

A Report to the **Texas Education Agency** on
K-12 Social Studies Texas Essential Knowledge and Skills

I have reviewed the Texas K-12 Social Studies Texas Essential Knowledge and Skills (TEKS). In this report, I will begin with some general observations and recommendations applicable to all or many sections of the TEKS. This will be followed by comments on, and recommendations for, specific sections of the TEKS.

I. GENERAL OBSERVATIONS AND RECOMMENDATIONS

1. Priorities in the Social Studies Curriculum

The current structure of the TEKS lacks focus. The TEKS I reviewed included sections on History, Geography, Economics, Government, Citizenship, Culture, Science, Technology, Society, and Social Studies Skills. The Texas Education Code, § 28.002 (2) (H) (a) (1) (D), identifies priorities in the Social Studies curriculum that, if followed, would make this section of the curriculum more focused and conducive to learning core information and skills than the TEKS under review. In accordance with the Texas Education Code, I recommend that priority be given to History (Texas, U.S., and World history), Geography, and Government, with subsidiary attention to the free enterprise system, citizenship, and patriotism (§ 28.002 [2] [H] [h]). Prioritizing the Social Studies curriculum in this manner will not only bring much needed focus to core curricular concerns as defined by the legislature but also make it easier to present material in a logical sequence and keep the focus on curricular content.

2. Founding Documents

Students in both elementary and secondary schools should be exposed to, and have knowledge of, the content, themes, structures, and historical significance of key public documents in American history. From a legal and constitutional perspective, various expressions of American organic law give one an understanding of the American system of civil government that cannot be replicated through eyewitness accounts or oral traditions. Written civic charters and constitutions are, of course, subject to interpretation and the meaning of these documents is often debated in civil society; however, in our constitutional government, they reflect a collective public will typically absent in eyewitness accounts, oral histories, biographies, autobiographies, and memoirs. Moreover, as is the case with the U.S. Constitution, they often purport to be “the supreme Law of the Land.” U.S. Const., Art. VI.

The manner of expression throughout the TEKS suggests a bias in favor of oral and visual sources and private papers and against public documents. For example, in the introductory sections to many Social Studies TEKS, there is a recommendation to use rich material such as “biographies; folktales, myths, and legends; and poetry, songs, and artworks.” See, for example, §113.5. Social Studies, Grade 3 (a) (2). I understand that this is not meant to be an exclusive list of the “rich material” teachers and students should draw on, but absent from virtually every clause employing this or similar language is a recommendation to use state papers, fundamental laws (including charters and constitutions), and historical narratives. I recommend that every introductory section explicitly include “state papers and fundamental laws (including charters and constitutions)” among the materials used to support the teaching of the outlined essential knowledge and skills. (I would also insert this language in appropriate sections in the TEKS dealing with different sources, including §113.22. Social Studies, Grade 6

[b] [21] [A]; §113.23. Social Studies, Grade 7 [b] [21] [A]; §113.24. Social Studies, Grade 8 [b] [30] [A]; §113.32. United States History [c] [24] [A]; and §113.33. World History Studies [c] [25] [B]). A comprehension of key constitutional documents in American history is important for developing not only a basic literacy in American history and civil government but also basic skills of historical research. In order to develop these skills and to provide students with evidence in support of claims about American history and culture, I recommend that greater attention be given to primary source documents, especially state papers.

Students must be taught how to read, evaluate, and use documentary sources. In terms of constitutional and legal interpretation, not all sources and evidence are afforded the same weight. A legislative debate or a constitutional framer's musings in a private missive are not given the same weight as the actual text of a constitutional document or law that has been duly adopted and ratified. Students must learn how to weigh and evaluate these different types of evidence. When confronted with a document, students should ask, *inter alia*, who wrote this, when was it written, for whom was it written, why was it written, and how has this documented been interpreted and used. Students should learn how to distinguish between primary source documents and secondary sources (a brief reference is made to this skill, starting in §113.6. Social Studies, Grade 4 [b] [22] [A] and continuing through later grades, but in my opinion it merits much more attention). (It goes without saying, I trust, that students, even at a young age, must learn how to distinguish between these expressions of fundamental law and "folktales, myths, and legends.") Students should learn how to distinguish between private papers and state papers, and what each has to contribute to one's understanding of the past. When evaluating the scope and application of a statute, for example, students should consider what weight to attach to the text of the statute itself, as opposed to recorded debates on the bill in legislative chambers or

a private letter or diary entry from a bill's sponsor describing the objective for the bill. These are the basic tools of textual interpretation and scholarship.

