

1940

Year

717

Chapter

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No. 1187

Int. 1137

IN ASSEMBLY

February 5, 1940

Introduced by Mr. McCaffrey—read once and referred to Committee on Public Education

AN ACT

To amend the education

Notes

Jurats and Enacting Clause

Compared by *Wm. C. Z*

4/10/40

APPROVED

APR 23 1940

Approved by

State of New York

In Assembly

..... MAR 19 1940

Ordered, That the Clerk deliver the bill entitled

AN ACT

To amend the education law, in relation to observance of bill
of rights week

~~To the Senate and request their concurrence in the same~~

By order

ANSLEY B. BORKOWSKI

Clerk

IN SENATE
Passed Without Amendment

MAF 29 1940

By order of the SENATE

William S. King
CLERK

PUBLIC EDUCATION ASSOCIATION
745 Fifth Avenue, New York, N.Y.

Statement to the Hon. Herbert H. Lehman

Requesting VETO of Assembly Int. 1137, Print 1137 McCaffrey

This bill requires a week to be designated annually for uniform courses in all schools on the Bill of Rights.

We are strongly in favor of every child in the public schools being made thoroughly familiar with the provisions of the Bills of Rights.

We believe, however, that this is an improper way to achieve that end. Instruction in these provisions should be given naturally in the course of the study of history and civics and should not be segregated arbitrarily and artificially in some set period. Regulations regarding the subject matter and methods of instruction should be left entirely to the Board of Regents, in order that the material may be adopted to the various school grades and the instruction may be given at such times as the logical development of the subject requires.



NEW YORK STATE BAR ASSOCIATION

ORGANIZED 1876

HEADQUARTERS
90 STATE STREET
ALBANY, N. Y.

PHONE 4-9985

A 1137

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March 1, 1940

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DEVEREUX BLOCK, UTICA
CHARLES W. WALTON, SECRETARY
90 STATE STREET, ALBANY
JULIUS ILLICH, TREASURER
78 STATE STREET, ALBANY

Assembly Int. 1137, Pr. 1187 (McCaffrey)

To add Section 52-a, Education Law, providing for instruction in citizenship.

APPROVED

GENESEE COUNTY BAR ASSOCIATION

Orondaga County Bar Assn. (Legislative Committee)

To: McCaffrey
Averill
Sobel



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

FRANCIS J. McCAFFREY, JR.

A1137
March 29, 1940

Honorable Herbert H. Lehman
Executive Chamber
Albany, New York

Dear Governor Lehman:-

My bill, Assembly Introductory Number 1137
Print Number 1187, passed the Assembly and the Senate
and will be before you for consideration shortly. The
bill, by way of a proposed amendment to the Education
Law, provides as follows:

§52-a. Observance of bill of rights week. The
regents shall designate a week during each year and
prescribe a uniform course of exercises in the public
schools of the state suitable for pupils of various
ages to instill into the minds of such pupils the
purpose, meaning and importance of the bill of rights
articles in the federal and state constitutions.
Such exercises shall be in addition to any prescribed
courses of study in the schools.

§2. This act shall take effect September first,
nineteen hundred forty.

The purpose of this measure is to inculcate a
knowledge of the Bills of Rights, federal and state, in the
minds of our youth. The thought is, that with such
knowledge, they shall be better equipped to meet and
discard any philosophies or ideologies hostile to our
American system of government. In addition to casting
aside such philosophies and ideologies, they shall be
fortified in their capacity to convince others of the
inherent values of our system. I place great faith in
the purpose of this measure as a use of the educational



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

FRANCIS J. McCAFFREY, JR.

-2-

method of combating un-Americanism. I am enclosing
herewith a copy of the bill.

Very sincerely,

Francis J. McCaffrey Jr.

FMCC:KH
Enc.

FRANCIS J. McCAFFREY JR.
Member of Assembly
14th Dist.
New York Co.

THE NEW YORK STATE TEACHERS ASSOCIATION

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ASSEMBLY BILL, INTRODUCTORY NO. 1137, PRINT NO. 1187
BY MR MC CAFFREY

This bill proposes to amend the education law by inserting a new paragraph, 52-a.

The New York State Teachers Association believes in the bill of rights one hundred per cent but we are opposed to having the courses of study and the curricula in our schools mandated by law, in detail. The bill of rights is a part of the constitution of the United States. At the present time the Board of Regents is required to have civics and history taught in the schools. Therefore, inasmuch as the bill of rights is a part of the constitution, this bill is unnecessary because the work is already being done.

By special act to mandate the Board of Regents to prescribe this as an independent function might bring discredit to other parts of the constitution.


Anyone familiar with the history of the adoption of the federal constitution knows that the bill of rights was not included in the original constitution, but because of pressure by the liberals of that day the constitution was amended to include the so-called bill of rights. It would not be out of place to call to your attention the fact that teachers today, in teaching the bill of rights, have

been charged with subversive attitudes. We say we believe in the freedom of speech, the right of assembly, the right of petition, and so on, yet, within very recent years certain groups have attempted to deny these rights to people who have stood up and protected these provisions in our constitution and have charged them with being anti-American.

Under the present regulations laid down by statute and by Regents' regulations the bill of rights is being taught. If this bill becomes a law it might be misconstrued and defeat the very purposes for which it is designed. The bill of rights should be observed every week in the year and not confined to one week.

We request the Governor to disapprove this bill.

Respectfully submitted,



ARVIE ELDRED
Executive Secretary

MEMORANDUM FOR THE GOVERNOR IN RELATION TO ASSEMBLY BILL
INT. 1137, PR. NO. 1187, INTRODUCED BY MR MC CAFFREY,
ENTITLED "AN ACT TO AMEND THE EDUCATION LAW, IN RELATION
TO OBSERVANCE OF BILL OF RIGHTS WEEK".

This bill was considered by the Regents at their
meeting on April 19 and it was voted that the Governor be
respectfully requested to give the bill Executive approval.

Respectfully submitted,

Ernest E. Cole
Ernest E. Cole

Deputy Commissioner and Counsel
State Education Department

Dated, April 20, 1940.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

THOMAS L. J. CORCORAN
ASSISTANT COUNSEL TO THE GOVERNOR

April 22, 1940.

MEMORANDUM FOR THE GOVERNOR RE ASSEMBLY INT. 1137, PR. 1187.

This bill requires the Board of Regents to designate a week during each year for uniform courses and exercises in all schools on the Bill of Rights.

The purpose of the bill is very sound. It is certainly an opportune time for schools throughout the State to lay emphasis on the Bill of Rights and to start the children at an early age to understand and respect it. I can understand the objections that have been raised to the bill for it is undoubtedly true that the provisions of the Bill of Rights should be given naturally in a course of study of history and civics. It is not a separate subject to be segregated and taught at a specific period in the year. The Board of Regents should have discretion respecting regulations of the subject matter and methods of instruction in schools.

Although the objections raised have merit, I do not see how you can disapprove the bill. I am certain that the public would not understand a veto based on the ground that the Board of Regents now has power to lay emphasis on the Bill of Rights in a course of instruction. *The fact is that the Board of Regents doesn't do it.*

You will note that the Board of Regents has voted approval of the bill. It certainly can do no harm to have a week set aside for instruction in an observance of this fundamental principle of our government. Since the Board of Regents has approved the bill, I think you should sign it.

I recommend approval.

Tom C
T. L. J. C.