

1924

64

Year

Chapter

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CHAPTER OT

3d Rdg. 7.

Nos. 4, 906.

Int. 4.

# IN ASSEMBLY,

January 7, 1924.

Introduced by Mr. MOORE—read once and referred to the Committee on Public Education—amended on third reading, ordered reprinted as amended retaining its place on the order of third reading and re-engrossed.

## AN ACT

To amend the education law, in relation to instruction in the provisions of the constitution of the United States.

Notes

Jurats and Enacting Clause

ed by

*Roller & Kelley*

APPROVED

MAR 2 1924

**State of New York**

**In Assembly**

**FEB 19**

**1924**

Ordered, That the Clerk deliver the bill entitled

**AN ACT**

To amend the education law, in relation to instruction in the provisions of the constitution of the United States.

to the Senate, and request their concurrence in the same.

By order

FRED W. HAMMOND

Clerk

IN SENATE  
Passed Without Amendment

MAR 12 1924

By order of the SENATE

*W. J. Mullane*  
CLERK



entitled:

"AN Act to amend the education law, in relation to instruction in the provisions of the constitution of the United States."

In substance this bill makes it mandatory upon the Regents of the University to prescribe courses of instruction in the history and meaning of the provisions of the constitution of the United States in all the schools of the State, including private schools.

This bill is disapproved by the Merchants Association on the theory "that it is not a proper function of the Legislature to prescribe or dictate the courses of study to be followed in the schools; but to leave this matter to the duly appointed educational officials, that is the Commissioner of Education and the Board of Regents."

On the other hand, the bill meets the hearty approval of the Committee on Constitutional Instruction which, through its executive secretary, states as follows:

"I do not believe that it is necessary to make argument on the matter to either you or the Governor, but might say that the bill has been passed by the legislatures of twenty-five states and has the approval of educators generally, to wit, - the members of the Committee on this letterhead."

A similar declaration is made by Mr. Haley Fiske, the President of the Metropolitan Life Insurance Company, who expresses the view that "there seems to be a general sentiment throughout the country that the youth of the land should know more about their own country and the principles of its Constitution than they do. It is a part of the plan of 'Americanization', a term I am not particularly fond of, which is generally felt to be necessary to be taught."

While the passage of this legislation is more a question of policy than of law, I strongly favor the view that legislation

-2-

of this character is extremely beneficial and I therefore recommend that the bill be passed.

TERENCE FARLEY,  
Counsel to the Governor

# Richmond Hill Civic Association, Inc.

Richmond Hill, New York

REGULAR MEETING, Third Monday of each month, 8:15 P. M. at the  
Masonic Temple, 114th Street near Jamaica Avenue.  
EXECUTIVE COMMITTEE meets First Monday of each month, 8:30 P. M.  
at the Roosevelt Club House, 109th Street and 91st Avenue.

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Chapin  
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10242 - 85th Avenue  
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276 Oak Street

March 13, 1924.

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L. A. Hartshorn, Associate  
R. Grothmann, Jr., Circulation Mgr.

Hon. Alfred E. Smith,  
Executive Mansion,  
Albany, N. Y.

My dear Governor:

Having been informed that the bill to amend the education law, in relation to instruction in the provisions of the Constitution of the United States, has passed both houses of the legislature, I respectfully urge, on behalf of the Richmond Hill Civic Association with a membership of more than two thousand, that this bill receive your favorable consideration.

We believe that definite courses of instruction on the Constitution in the schools, is the best way to implant the fundamental principles of our government in the minds of the children on whom our nation's future depends, and in meeting held January 28 last, unanimously adopted a resolution endorsing the provisions of the bill introduced by Assemblyman, T. Channing Moore on the subject, which it is understood to be the same as is now before you for approval.

Our association will meet again next Monday night (March 17th) and I am sure the members would appreciate a word from you by wire or mail if the act is to become a law in the near future.

Yours very truly,

*John W. Tiedemann*  
Chairman, Committee on  
Education and Libraries.

8759--117th Street,  
Richmond Hill, N. Y.

T/L

**TORN ON ORIGINAL**

March 25, 1924

Mr. John W. Tiedeman, Chairman,  
and Librarian,

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consideration

Sincerely,

TERENCE FARLEY  
Counsel to the Governor

TF:MM

Metropolitan Life Insurance Co.  
New York City

Haley Fiske  
President

For a-4  
Refer to  
March 13th, 1924.