Beyond this, I recommend the identification of key documents in American history that every student, before exiting high school, should be able to identify and describe its basic content and themes. Among the documents I would place on this list are, pursuant to the U.S. Public Statutes at Large, 1 U.S.C. xli-lxix (1995), the four major expressions of American organic law:

U.S. Declaration of Independence

Articles of Confederation

Northwest Ordinance

U.S. Constitution (including the Bill of Rights)

These documents are mentioned, albeit briefly, in the TEKS. Greater attention at more junctures must be given to these documents, emphasizing themes including the source of inalienable rights, the substance of inalienable rights, the purposes of civil government, the nature of tyrannical government, the view of human nature reflected in these documents, the legitimate and prudential powers of civil government, the limits on the powers of legitimate civil government, and the right of citizens to resist tyrannical government.

Other seventeenth-century and eighteenth-century documents that I would add to this list are:

The Plymouth Combination, or The Mayflower Compact (1620)

Fundamental Orders of Connecticut (1639)

Massachusetts Body of Liberties (1641)

(first legal code in New England; first colonial bill of rights)

The New England Confederation (1643)

Pennsylvania Charter of Liberties and Frame of Government (1682)

Declaration of the Causes and Necessity of Taking up Arms (1775)

Virginia Declaration of Rights (1776)

George Washington's Circular Letter of Farewell to the Army (1783)

The Federalist Papers (1787-1788)

George Washington's Farewell Address (1796)

3. Features and Themes of the American Constitutional Tradition

Students must be able to identify and discuss basic features and themes of the American constitutional tradition. These were among the most vital concepts and institutions in the founders' vision for a constitutional regime of self-government and liberty under law. These must be reviewed and discussed throughout elementary and secondary education in discussions of American governing principles and not relegated to a few sections. Among the questions to be addressed are what were the sources of these constitutional ideas, why were these ideas important to seventeenth-century and eighteenth-century Americans, how were these ideas manifested in American political and legal institutions, what did these ideas mean to Americans in the late-eighteenth century, have these ideas been redefined over the course of the last two centuries (and, if so, what are the consequences of these redefinitions), and are these ideas still relevant and important to us today?

What are the defining features of the American "constitutional tradition"? Much is encompassed in such a term, and not all scholars agree on what constitutes the essential features of this tradition. Notwithstanding some disagreement as to its precise content and the fact that this tradition has evolved over time, most commentators acknowledge that it is concerned with

structures of governance, processes, obligations, and rights. Among other things, this tradition, broadly speaking, emphasizes

consent of the governed

representative government

limited government

separation of powers

individual liberty

personal responsibility

rule of law

due process of law

the protection of private property, and

the right of the people to resist tyrannical or illegitimate civil authority

Students must be able both to identify the feature or theme and to explain what it means in the context of American constitutionalism. Take the concept of due process of law, for example. Due process, which is guaranteed in the Fifth and Fourteenth Amendments to the U.S. Constitution, is that which one is entitled to when the civil state exercises its power adverse to one's interests in life, liberty, or property. The process due that person includes the right to prior specification of the law (a right protected by the U.S. Constitution's prohibition on *ex post facto* laws – Art. I, § 9 and 10); the right to be heard in one's defense before an impartial tribunal (a right advanced by the rights to a speedy and public trial, a jury trial, to confront one's accuser, etc.); and the right to be treated like others in like situations.

In addition to identifying and describing these concepts and features, students should be able to describe how these ideas and features are manifested in the constitutional tradition. They

should also be able to explain why the constitutional framers thought these ideas were important to the constitutional system they devised. Many of these concepts, for example, stem from a distrust of human nature. The idea of original sin and mankind's radical depravity (Genesis 3) prompted the framers to design a constitutional system that would (i) prevent the concentration of power and (ii) check the abuse of power vested in fallen human agents. Because men are not angels, Madison counseled in *The Federalist Papers*, "[a]mbition must be made to counteract ambition." Publius [James Madison], *The Federalist* Number 51. One cannot appreciate the most basic, fundamental features of the American constitutional design – limited government, federalism, separation of powers among the three branches of the national government, checks and balances, representative government, rule of law, and due process of law – without understanding the Reformed theological doctrine of radical depravity and the attendant necessity to check mankind's fallen nature.

