics Education Called National Crisis," May 5).

I expect the name Alexis De Tocqueville is unknown these days to most Americans, but his "Democracy in America" (written in 1831 after visiting this new nation) used to be studied in some of our schools, revealing that in the early 1800s:

"In New England, every citizen receives the elementary notions of human knowledge; he is moreover taught the doctrines and the evidences of his religion, the history of his country, and the leading features of his Constitution."

In 2011, says Charlies Quigley, head of the Center for Civic Education, the NAEP test shows that "only 4 percent of all 12th graders ... (are at) a level we would hope our future leaders would attain."

Many of these students will be voting in 2012.

I would sure like to give the NAEP test to such of our present leaders as members of Congress. President Obama, who actually taught constitutional law at the University of Chicago, would pass the test in a breeze. But will his unilateral suspensions of the separation of powers, the Fourth Amendment and the due process clause of the Fifth Amendment even be mentioned during the 2012 campaigns?

Not by loyal Democrats. And which of the Republican candidates for the presidency and Congress will insistently protest this national crisis of rampant ignorance of the Constitution?

Is this still the America of James Madison: "The accumulation of all powers, legislative, executive and judiciary in the same hands ... may justly be pronounced the very definition of tyranny" (James Madison, Federalist Papers 47)?

Another former Supreme Court justice, David Souter, said during a retirement speech at the National Archives Museum (May 21, 2009) that who we are as Americans (if we only knew) "can be lost, is being lost, it is lost." What's needed "is the restoration of the self identity of the American people." (My column, "Who Are We as Americans?" [cato.org](http://cato.org), June 25, 2009).

*(Column continues below)*

As I have reported in previous columns, there are classrooms and a few school systems where students are finally discovering their self-identity as Americans, but very far from enough of them.

But dig this April 7 Baltimore Sun story by Liz Bowie: "With a passion for constitutional questions ... a group of mostly foreign-born students from Randallstown High School beat out teams from schools in (other counties) for a chance to represent Maryland in a national social studies contest. Perhaps it is because they came mostly from Nigeria, Liberia, Granada and Egypt ... these students, with the help of their teacher, have turned the new experiences of living in a democracy into a quest to win the We the People: The Citizen and the Constitution National Finals to be held in Washington this weekend."

U.S. students born and raised here in poverty, and to parents discriminated against on racial, ethnic or religious grounds, used to be called "disadvantaged" in our schools.

Now, in a dangerous challenge on how long our Constitution will be fully functioning with regard to individual

rights and liberties, it is accurate to describe a great majority of America-born students as being deeply disadvantaged for not being able to say confidently: "We know our rights!"

How troubled are you by this? Are you going to demand that your representatives in Congress – and news bringers throughout the media – call persistent attention to this gathering ultimate victory over America being handed to our enemies?