Hon. Alfred E. Smith,  
Executive Chamber,  
Albany,  
New York.

My dear Governor:

I am told that the Legislature passed a bill yesterday providing that in the schools of the State instruction should be given in the Constitution of the United States. I hope you will find yourself able to approve this bill. Through our instrumentality the bill was passed last year in some twenty-three States of the Union. I understand that it has been passed this year in some other States, or is in the way of passage.

The amount of time prescribed is not great and I do not think the requirements are onerous upon the teachers. There seems to be a general sentiment throughout the country that the youth of the land should know more about their own country and the principles of its Constitution than they do. It is a part of the plan of "Americanization", a term I am not particularly fond of, which is generally felt to be necessary to be taught. Our Company is doing what it can through its Immigration Bureau to start newly arrived immigrants on the right way of learning about the Constitution of the country and becoming citizens. The scheme provided for in this bill is to carry on this education.

Very sincerely yours,

*Haley Fiske*  
President.



March 18, 1924

Mr. Haley Fiske,  
Metropolitan Life Ins. Co.,  
New York City.

Dear Sir:

The Governor directs me to acknowledge receipt of your communication of March 13th, relative to Assembly Int. No. 4, which is now before him for approval, and to assure you that same will receive his careful consideration.

Sincerely,

TERENCE FARLEY  
Counsel to the Governor

TF:MM.

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HALEY FISKE,  
HONORARY VICE-PRESIDENT

S. STANWOOD MENKEN,  
PRESIDENT

MYRON T. HERRICK,  
OHIO

*Conf*  
*Refer to*  
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**NEW YORK**

**Committee**

MARWICK, MITCHELL & Co., AUDITORS

TELEPHONE PLAZA 3828

March 14, 1924.

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EDITOR OF "CONSTITUTIONAL  
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NICHOLAS MURRAY BUTLER,  
PRESIDENT OF COLUMBIA  
UNIVERSITY

(OVER)

My dear George:

There is now before the Governor for his signature a bill introduced at the instance of this Committee and recently passed by both Houses. I write merely to beg you to see that the measure does not get lost in the shuffle. The bill simply requires definite courses of instruction in the Constitution of the United States in all public schools. I do not believe that it is necessary to make argument on the matter to either you or the Governor, but might say that the bill has been passed by the Legislatures of 25 States and has the approval of educators generally, to wit, - the members of the Committee on this letterhead.

Our Committee, which has been promoting the popularization of the Constitution throughout the country for the past two years, finally centered upon this method of having it properly treated in the schools only after we had been convinced that the question was being widely neglected by the educational authorities and that the situation could be remedied satisfactorily in no other way.

Sincerely,

*E. L. Harvey*

Executive Secretary.

Mr. George R. Van Namee,  
Secretary to the Governor,  
Albany, N. Y.

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- J. M. WORKMAN,  
PRESIDENT OF HENDERSON-  
BROWN COLLEGE



March 18, 1924

Mr. E. L. Harvey, Executive Secy.  
National Security League, Inc.,  
17 East 49th St.,  
New York City.

Dear Sir:

The Governor directs me to acknowledge receipt of your communication of March 14th relative to Assembly Int. No. 4, which is now before him for approval, and to assure you that same will receive his careful consideration.

Sincerely,

TERENCE FARLEY  
Counsel to the Governor

TF:MM



*agreed*

*A. H. ...  
Before ...*

"To foster the trade and welfare of New York"

# The Merchants' Association of New York

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CABLE AND WIRELESS ADDRESS: MERCHASSON

233 BROADWAY

WOOLWORTH BUILDING

NEW YORK

March 15, 1924.

TELEPHONE: WHITEHALL 7000

Hon. Alfred E. Smith,  
 Governor of the State of New York,  
 The Capitol,  
 Albany, N. Y.

Dear Sir:

We understand that the New York State Legislature has recently passed a bill (Assembly Introductory 4) providing for the compulsory teaching of the Federal Constitution in the public and private schools of the State, and that this measure is now before you for consideration.

On the basis of a careful study of this and similar bills which have been before the Legislature this year, The Merchants' Association desires to record itself as opposed to such legislation.