4. Role of Nongovernmental Institutions

In addition to introducing students to the basic concepts and official institutions of American civil government, the curriculum must give attention to nongovernmental institutions the founders thought essential to a free, self-governing people. These institutions, to be sure, are not accountable to the public in the same way as governmental institutions; nonetheless, they play a vital role in public life. Among these nongovernmental institutions are

- a free and independent press

- education (which over the course of two centuries has come to be seen as a governmental function)

- religion

private voluntary associations, including benevolent societies

It is difficult to overstate the role of these nongovernmental, mediating institutions in the American system. The framers of the American constitutional tradition, for example, believed that a free and independent press that could investigate the conduct of civil government and public officials, and thereby check public corruption and abuse of power, was absolutely essential in the American system of self-government. Thomas Jefferson wrote, “our liberty . . . cannot be guarded but by the freedom of the press, nor that be limited without danger of losing it.” Thomas Jefferson to John Jay, 25 January 1786. A free press also served to inform the public so that citizens could make well-informed, reasoned decisions about how best to govern themselves.

The founding generation similarly believed that a literate, well-educated populace was an essential component of self-government. A self-governing people must be well educated in order to make informed decisions about how to govern themselves. Thus education and schools were vital to the American political system. (Americans today, typically, think of schools as a function of civil government, but late-eighteenth-century Americans were more likely to think of education as the function of the family and/or church.) Believing that a self-governing people must also be a virtuous people (that is, controlled by an internal moral compass), the American founders often coupled religion and education as key pillars of their experiment in republican self-government. The interdependence of religion, education, and civil government was acknowledged in the Northwest Ordinance (1787), one of the organic laws of the United States of America and arguably the most important legislation enacted by the Confederation Congress, which declared that, because “Religion, Morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be

encouraged [and] [n]o person” in the territories “demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments.”

Northwest Ordinance (1787), articles 3 and 1.

Along with a free press and education, the founders thought religion was indispensable to a system of self-government. Again, at the federal level, at least, they thought of religion as a vital nongovernmental entity contributing to social order, civic virtue, and political prosperity. The challenge the founders confronted was how to nurture personal responsibility and social order in a system of self-government. Tyrants and dictators use the whip and rod to force people to behave as they desire, but clearly this is unacceptable to, and incompatible with, a free, self-governing people. In response to this challenge, the founders looked to religion (and morality informed by religious faith) to provide the internal moral compass that would prompt citizens to behave in a disciplined manner and, thereby, promote social order and political stability. The literature of the founding era is replete with this argument. No one made the point more succinctly or famously than George Washington in his Farewell Address of September 19, 1796:

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. . . . And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.

The notion that religion and morality are indispensable to civic virtue, social order, and political prosperity in a system of republican self-government was commonplace in the political thought

and discourse of the founding. It was espoused by Americans from diverse religious and intellectual traditions, walks of life, and regions of the country. Long before Washington's Farewell Address, John Adams remarked: "Statesmen, my dear Sir, may plan and speculate for liberty, but it is religion and morality alone, which can establish the principles upon which freedom can securely stand. The only foundation of a free constitution is pure virtue." John Adams to Zabdiel Adams, 21 June 1776. The Reverend Doctor Samuel Cooper, pastor of Boston's Brattle Street Church, remarked in a sermon preached before Massachusetts' elected officials in October 1780:

Righteousness, says one of the greatest politicians and wisest princes that ever lived, "Righteousness exalteth a nation" [Proverbs 14:34]. This maxim doth not barely rest upon his own but also on a divine authority; and the truth of it hath been verified by the experience of all ages.

Our civil rulers will remember, that as piety and virtue support the honour and happiness of every community, they are peculiarly requisite in a free government. Virtue is the spirit of a Republic; for where all power is derived from the people, all depends on their good disposition. If they are impious, factious and selfish; if they are abandoned to idleness, dissipation, luxury, and extravagance; if they are lost to the fear of God, and the love of their country, all is lost. Having got beyond the restraints of a divine authority, they will not brook the control of laws enacted by rulers of their own creating.

Samuel Cooper, *A Sermon Preached before His Excellency John Hancock, Esq; Governour, the Honourable the Senate, and House of Representatives of the Commonwealth of Massachusetts, October 25, 1780. Being the Day of the Commencement of the Constitution, and Inauguration of the New Government* (1780). The governor of Massachusetts, John Hancock, instructed the

