RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to develop and implement age-appropriate curricula designed to instill in all students a sense of personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections.
REPORT

The American Bar Association (ABA) has long encouraged measures to instill or enhance civics education in our schools, including public education about the justice system and rule of law in our society. This resolution builds upon the ABA’s 1990 policy, which supported efforts to increase voter registration through state and local agencies that have direct contact with the public; to encourage efforts to make the opportunity to vote easier; and to support educational programs to teach all citizens that voting is a responsibility as well as a privilege of citizenship. It also is consistent with the ABA’s 1995 Resolution 114 in which the ABA committed its support to public education to foster understanding of the Constitution and the rights and responsibilities of citizenship as fundamental to the continued functioning of our democracy, and urged the legal profession to engage the support of policy makers to further this goal through implementation and support of civics education in elementary and secondary schools.

Our citizens become eligible to vote as they leave the secondary school system. Consequently, schools generally have not focused on preparing students for something they cannot do until they graduate. However, the primary and secondary levels of education should be where our students learn about democratic processes fundamental to their continued wellbeing. Although engaged Parent, Teacher Student Associations (PTAs) often stage mock elections for students or take a few, privileged students on state legislative lobbying trips, no uniform effort is made to teach our students the importance of voting and how to educate themselves as to candidates’ backgrounds, positions, and qualifications as well as the facts underlying ballot propositions and other issues.

The goal of this resolution is consistent with Justice David Souter’s keynote speech during the 2009 Opening Assembly of the ABA Annual Meeting in Chicago, in which he said, “I believe civic educational reform is, literally, essential to the continued vitality of American Constitutional government as we know it.” In response to Justice Souter’s call to action, then ABA President-elect, Stephen Zack, wrote: “We must rededicate ourselves to learning about our constitutional system. . . . We must begin where the need is most urgent and the impact can be the greatest – in our nation’s schools.”1

Under the “Goals 2000: EDUCATE AMERICA ACT (P.L. 103-227)” enacted in 1994, Goal 3, which was to be achieved by the year 2000, was: “3. Student Achievement and Citizenship: By the year 2000, all students will leave grades 4, 8 and 12 having demonstrated competency over challenging subject matter including, English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, . . . .” (emphasis added). It would seem hard to contemplate a student prepared for responsible citizenship who doesn’t understand the need to vote and who does not know how to find the facts relevant to key issues in any given election. Yet, the proliferation of “fake news” and personal viewpoints vented through social media makes training on how to filter out all but genuine

facts relating to key issues especially critical.\textsuperscript{2} The U.S. has one of the lowest voting participation rates among western democracies.\textsuperscript{3} This fact further supports the need for passage of this resolution.

The American Bar Association has long supported efforts to increase voter participation, in fact the predecessor entity to the Standing Committee on Election Law was a Special Committee on Election Law and Voter Participation. The proposed resolution fits squarely with long standing Association efforts and policies to encourage voter participation by lawyers (Standing Committee on Election Law, August 1989) and college students (Special Committee on election law and Voter Participation and the Young Lawyers Division, August 1972). Most recently, the Standing Committee on Election Law has partnered with the Division for Public Education to create resources for the purpose of educating secondary school students about the process and importance of voting (http://www.americanbar.org/groups/public_services/election_law/voting_election_law_resources.html). The Standing Committee and the Division developed a video encouraging students to vote (http://youtu.be/NLHnzi3lWUM) and the Standing Committee also created a website www.voteyourvoicenow.org which includes information about voter registration and voting for each state and territory.

In the words of the Standing Committee on Public Education in its 1995 Recommendation and Report to the House of Delegates (\#114), “The timeliness of such support is critical to a renewed commitment and understanding of the fundamental relationship between rights, responsibilities, and the rule of law in preparing young people for effective citizenship.” Twenty-two years later, we must take stronger, more targeted steps to ensuring our citizens receive the tools they need to actively and effectively fulfill their civic duty to vote in all elections.

Respectfully submitted,

Reginald M. Turner
Chair, ABA Commission on the Lawyer’s Role in Assuring Every Child’s Right to a High-Quality Education

August 2017

\textsuperscript{2} Media education is critically important, as well, to the teaching of civics and social studies. The US is considered far behind its English-speaking counterparts in the world with respect to media education. Robert Cubey, “Media Literacy and the Teaching of Civics and Social Studies at the Dawn of the 21st Century”, Sept. 1, 2004, at http://journals.sagepub.com/doi/abs/10.1177/0002764204267252

\textsuperscript{3} http://www.pewresearch.org/fact-tank/2016/08/02/u-s-voter-turnout-trails-most-developed-countries/ (last visited April 18, 2017)
GENERAL INFORMATION FORM

Submitting Entity: ABA Commission on the Lawyer’s Role in Assuring Every Child’s Right to a High-Quality Education

Submitted By: Reginald M. Turner, Chair, ABA Commission on the Lawyer’s Role in Assuring Every Child’s Right to a High-Quality Education

1. **Summary of Resolution(s).** The resolution urges federal, state, local, territorial, and tribal governments to develop and implement age-appropriate curricula designed to instill in all students a sense of personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections.