The basis for this position is our belief that it is not a proper function of the Legislature to prescribe or dictate the courses of study to be followed in the schools, but to leave this matter to the duly appointed educational officials, that is the Commissioner of Education and Board of Regents. Otherwise, there is serious danger that the schools will be undermined by the forceful injection of political, religious or other partisan questions in the determination of the curriculum.

A more complete statement of The Association's position is contained in the enclosed report, which we commend to your attention, and on the basis of which we earnestly

Hon. Alfred E. Smith,

- 2 -

request that you do not approve either the Bill now before you for signature or similar measures now pending in the Legislature that may be passed later in the session.

Yours very truly,

THE MERCHANTS' ASSOCIATION OF NEW YORK,

By



Secretary.

FG

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REPORT OF THE COMMITTEE ON EDUCATION  
re COMPULSORY TEACHING OF PATRIOTISM

March 11, 1924.

To the Board of Directors,  
The Merchants' Association of New York.

Gentlemen:-

Your Committee on Education has examined the several bills now pending before the New York State Legislature. (Assembly Int. 4, Mr. Moore; Senate Int. 116, Mr. Webb), providing for compulsory teaching of the principles of the federal constitution and of American patriotism, and desires to report concerning these measures as follows:

If the principle is admitted that it is the function of the Legislature to prescribe courses of study in the public schools, these bills are unobjectionable and perhaps even commendable. But the principle seems to your Committee to be not only erroneous, but possibly dangerous. It is the duty of the Legislature to lay down certain general policies of education, but to leave those policies to be carried out in detail by the machinery which it has established, namely, the Board of Regents and the State Commissioner of Education. If the Legislature goes beyond this function and attempts to say what shall be studied, or what shall not be studied, we shall immediately get into all kinds of difficulties. For example, suppose that in 1896 a majority in the Legislature believed that the free coinage of silver was essential to the perpetuation of American institutions, and had declared that the pupils in our public schools should, at least for one hour a week, be taught that social, moral and economic welfare depends upon

fiat money; or suppose that the convictions of a majority of the Legislature should lead them to pass a bill compelling all pupils to be taught at least one hour a week that tuberculosis is a form of thought, and is not a microbial disease, would the result not be that our public schools would degenerate into more forums of political controversy? ~~This is exactly what has happened in one of the Southwestern States where the Legislature attempted to say that the doctrine or hypothesis of evolution should be barred from the science teaching in the public schools. Of course, any such law as this would make the teaching of biology or zoology utterly impossible.~~

Your Committee does not mean to say that the principles of the Constitution are comparable to free silver, or mental healing. The history of education, however, in the domains of science and of theology makes it perfectly clear, that the moment law makers are allowed to dictate what shall be or what shall not be taught, you destroy the very basis of the public school system. If the Board of Regents and the Commissioner of Education fail in their duties to properly supervise the courses of study, the remedy is to remove them, and get better educational officials, but not to dictate to them the details of the courses of study.

For these reasons, your Committee recommends that The Merchants' Association record itself as opposed to the bills referred to above.

Respectfully submitted,

COMMITTEE ON EDUCATION,

(Signed) John H. Finley,  
Chairman.



March 18, 1924

Mr. S. C. Mead, Secy.  
Merchants Association of New York,  
233 Broadway  
New York City.

Dear Sir:

The Governor directs me to acknowledge receipt of your communication of March 15th relative to Assembly Int. No. 4, which is now before the Governor for approval, and to assure you that the same will receive his careful consideration.

Sincerely,

TERENCE FARLEY  
Counsel to the Governor

TF:MM

March 14, 1934

Hon. Frank P. Graves,  
Education Department,  
Albany, N.Y.

Dear Sir:

I am enclosing herewith copy of  
Assembly bill Int. 4, printed No. 988,  
which is now before the Governor for  
action.

Kindly give me your views on this  
bill at your earliest convenience.

Sincerely,

TERENCE FARLEY,  
Counsel to the Governor

TF:MM  
Enc.



THE UNIVERSITY OF THE STATE OF NEW YORK  
THE STATE DEPARTMENT OF EDUCATION  
ALBANY

FRANK B. GILBERT  
DEPUTY COMMISSIONER AND COUNSEL

*File with Case*  
March 20, 1924

Hon. Terence Farley  
Counsel to the Governor  
Executive Chamber  
Albany; N. Y.