Commonwealth's legislators in November 1780, shortly after the adoption of a new state constitution: "Sensible of the importance of christian piety and virtue to the order and happiness of a State, I cannot but earnestly recommend to you, every measure for their support and encouragement, that shall not infringe the rights of conscience. . . . [N]ot only the freedom, but the very existence of the republics . . . depend much upon the public institutions of religion, and the good education of youth." John Hancock, Speech of his Excellency the Governor to the Gentlemen of the Senate and of the House of Representatives of the Commonwealth of Massachusetts, 2 November 1780. On October 11, 1782, the Continental Congress issued a Thanksgiving Day Proclamation, declaring that "the practice of true and undefiled religion . . . is the great foundation of public prosperity and national happiness." Abraham Baldwin, a Georgia representative to the Confederation Congress and signer of the U.S. Constitution, wrote in the 1784 founding charter for the University of Georgia: "a free government . . . can only be happy when the public principles and opinions are properly directed, and their manners regulated. This is an influence beyond the reach of laws and punishments, and can be claimed only by religion and education. It should therefore be among the first objects of those who wish well to the national prosperity to encourage and support the principles of religion and morality. . . ." Charter of University of Georgia (1784). Benjamin Rush, a venerated signer of the Declaration of Independence, opined in 1786: "the only foundation for a useful education in a republic is to be laid in RELIGION. Without this [religion], there can be no virtue, and without virtue there can be no liberty, and liberty is the object and life of all republican governments." Benjamin Rush, *Thoughts upon the Mode of Education Proper in a Republic* (1786). David Ramsay, physician, delegate to the Continental Congress, and the first major historian of the American Revolution, wrote in 1789: "Remember that there can be no political happiness without liberty; that there

can be no liberty without morality, and that there can be no morality without religion.” David Ramsay, *The History of the American Revolution*, 2 vols. (London, 1790). In an often cited 1799 case, the Maryland General Court opined: “Religion is of general and public concern, and on its support depend, in great measure, the peace and good order of government, the safety and happiness of the people.” *Runkel v. Winemiller*, 4 Harris & McHenry, 429, 450 (Gen. Ct. Oct. Term 1799). Charles Carroll of Maryland, a Roman Catholic and signer of the Declaration of Independence, remarked: “without morals a republic cannot subsist any length of time; they therefore who are decrying the Christian religion, whose morality is so sublime & pure . . . are undermining the solid foundation of morals, the best security for the duration of free governments.” Charles Carroll of Carrollton to James McHenry, 4 November 1800. John Adams wrote in an 1811 letter to Benjamin Rush: “religion and virtue are the only foundations, not only of republicanism and of all free government, but of social felicity under all governments and in all the combinations of human society.” John Adams to Benjamin Rush, 28 August 1811.

The founders believed that civic virtue was essential to a regime of republican self-government. In the words of James Madison, republican government, more than any other form of civil government, presupposes “sufficient virtue among men for self-government.” Publius [James Madison], *The Federalist* Number 55. Most, if not all, founders would have agreed that civic virtue entailed civic knowledge, public spiritedness, moderation, and self-restraint. In short, a voluntary submission of the citizen’s self-interests to the public good and rule of law was the measure of civic virtue in the founding era. Although some founders drew on the ancients in formulating their notions of civic virtue, the content and scope of the civic virtue embraced by most Americans of this generation were shaped by Christian morality. Indeed, many believed that religion was the wellspring of the principles of virtue and morality essential for a self-

governing people. In his Farewell Address, Washington discounted the notion that morality can prevail in the absence of religion. He conceded that, for rare individuals (perhaps he had Jefferson in mind), “the influence of refined education on minds of peculiar structure” may account for a morality uninformed by religion; however, he went on to say that both “reason and experience” forbid us, especially in a large republic such as the United States, from relying on this as sufficient to sustain the popular morality essential to foster the civic virtue vital for social order and political prosperity.

5. Balancing Rights and Responsibilities

The emphasis placed on individualism and individual rights throughout the documents reviewed must be balanced with a corresponding emphasis on civic responsibilities and duties. The TEKS are generally weak in identifying (and commending) the responsibilities, duties, and obligations of citizenship, especially those involving genuine sacrifice and even danger, such as serving in the armed forces. There is little mention of military service as an honorable contribution to civil society and the common good. Section 113.5. Social Studies, Grade 3 (b) (10) (C); and §113.24. Social Studies, Grade 8 (b) (20) (D) are two of many sections in the TEKS where students could be asked to consider military service as one of the ways of fulfilling the duties of good citizenship.

6. Republican / Representative Government

In the introduction to most grade-level sections of the text (usually [a] [4]) the following language or a slight variation thereof appears:

(4) Throughout social studies in Kindergarten-Grade 12, students build a foundation in history; geography; economics; government; citizenship; culture; science, technology, and society; and social studies skills. The content, as appropriate for the grade level or course, enables students to understand the importance of patriotism, function in a free enterprise society, and appreciate the basic democratic values of our state and nation as referenced in the Texas Education Code, §28.002(h).

