Michael Poliakoff (00:11):

Welcome to Higher Ed Now. I'm Michael Poliakoff, the President of the American Council of Trustees and Alumni, and this morning I have the great privilege of introducing a wonderful, wonderful couple, both of whom have served this nation in so many important ways.

(00:30):

I'm going to start with Dorothy Deecy Gray, who was appointed in 1990 by President George H.W. Bush to the United States delegation to the United Nations on the status of women, and she has served quite a while with distinction on the board of George Mason University as a visitor. And I just learned this morning, was there when our beloved former member of ACTA's board of directors, Ed Meese was the rector.

(01:02):

So we have a great continuity here that we're going to get to in our conversation because it circles us back to the American history requirement that has been so important in regaining real civic knowledge in this country.

(01:19):

In 2019, she served as a delegate and ambassador designate to the 74th UN General Assembly for the United States. She's a syndicated newspaper columnist. She is the past president of DC Stevens Limited, a Washington D.C. public relations firm, and was also senior vice president for government and international relations at the architectural firm of Hellmuth, Obata and Kassabaum.

(01:47):

And we have with us Judge Douglas Ginsburg, who was in 1986, nominated and confirmed as a justice of the District of Columbia Circuit Court of Appeals. And in 2001, he became the chief justice of that court where he served until 2008. He's been a distinguished professor at a number of law schools, including Harvard and University of Chicago and Columbia.

(02:19):

And getting right to the point of this podcast in our focus on civic education, he created and hosted a more or less perfect union, a three-part television series about the United States' Constitution and has created a absolutely vital tool for the regaining of civic literacy, namely Civics Fundamentals. And I'm going to ask that we start right there, Judge Ginsburg. Thank you so much for being here.

Judge Douglas Ginsburg (02:50):

No, thank you. Well, Civics Fundamentals is based on the 100 questions on the naturalization exam, and I made two-and-a-half minute videos addressing each of the questions. It's very easy to pass that test without actually learning anything. It has questions that are sort of arbitrary. Where is the Statute of Liberty? Name a U.S. territory, things of that sort.

(03:17):

But in two and a half minutes of video, which is how young people learn, it's there on the web for people who want to become citizens, but I really made it for schools.

Michael Poliakoff (03:26):

Desperately needed.

Judge Douglas Ginsburg (03:28):

So in two and a half minutes you could say, "Well, each of these territories was acquired at a different time, for a different purpose," and using maps and archival film and photos make it an interesting story.

Take where's the Statue of Liberty and turn it into two and a half minutes on the history of Ellis Island, and that's memorable. People learn something from that.

Michael Poliakoff (03:49):

Now, some of my forebears came in that way too.

Judge Douglas Ginsburg (03:52):

Oh well, something like 60 million people, forebears in the United States came in that way. And then 18 states now have indicated that they are or will be using the questions on the naturalization exam as either a required course or requirement for graduation from high school. And so this is out there on the web free for teachers to use.

Michael Poliakoff (04:17):

This is a wonderful contribution. Of course, as we think about it, it's with a certain amount of sadness too, that it's uncertain that our high school students could do well on this exam without special preparation. And moving to higher ed, I'm not convinced at all based on our surveys that a great number of college students would be able to pass that very basic exam.

(04:48):

We've shared with you some of the results from two of the surveys that we've given. We're doing one each year in the lead up to the 250th anniversary of our nation. But here are a couple of those findings.

(05:02):

60% of students do not know the term lengths of members of Congress. So if they bother to vote, they don't even know how long they're sending their elected representatives for in Congress. Only 37% know that John Roberts is the chief justice of the Supreme Court. Only 23% could recognize that the government of the people, by the people, and for the people comes from the Gettysburg Address.

(05:33):

Let me stress college students to whom a multiple choice survey was administered. So it wasn't a flunkeroo in which they might actually have to come up with the right answer by themselves, but they could not even identify the correct answer.

(05:52):

So we ask ourselves since we're on the OECD charts at the very, very top for expenditure per pupil, "What have we been buying with all of our funds?" I do have to give the carve out that Luxembourg actually spends a little more per pupil than we do, but I think that's kind of an outlier. The United States is at the top of the charts for expenditure. And when we come to core collegiate skills, it's a little bit below average.