My dear Mr Farley:

The Commissioner has referred to me your letter of the 14th, requesting the Department's views as to Assembly Bill Pr. No. 906, introduced by Mr Moore, entitled "An Act to amend the education law, in relation to instruction in the provisions of the constitution."

The Department opposed the passage of this bill. The reasons for the opposition are stated in a letter directed to Assemblyman Moore, a copy of which is sent herewith. I am also inclosing a memorandum prepared by Dr Sullivan, the Assistant Commissioner in charge of Secondary Education.

Very truly yours

*Frank B. Gilbert*

G-W

Incls.



January 26, 1924

Honorable T. Channing Moore  
Assembly Chamber, Capitol  
Albany, N. Y.

My dear Mr Moore:

I think you and I discussed the provisions of your bill, Assembly Pr. No. 4, entitled, "An Act to amend the education law, in relation to instruction in the provisions of the constitution of the United States." The Commissioner has asked me to call your attention to the fact that this bill is in contravention of the general policy of the Department relative to mandatorily regulating courses of instruction in the public schools. It has been found impossible to prevent enactment of bills compelling the establishment of courses of instruction in particular subjects. As a result our statutes are becoming so full of mandatory requirements as to particular subjects of instruction that we find the public schools are finding it difficult to carry on their regular work.

We, of course, are not opposed to courses of instruction in the constitution of the State and of the United States. Our textbooks in civics and syllabuses in this subject are full of references and requirements relative to instruction in this subject. On this account it would seem unnecessary to prescribe mandatorily for the establishment of such courses of instruction. The school authorities are already directed to give substantially as much time as this bill requires to the study of the history and meaning of the provisions of the constitution.

If courses of instruction are to be extended or elaborated, it should be in our opinion as a result of a careful study of instructional requirements under the direction of the Board of Regents. If regulations are to be adopted prescribing such courses of instruction they should be adopted by the Board of Regents, for in

Honorable T. Channing Moore (2)

this way they could be made to fit existing courses of instruction in civics and other subjects and incorporated where they belong.

We recognize the patriotic motive of those who are promoting this legislation, but it seems to us that the Regents and the Commissioner under general provisions should be left with the control of the establishment of courses of instruction in this subject as well as all other subjects to be pursued in the public schools of the State. I would suggest that those who are interested in this matter bring their forces to bear upon the Regents of the University, and that they request them to take such action as may be required to bring about the proper instruction of this subject, if it is ascertained upon investigation that further provision is required.

With kind regards, I am

Sincerely yours

G-AG



THE UNIVERSITY OF THE STATE OF NEW YORK  
THE STATE DEPARTMENT OF EDUCATION  
ALBANY

JAMES SULLIVAN  
ASSISTANT COMMISSIONER  
FOR SECONDARY EDUCATION

March 20, 1924

Mr Terence Farley  
Counsel to the Governor  
Executive Chamber  
Albany, N. Y.

My dear Mr Farley:

Doctor Graves has asked me to write a memorandum in response to your letter of March 14th, which asks for our attitude on Assembly bill Int. 4, printed No. 906, which is now before the Governor for action.

Our attitude may be summed up as follows:

- 1) It is unnecessary legislation because the Regents have already made ample provision to have the Constitution taught in the elementary and high schools of the State as will appear from the copies of the syllabuses which I am sending you. (See the pages which have been marked.)
- 2) There are virtually no institutions above the high school which do not make some provision for teaching the Constitution in some course or courses. If there are any such colleges or higher institutions, the method of approach to get them to establish such courses is through the Regents and not through the Legislature.
- 3) This kind of legislation is a continuation of the growing tendency to legislate courses of study into the school curricula at the request of well meaning organizations whose prime interest seems to be to add one more state where they have got a law through making the teaching of some particular subject compulsory.