This language is taken in substantial part from Texas Education Code, §28.002(h). In recognition of the fact that the governments of both the State of Texas and the United States of America are republics (see U.S. Const., Art. IV, § 4), I recommend that wherever this section appears in the TEKS that the following clause be added to the second sentence: “understand the design and operation of a republican, representative government.” All students must understand the theory and design of republican, representative government, the constitutional requirement for republican government, and the distinction between republican government and other forms of governance, such as a democracy. Students should also understand why many in the founding generation, while believing that the consent of the governed was essential to legitimate civil government, distrusted the notion of pure or direct democracy.

7. Demographics

The fundamental laws and constitutions of a people typically reflect the values of the people who write and ratify them. Virtually no attention is given to the religious demographics of Americans in the founding era. This is significant insofar as values informed by the religious beliefs of Americans influenced the fundamental documents and institutions of the American founding era.

Records establishing the religious identification of late-eighteenth-century Americans are somewhat elusive. Religious affiliation can be inferred from incomplete records indicating the number and size of congregations from various denominations. The percentage of late-eighteenth-century Americans who were Protestants depends on the criteria one uses for affiliation – for example, church membership, regular or occasional church attendance, self-identification, etc. Questions like how to calculate the religious affiliations of enslaved peoples and whether or not Quakers are Protestants further complicate matters. Despite denominational differences and difficulties measuring levels of religious commitment, religious historians and sociologists have suggested that around the time of independence, ninety-eight percent or more of Americans of European descent identified with Protestantism. See Eric Kaufman, “American Exceptionalism Reconsidered: Anglo-Saxon Ethnogenesis in the ‘Universal’ Nation, 1776-1850,” *Journal of American Studies* 33 (1999): 440: “the American free population on the eve of revolution was over 60 per cent English, nearly 80 per cent British, and 98 per cent Protestant”; Barry A. Kosmin and Seymour P. Lachman, *One Nation Under God: Religion in Contemporary American Society* (New York: Harmony Books, 1993), 28-29: “At the time of the American Revolution, there were approximately 3.75 million people living in the thirteen colonies. Except for approximately 25,000 Catholics (15,000 of whom lived in Maryland) and 2,500 Jews (500 of whom lived in South Carolina), the inhabitants were all of different and various Protestant denominations. These included not only the British Protestant element, which made up 75% of the Colonies’ 3 million whites, but also approximately 750,000 blacks, the vast majority of whom were slaves.” See generally on the topic of religious affiliation and church attendance James Hutson, *Forgotten Features of the Founding: The Recovery of Religious Themes in the Early American Republic* (Lanham, Maryland: Lexington, 2003), 111-132.

It should also be noted that the vast majority of these Protestants identified with the Reformed theological tradition. See Sydney E. Ahlstrom, *A Religious History of the American People* (New Haven, Conn.: Yale University Press, 1972), 350: the Reformed theological tradition was “the religious heritage of three-fourths of the American people in 1776.”

Adherents of the Reformed theological tradition included the New England Puritans and later the Congregationalists, the Scottish Covenanters, the French Huguenots, the Dutch and German Reformed communities, and the Scotch and Irish Presbyterians.

While the vast majority of Americans were Protestants, they were denominationally diverse. In addition to the Reformed denominations identified above, they were Anglicans, Baptists, Methodists, Quakers, etc. This extraordinary denominational diversity would influence the development of thought and practice on religious liberty. It required Americans to work out the terms of, initially, religious toleration and, eventually, religious liberty. In jurisdictions where rulers and citizens are *all* of one faith, there is little demand for a policy of religious liberty. But where those who wield state power and citizens come from many denominations and where multiple sects compete for followers and public favor, peaceful coexistence requires a workable policy of toleration. Very early in the colonial experience, American colonists began to grapple with these vexing issues, culminating in the policies of religious liberty enshrined in Article 16 of the Virginia Declaration of Rights (1776), the Virginia Statute for Establishing Religious Freedom (1786), and the First Amendment to the United States Constitution (1791). Also, America’s extraordinary religious diversity, once manifested, made it difficult to establish and sustain a formal ecclesiastical establishment, such as had existed in Europe. Most of the original colonies had some form of religious establishment, but as sectarian diversity increased and the colonies transitioned from British colonies to independent republics, their ecclesiastical

establishments became less and less viable. By the time the national Constitution was crafted in the late 1780s, many influential citizens continued to believe religion's place (and role) in the polity must be prominent and public, and some continued to support the established church in their respective states, but very few advocated a national ecclesiastical establishment. The religious diversity of the new constitutional republic meant that the establishment of a national church was practically untenable. No denomination was sufficiently dominant to claim the legal favor of the national regime, and there was little likelihood that a political consensus would emerge as to which sect or combination of sects should constitute a "Church of the United States."