2. **Approval by Submitting Entity.** The ABA Commission on the Lawyers’ Role in Assuring Every Child’s Right to a High-Quality Education approved the Resolution on April 20, 2017.

   The Council of the Section of Civil Rights and Social Justice approved co-sponsorship of the Resolution during its Spring Meeting on Saturday, April 29, 2017.

   The Commission on Youth at Risk electronically approved co-sponsorship of the Resolution on April 24, 2017.

   The Council of the Section of State and Local Government Law approved co-sponsorship of the Resolution during its Spring Meeting on Sunday, April 30, 2017.

   Standing Committee on Election law voted to co-sponsor the Resolution on May 4, 2017, at its Spring Business Meeting in Washington, DC.

   On May 4, 2017, the Center on Children and the Law approved co-sponsorship of this Resolution.

3. **Has this or a similar resolution been submitted to the House or Board previously?** No.

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?** This resolution builds upon the ABA’s 1990 policy, which supported efforts to increase voter registration through state and local agencies that have direct contact with the public; to encourage efforts to make the opportunity to vote easier; and to support educational programs to teach all citizens that voting is a responsibility as well as a privilege of citizenship. It also is consistent with the ABA’s 1995 Resolution 114 in which the ABA committed its support to public education to foster understanding of the Constitution and the rights and responsibilities of citizenship as fundamental to the continued functioning of our democracy, and urged the legal profession to engage the support of policy makers to further this goal through implementation and support of civics education in elementary and secondary schools.
5. The proposed resolution fits squarely with long standing Association efforts and policies to encourage voter participation by lawyers (Standing Committee on Election Law, August 1989) and college students (Special Committee on election law and Voter Participation and the Young Lawyers Division, August 1972). Most recently, the Standing Committee on Election Law has partnered with the Division for Public Education to create resources for the purpose of educating secondary school students about the process and importance of voting (http://www.americanbar.org/groups/public_services/election_law/voting_electionlaw_resources.html). The Standing Committee and the Division developed a video encouraging students to vote (http://youtu.be/NLHnzi3lWUM) and the Standing Committee also created a website www.voteyourvoicenow.org which includes information about voter registration and voting for each state and territory.

This resolution supports and furthers these efforts described above.

6. If this is a late report, what urgency exists which requires action at this meeting of the House? N/A

7. Status of Legislation. (If applicable) None.

8. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates. We will work with relevant stakeholders within and outside of the American Bar Association and the Governmental Affairs Office to implement the policy.

9. Cost to the Association. (Both direct and indirect costs) Adoption of this proposed resolution would result in only minor indirect costs associated with Section staff time devoted to the policy subject matter as part of the staff members’ overall substantive responsibilities.

10. Disclosure of Interest. (If applicable) There are no known conflicts of interest.

11. Referrals. By copy of this form, the Report with Recommendation will be referred to the following entities:

   Section of Administrative Law and Regulatory Practice
   General Practice, Solo and Small Firm Section
   Section of Litigation
   Section of State and Local Government Law
Law Student Division
Young Lawyers Division
Center for Racial and Ethnic Diversity
Commission on Mental and Physical Disability Law
Commission on Racial and Ethnic Diversity in the Profession
Council on Racial and Ethnic Justice
Commission on Women in the Profession
Standing Committee on Public Education
National Conference of Bar Presidents
Council for Racial and Ethnic Diversity in the Educational Pipeline

12. **Contact Name and Address Information.** (Prior to the meeting. Please include name, address, telephone number and e-mail address)

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13. **Contact Name and Address Information.** (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

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EXECUTIVE SUMMARY

1. Summary of the Resolution

The resolution urges federal, state, local, territorial, and tribal governments to develop and implement age-appropriate curricula designed to instill in all students a sense of personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections.

2. Summary of the Issue that the Resolution Addresses

The American Bar Association (ABA) has long encouraged measures to instill or enhance civics education in our schools, including public education about the justice system and rule of law in our society.

3. Please Explain How the Proposed Policy Position Will Address the Issue

In the words of the Standing Committee on Public Education in its 1995 Recommendation and Report to the House of Delegates (#114), “The timeliness of such support is critical to a renewed commitment and understanding of the fundamental relationship between rights, responsibilities, and the rule of law in preparing young people for effective citizenship.” Twenty-two years later, we must take stronger, more targeted steps to ensuring our citizens receive the tools they need to actively and effectively fulfill their civic duty to vote in all elections. This Resolution will allow the ABA to advocate to do so.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

No minority views or opposition have been identified.