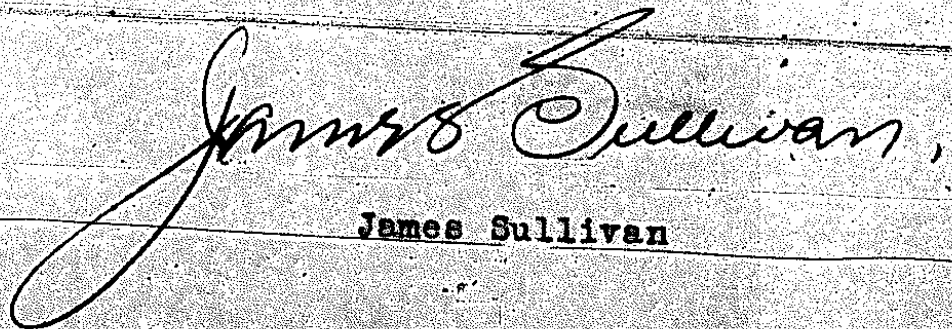
Mr Farley (2)

4) It is a reflection on the Regents in that it would make it appear that that body has to be compelled by legislation to do its plain duty.

5) This bill is in contravention of the general policy of the Department relative to regulating courses of instruction in the public schools by statutory enactment. So many of these mandatory requirements are being made that the public schools are finding it difficult to carry on their regular work.

In conclusion I would say that we recognize the patriotic motive of those who are promoting this legislation, but it seems to us that the Regents and the Commissioner under general provisions should be left with the control of the establishment of courses in this subject as well as all other subjects to be pursued in the public schools of the State. I would suggest that those who are interested in this matter bring their forces to bear upon the Regents of the University, if it is ascertained upon investigation that further provision for the teaching of the Constitution than has already been made is necessary.

Respectfully yours

A large, stylized handwritten signature in cursive script, reading "James Sullivan". The signature is written in dark ink and is positioned above the printed name.

James Sullivan



A-4

W. A. TAYLOR & CO.,  
IMPORTERS & EXPORTERS

CABLE ADDRESS  
"TAYWILL"

29 Broadway,

New York, March 20th, 1924.

Honorable, Alfred E. Smith,  
Governor of the State of New York,  
Albany, New York.

My dear Governor:

A bill has passed the Assembly and Senate in New York State making the teaching of the Constitution necessary in all the schools and colleges in New York State.

This bill has practically been passed in twenty-six states in the last three years and has never met with any opposition except in the State of Wisconsin and from Educators who do not quite understand its importance but they have eventually accepted it.

No Governor has as yet vetoed it after it has passed the Senate and House. I write this for your information. This is an attempt at unifying a law throughout the country on one of the most necessary pieces of education for Citizenship.

I am Chairman of a Committee of Constitutional Instruction, whose work it is to have this law passed in every state. Judge Morgan J. O'Brien and Mr. Haley Fiske of the Metropolitan Life Insurance Co. have been my most valuable helpers in this work.

I, in the name of my committee, consisting of twenty or more State Superintendents of Education and about one hundred and fifteen College Presidents throughout the United States, request that you sign this Bill.

Respectfully yours,

LT:FL

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W. A. Taylor

March 21, 1924

Mr. Lloyd Taylor,  
29 Broadway  
New York City.

Dear Mr. Taylor:

On behalf of the Governor, I wish to acknowledge receipt of your communication relative to Assembly Int. No. 4, which is now before him for action, and to assure you that your views will receive his careful consideration.

Sincerely,

TERENCE FARLEY  
Counsel to the Governor

TF:MM



**Public Education Association**  
of the City of New York

Founded 1895 Incorporated 1899

8 West 40th Street, New York City

*A-4*  
*Against*

**OFFICERS**

CHARLES P. HOWLAND PRESIDENT  
JOSEPH R. SWAN VICE-PRESIDENT  
MRS. SCHUYLER VAN RENSSELAER HONORARY VICE-PRESIDENT  
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MRS. JOSEPH R. SWAN  
MRS. WALKER E. SWIFT

March 21, 1924

Hon. Alfred E. Smith,  
Executive Chamber, Capitol,  
Albany, N. Y.

Dear Sir:

The Public Education Association of the City of New York asks that you will not sign the bill now before you, known as Assembly Introductory 4, by Mr. Moore, making the teaching of the Federal Constitution in Public Schools Compulsory.

This organization believes with the State Department of Education that matters affecting the school curriculum do not properly come before the legislature and are not suitable for mandatory legislation. We therefore oppose this bill, or any other which seeks in effect to usurp the powers which are already vested in the Board of Regents of the State of New York.

Respectfully,

*Charles P. Howland*  
CHARLES P. HOWLAND

CPH-EF

President, Public Education Ass'n.