These religious beliefs and values are critical to understanding the principles and structures of the constitutional system that emerged in late-eighteenth-century America. For example, many of the most basic, fundamental features of the American constitutional design – limited government, federalism, separation of powers among the three branches of the national government, checks and balances, representative government, rule of law, and due process of law – reflect a belief in the Reformed theological doctrine of humankind's radical depravity and the attendant necessity to check mankind's fallen nature.

8. Forgotten Founders

There is an unfortunate tendency to limit discussions of the American founders to a short list of a half dozen or so notables who have achieved iconic status in the American imagination and collective memory. An exclusive or even primary focus on a small fraternity of famous founders (Washington, Adams, Jefferson, Madison, Franklin, and Hamilton) gives us a limited and, thus, potentially distorted picture of the founders – their ideas, values, interests, aspirations,

faith commitments, socio-economic standings, etc. Separating the famous from the now forgotten founders may erroneously convey the notion that the founders were a much more single-minded, monolithic fraternity than they really were. It obscures the founders' diverse backgrounds, interests, perspectives, and, even, biases, projecting an incomplete picture of this generation. One common error arising from a focus on a small group of founders is that the views of a significant segment of the founding generation are discounted because they were not shared by a select few famous founders, or the views of an elite few founders are erroneously ascribed to an entire generation or a large company of forgotten founders. The views of a handful of famous founders, in short, are not necessarily representative of all the founders. Our understanding of the delicate balance of personalities, perspectives, and experiences so vital to the success of the founding generation is obfuscated when we train our sights on a select few famous founders and disregard the rest. See Daniel L. Dreisbach, "Famous Founders and Forgotten Founders: What's the Difference, and Does the Difference Matter?" in *The Forgotten Founders on Religion and Public Life*, ed. Daniel L. Dreisbach, Mark David Hall, Jeffrey H. Morrison (Notre Dame, Ind.: University of Notre Dame Press, 2009), 1-25.

It is imperative that students of American history in general and the founding in particular be introduced to the contributions and ideas of many now forgotten founding figures. This will both deepen and broaden their understanding of the founding of the American republic and its institutions. I recommend that the term founders (or "founding fathers") be defined broadly to include an expansive company of Americans from many walks of life who, in the last half of the eighteenth century and early nineteenth century, articulated the rights of colonists, secured independence from Great Britain, and established the new constitutional republic and its political institutions. Among them were citizen soldiers, elected representatives, pamphleteers, and

clergymen. Important historical figures students must be introduced to, in addition to the famous founders, include Samuel Adams, John Dickinson, Elbridge Gerry, John Jay, Richard Henry Lee, George Mason, Gouverneur Morris, Charles Pinckney, Benjamin Rush, John Rutledge, Roger Sherman, Mercy Otis Warren, James Wilson, and John Witherspoon. Two out of the many sections in the TEKS appropriate for a discussion of these important founders are §113.7. Social Studies, Grade 5 (b) (3) (A); and §113.35. United States Government (c) (2) (B). A valuable resource written for teachers and designed to introduce teachers and students to some important forgotten founders is: Gary L. Gregg II and Mark David Hall, ed., *America's Forgotten Founders* (Louisville, Kent.: Butler Books; The McConnell Center, University of Louisville, 2008).

II. RECOMMENDATIONS FOR SPECIFIC TEKS SECTIONS

§113.2. Social Studies, Kindergarten (b) (10). I would add “(D) explain the role of language” in contributing to national identity.

§113.3. Social Studies, Grade 1 (b) (11). I would add a public official from the judicial branch and legislative branch. The same comment applies to similar exercises in later grades (see, for example, §113.4. Social Studies, Grade 2 [b] [12] [A]; §113.7. Social Studies, Grade 5 [b] [20] [A]).

§113.4. Social Studies, Grade 2 (b) (11) (B). I would add police protection and fire protection, which are better examples of core services of civil government than libraries and parks.

§113.4. Social Studies, Grade 2 (b) (13) (B). Florence Nightingale seems like an odd choice given that her connection with the United States is limited.

§113.5. Social Studies, Grade 3 (b) (2) (A). I would add “religious freedom” as one of the reasons to consider for why people have formed communities. This is particularly relevant in American history.

§113.5. Social Studies, Grade 3 (b) (10) (C). I would add the following language: “including providing for the common defense by serving in the military.” I would similarly add “serving in the military” to §113.24. Social Studies, Grade 8 (b) (20) (D).