(06:25):

And so in that regard, the impatience of the country that we're seeing now is something so long overdue, and I'm just so grateful to you Judge Ginsburg for both, sounding the alarm and also providing some remedies.

Judge Douglas Ginsburg (06:42):

Well, thank you. The situation is as bad as you're describing, if not worse. In the recent quadrennial election, in the early stages when there were quite a number of candidates, some of them were promising things that were either blatantly unconstitutional or, "I will do on the first day, something that in fact

would require the concurrence of both houses of Congress." And even the journalists wouldn't challenge them on that, which was shocking.

Dorothy Gray (07:10):

Because they didn't know either.

Judge Douglas Ginsburg (07:12):

Probably not.

Dorothy Gray (07:13):

Try this with your friends. Just ask them some of the questions that are on the 100 for the naturalization test. Name five territories. You'll be lucky if they get three. Were senators always elected? "Oh, yes," most people will say. And of course they weren't.

(07:31):

So it's just a good reflection. It's not just students, it's adults. And unless we have a conversation as a nation about this, which I think the 250th gives us a great opportunity to do, it's not going to happen because the teachers federations and unions that have not pushed this, it's going to take the people to push this.

Judge Douglas Ginsburg (07:54):

Oh, it's undoubtedly true. But I do think that the younger people are, the more ignorant they are because they've received less real education.

Michael Poliakoff (08:02):

That's absolutely certain because in our surveys we do separate by age bands, and it is the youngest age band 18 to 24 where we see the worst results. And that does not bode well for the future if we don't turn it around soon.

(08:22):

And it's not as if we haven't had warnings and even good direction. I think of President Reagan's farewell address when he told the young people at the dinner table, "Ask your parents about these important elements concerning our country, and nail them if they're not committed to that kind of study."

(08:47):

But the words were written on wind and water, unfortunately as brilliant and important as they were because we've really lacked the will to see these things through. And you had mentioned, Judge Ginsburg about SCETL. You're on SCETL's board, I think, in the Jack Miller Center board.

Judge Douglas Ginsburg (09:07):

On the advisory board for the Jack Miller Center, which has been promoting the SCETL programs. Yeah.

Michael Poliakoff (09:14):

And it's a really wonderful thing to see that these programs are emerging now. Chapel Hill has a wonderful new one, the School of Civic Life and Leadership, and the Institute of American Civics at University of Tennessee. And there the Governor Bill Lee in his State of the State Address said, "I want an institute for informed patriotism." He was channeling President Reagan. And we've got a great one at the University of Florida and at University of Texas, Austin. And God bless him, Senator Jerry Cirino at

Ohio saw through a $24 million appropriation to start five of them. And wonderful, one is now up and running at Ohio State University.

(10:04):

Again, glass full, as I was saying earlier, before we started recording. It's not full yet, but I see the level rising if we can continue to keep that momentum.

Judge Douglas Ginsburg (10:16):

The Ohio story is particularly interesting because when the Jack Miller Center people approached some authorities there to do one of these, they said, "Yeah, let's do five."

Michael Poliakoff (10:30):

It reminds me, this is what happens when you don't have enough sleep because of that late arrival. The story is told that when Cecil B. DeMille was doing his great film on the life of Christ that he said to one of his assistants, "Who are those guys?" And his assistant said, "Oh sir, those are the 12 apostles," to which Cecil B. DeMille said, "Make them 50."

(10:56):

So I think our friend Jerry Cirino has kind of channeled Cecil B. DeMille and he's done something very important, which brings me back to UDC. In this Omnibus Bill, Senate Bill 1, which he saw through against that's quite a lot of flack actually, especially coming from the press and from the teachers unions and so forth. But in Senate Bill 1, which has been signed by Governor DeWine, there is a requirement for every student in every public university to take a course on American history and government.

(11:33):

And it's prescriptive. It's not saying carte blanche. "Okay, read a little Howard Zinn and a little something or other about what a bad country we are." But what it lays out is Declaration, Constitution, Federalist Papers, Emancipation Proclamation among other things, and even some selections from Adam Smith so that it builds in a certain respect for free markets, which I realize, Judge Ginsburg has been a real part of your worldview.