§113.7. Social Studies, Grade 5 (b) (1). I would add the following section: “(A) explain how religious intolerance in Europe impacted the creation of colonies in North America and patterns of migration.”

§113.7. Social Studies, Grade 5 (b) (1) (B). Other significant colonial leaders who students should be introduced to are: John Winthrop, John Cotton, William Bradford, William Brewster, Myles Standish, Christopher Newport, Thomas Dale, and Lord de la Warr (Thomas West). Anne Hutchinson does not fit neatly into this category of “significant colonial leaders,” and I would drop this name from the list.

§113.7. Social Studies, Grade 5 (b) (2). I would add at the top of this section a whole new subsection: “(A) describe the impact of religious revivals (the Great Awakening) in shaping a national identity and, perhaps, contributing to the drive for political independence.”

The Great Awakening, many historians now argue, helped create a national identity, giving colonists all up and down the Atlantic seaboard in diverse communities a shared experience. It also had political implications insofar as the somewhat ecumenical revivals challenged the authority of the established church, which in communities under the established Church of England was also a threat to English rule. Before the Great Awakening, many colonists were inclined to defer to authorities in church and civil state because they believed those people derived their authority directly from God in a “top-down” way; after the Great Awakening, this tended to get reversed in the minds of many Americans: God empowers and “awakens” people directly and gives them a certain amount of authority to interpret the Bible for themselves. This was translated in the political realm into the consent of essentially equal people as the source of legitimacy, not rule by unequal elites. The British religious historian Alister McGrath has written: “The Awakening also had implications for the democratization of religion. The individual experience of conversion was recognized as being open to all, whether male or female, rich or poor, ignorant or wise.” Alister E. McGrath, *Christianity’s Dangerous Idea: The Protestant Revolution – A History from the Sixteenth Century to the Twenty-First* (New York: HarperOne, 2007), 159.

§113.7. Social Studies, Grade 5 (b) (2) (A). I would add to this list Samuel Adams, Patrick Henry, John Dickinson, and George Mason, as well as military figures like Nathanael Greene (just one of many such leaders).

§113.7. Social Studies, Grade 5 (b) (3) (A). Other important figures who helped shape the U.S. Constitution and who should be introduced to students include: James Wilson, George Mason, Gouverneur Morris, John Rutledge, Charles Pinckney, Elbridge Gerry, Edmund Randolph, and Luther Martin. See Gary L. Gregg II and Mark David Hall, ed., *America's Forgotten Founders* (Louisville, Kent.: Butler Books; The McConnell Center, University of Louisville, 2008).

§113.7. Social Studies, Grade 5 (b) (4). Again, I would add at the top of this section a whole new subsection: “(A) describe the impact on society of religious revivals (the Second Great Awakening) in the first half of the nineteenth century.”

§113.24. Social Studies, Grade 8 (b) (2). “Religious” reasons should be included alongside political, economic, and social reasons.

§113.24. Social Studies, Grade 8 (b) (4). Again, I would add at the top of this section a whole new subsection: “(A) analyze the impact of religious revivals (Great Awakening) on creating a national identity and, perhaps, contributing to the drive for political independence.”

§113.24. Social Studies, Grade 8 (b) (4) (A). I would add to the “causes” to be analyzed, “British ecclesiastical policies.” There is an extensive body of scholarship that makes the case that British ecclesiastical policy was a major contributing cause to the push for political independence from Great Britain. John Adams remarked:

who will believe that the apprehension of Episcopacy contributed fifty years ago, as much as any other cause, to arouse the attention, not only of the inquiring mind, but of the common people, and urge them to close thinking on the constitutional authority of parliament over the colonies? This, nevertheless, was a fact as certain as any in the history of North America. . . . The reasoning was this . . . if parliament can erect dioceses and appoint bishops, they may introduce the whole hierarchy, establish tithes, forbid marriages and funerals, establish religions, forbid dissenters, make schism heresy, impose penalties extending to life and limb as well as to liberty and property. John Adams to Dr. J. Morse, 2 December 1815.

§113.24. Social Studies, Grade 8 (b) (5) (C). In either this section or an additional section, special attention should be given to the significance and consequences of the bitterly contested presidential election of 1800. This may well have been the most significant election in American history.

§113.24. Social Studies, Grade 8 (b) (25). I would add at the top of this section a whole new subsection: “(A) understand the motivations for reform movements and benevolent societies in

the first half of the nineteenth century, including a religious belief that all people were made in the image of God and, therefore, had value and dignity.”