(12:04):

And right now, against all of the wailing and gnashing of teeth, these things are being planned and implemented. And what will happen is that tens of thousands of students each year will have that grounding, and it doesn't lock the instructor in. The instructor still has plenty of room for creativity and genius, which is what we want from faculty. And some of them will be of liberal persuasion, others of conservative persuasion. But it's always been my belief that these texts can only be manipulated so far. And if we have deep study of the texts, then we have a real dialogue.

Judge Douglas Ginsburg (12:48):

Well, they can be manipulated so far, and have been over the years. Charles Beard is a fine example of writing a history that portrays every major figure as somehow self-interested and greedy at a time when the great innovators that created the Industrial Revolution were being excoriated as robber barons instead of vast contributors to the welfare of society.

(13:17):

But you're right, of course, that all of these are advances, they're all steps forward. It's important to realize, and some of your survey data show it, just how formidable the task is to really undo so much of the damage that's been done and continues to be inflicted.

(13:36):

At the University of Michigan history department, when they say in the website, they want people to be able to shape the major to their own interests. And so there's no requirement to take a straight American History course, but everyone could take the history of the FBI, history of sexuality, something based on television shows, or Mad Men. Mad Women is the name of the course, and this is madness.

(14:02):

I mean, it is not just a huge waste of time, which is bad enough in itself, it's conveying a message about what's important that is so perverse.

Michael Poliakoff (14:14):

Yes, yes, and yes. It reminds me of what our late friend, Judge Richard Bray. You may have known him from the Virginia Court of Appeals, said this wonderful, wonderful wisdom. "You know, Michael, when I take my grandchildren to the supermarket, they don't run to the counter where the vegetables and the meat would be. They run to the ice cream and the candy."

(14:41):

That's what colleges and universities in their dereliction have done. They've put this vast cafeteria line in front of students who are in many ways, very, very naive, many of them without the family that basically going to say, "No, no, no, no, no. You are going to take that course in statistics, not that course on jazz dancing. If you want me to pay for an education, I'm going to pay for an education. And if you have a little space left over for electives, go ahead, then you can do the jazz dancing, but you are going to become educated. You are going to pick up a diploma that is meaningful."

(15:21):

And if the university is not providing the scaffolding for that, then it really is an act of malfeasance to put these alluring courses with trendy names and lots of fun films and TV shows in front of them. I think the legal term is attractive nuisance. Maybe that isn't going to be an emerging area of law when students and their families have paid vast sums of money, and at the end they're not qualified for very much.

(15:54):

But Deecy, I wanted to turn to you because you were there at the beginning when Ed Meese saw through against opposition, a really good and solid American history requirement in the George Mason University Corps.

(16:11):

And now we're seeing in the social and behavioral science, options. It's all part of that smorgasbord line. Scientific racism and human variation, stress and well-being, introduction to the autism spectrum disorders, gender representation in popular culture, critical race studies, women and tourism, contemporary gender relations. I think we used to discover that at mixers that the university would have.

(16:44):

What happened? More important, since you've had two tours on that board, how can we turn this around? Full disclosure, I have occasionally taught at night, one of the literature core courses for George Mason, Classical Mythology or Legacy of Greece and Rome, which I subtitled Antiquity's Greatest Hits. Mason is a school with its vast potential.

(17:10):

I know, Judge Ginsburg, you've been a lecturer at The Antonin Scalia School of Law. How do we turn this around?

Dorothy Gray (17:18):

I think as we found out recently in some elections mostly at the gubernatorial level, it takes parents, it takes the people to speak up and to vote because unfortunately, teachers, the unions, the representatives, they have not backed solid education in higher ed or in secondary schools.

(17:47):

And it seems just like a basic thing, but we found this out after COVID, that parents really looked for the first time in a long time at what was being taught to their sons and daughters and they were appalled, absolutely appalled.

(18:03):

And I don't know if former General Meese was astute enough to foresee that or not, but I will say he ran the best meeting I've ever seen, of anyone because you never knew where he stood. He went around the room, he took inventory of people's thoughts, he set up committees, but at the end he said, "This is what we're going to do." I assume he took all those things into consideration. That's just how thorough he was.

(18:31):

But that's what happened, and that's what happened there when he said, "We're going to have a course on American government." Done, but not without a lot of laying of the table to get the right results in the meal. And that is what I think has to be done in this case.