§113.33. World History Studies (c) (1) (B). This section should include other important “turning points,” including the advent of Christianity, the Protestant Reformation, and the invention of the printing press with movable type.

§113.33. World History Studies (c) (3) (C). Alongside discussions of the Roman Catholic Church and the Crusades, students must be asked to “describe the political, legal, economic, social, and religious impact of Islamic conquests of, among other places, Jerusalem, Constantinople, and the Iberian Peninsula.” This information will, among other things, provide valuable context for understanding subsequent conflict, including the Crusades. I would add this to subsection (C) or insert it as a separate subsection after subsection (B).

§113.33. World History Studies (c) (10) (A). Theodore Roosevelt, Joseph Stalin, Franklin Delano Roosevelt, David Ben-Gurion, Jawaharlal Nehru, Kwame Nkrumah, Margaret Thatcher, and Ronald Reagan are additional transformational figures of the twentieth century that should be added to this section. And to subsection (B), I would add American evangelist Billy Graham and Polish labor leader Lech Walesa.

§113.33. World History Studies (c) (16) (A). A strong argument could be made that a source of republican ideas prior to “classical Greece and Rome” was the Hebrew commonwealth. This should be mentioned. Hebrew conceptions of representative government were particularly influential on late-eighteenth-century Americans. See, for example, the 1788 election sermon entitled, “The Republic of the Israelites an Example to the American States.” Samuel Langdon, *The Republic of the Israelites an Example to the American States, A Sermon, Preached at Concord, in the State of New-Hampshire; Before the Honorable General Court at the Annual Election. June 5, 1788* (Exeter, 1788). See also Abiel Abbot, *Traits of Resemblance in the People of the United States of America to Ancient Israel. In a Sermon, delivered at Haverhill, on the Twenty-eighth of November, 1799, the Day of Anniversary Thanksgiving* (Haverhill, Mass.: Moore and Stebbins, 1799): “It has been often remarked that the people of the United States come nearer to a parallel with Ancient Israel, than any other nation upon the globe. Hence, ‘OUR AMERICAN ISRAEL,’ is a term frequently used; and common consent allows it apt and proper.”

§113.35. United States Government (b) (2). Explicit reference should be made to the U.S. Declaration of Independence as one of the primary documents used.

§113.35. United States Government (c) (2) (A). Among the influential sources that should be added to this list, and students must be exposed to, are the Bible and William Blackstone.

Following an extensive survey of American political literature from 1760 to 1805, political scientist Donald S. Lutz reported that the Bible was cited more frequently than any European writer or even any European school of thought, such as the Enlightenment or Whig intellectual traditions. Even though he excluded from his sample most documents, including many political sermons, that included no citations to secular political thinkers (greatly suppressing the number of references to the Bible in this literature), the Bible accounted for about a third of all citations. According to Lutz, “Deuteronomy is the most frequently cited book, followed by Montesquieu’s *The Spirit of the Laws*.” The book of Deuteronomy alone is “cited almost twice as often as all of Locke’s writings put together,” and “Saint Paul is cited about as frequently as Montesquieu and Blackstone, the two most-cited secular authors.” Donald S. Lutz, *A Preface to American Political Theory* (Lawrence: University Press of Kansas, 1992), 136.

In the 1790s and early 1800s, the English common law scholar and jurist, Sir William Blackstone, was the single most cited thinker in American political literature. And if one looks more widely at American political literature from 1760 to 1805, only Montesquieu is cited more frequently. Donald S. Lutz, “The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought,” *American Political Science Review* 78 (March 1984): 193. In federal and state cases between 1789 and 1828, Blackstone’s *Commentaries on the Laws of England* (1765-1769) were cited in approximately 6.6% of cases, “more frequently than any other text” or legal treatise. Dennis R. Nolan, “Sir William Blackstone and the New American Republic: A Study of Intellectual Impact,” *New York University Law Review* 51 (Nov. 1976): 753.

§113.35. United States Government (c) (2) (B). Students must be exposed to a more expansive company of founding figures who contributing to the American political founding. This company includes John Dickinson, John Jay, George Mason, Gouverneur Morris, Roger Sherman, James Wilson, and John Witherspoon. See Gary L. Gregg II and Mark David Hall, ed., *America’s Forgotten Founders* (Louisville, Kent.: Butler Books; The McConnell Center, University of Louisville, 2008).

§113.35. United States Government (c) (9) (G). Add “national defense.”

§113.35. United States Government (c) (12). As proposed above, this would be a good place to include a discussion of the role of nongovernmental institutions – such as a free press – essential to a well functioning polity.