(18:47):

I think that politicians will not listen, or don't listen. When I went to college, you had all these requirements, as you said, Michael. And certainly you had to have a major in a strict discipline. And then if you were lucky, you could take some electives. But now it's like elective city and then maybe a language course. That's ridiculous. In this day and age, that's ridiculous.

(19:13):

People are going to have to speak up and they're also going to have to say, "We're not going to pay this amount of money when it comes to higher ed," because it's just out of control spending and that has got to get a lid on it. And it's not going to happen unless families speak up.

Judge Douglas Ginsburg (19:29):

I think also, at some universities, perhaps George Mason included, there are a lot of adjunct instructors, and the adjunct instructor's incentive even more so than that of a tenured faculty is to attract enough students to be renewed for the following year. And so there is a popularity calculation that goes into what they're offering.

(19:53):

I mean, you offer a solid course in classical mythology and then had to add a subtitle that would get the notice of the students.

Michael Poliakoff (20:05):

Well, actually the subtitle was informal, but-

Judge Douglas Ginsburg (20:07):

Yeah.

Michael Poliakoff (20:08):

... you're quite right. And it spoke well for my department chair, that I would start with about 30 students opening day. When they saw the syllabus and sat through my introduction, dropped by about a third. And

that was okay because as I told them at the beginning, I'm there for their success. I can't help them at all if they will not do the reading.

(20:36):

And this was not going to be a course that was going to be restricted to 50 to 100 pages of reading. They were going to read a bunch of Greek tragedies and Platonic dialogues and things that they would carry with them. And of course I told them that if they were the same people at the end of this course that they were at the beginning, that I would've been a failure. I expected that they would start thinking about their lives differently.

(21:05):

I really miss being there actually. It's just, my devotion to ACTA right now has to be 100% even in the evenings. But you're quite right that the incentives are not good, and for tenure track and tenured faculty as well.

Dorothy Gray (21:22):

I think tenure process has to change.

Michael Poliakoff (21:24):

Yeah.

Dorothy Gray (21:25):

I think that's a key. Just like any other job, if you know you don't have to perform, if you can coast, you coast, or at least most people do. And so I think that whole thing has to be also, changed. People have to realize that being on the board of the university is not a reward of giving for football tickets, but that there is a responsibility and the board of visitors, board of governors run the school for the state.

(21:53):

I'm sorry to say that I think public universities have been much better at adhering to that than private universities. I don't know what we can do to make private universities as perceptive. I think they are more isolated, again from the public in many respects, and that has hurt them in the eyes of public persona as we see in the news almost every day now.

Michael Poliakoff (22:20):

Well, there is an accountability trail for a public university.

Dorothy Gray (22:25):

Much more.

Michael Poliakoff (22:26):

Trustees, visitors, regents, and a good governor. And I will say, although I'm supposed to stay politically neutral, we have a very good one in Virginia. A governor is going to be very sensitive to the people that will be part of the governor's agenda for higher education, and will not be making appointments that are essentially, conditioned by political influence or anything other than their preparation to be informed and engaged arbiters of what's best for the state.

(23:05):

And I'm saying state before university because they serve the state. It's a grave mistake for any trustee to be thinking that the primary audience is just that institution. And even private universities, of course are

taking gobs of federal and often, state funding. The university owes it to the nation, to keep its priorities straight.

Judge Douglas Ginsburg (23:34):

Tenure though presents, I think a difficult set of issues. The idea being initially to protect scholars whose positions would otherwise be unpopular, and it may have become too generalized so that people whose fields or whose work doesn't really cry out for that kind of protection end up with tenure. Maybe it comes too early. I'm not sure what a solution might be, but it has just the incentive effect that my wife just described.

(24:06):

And I'll tell you a very brief story from a president of a small college in Pennsylvania who said that a professor was voted tenure and he went directly from the faculty meeting to the professor to tell him the good news. And as they were chatting, the man got up from his desk and went over to his bench and started putting rats out of the cage and holding them under the water, drowning them. And when the president said, "What are you doing?" He said, "They gambled and they lost."

Michael Poliakoff (24:33):

Whoa. Oh. Whoa.

Judge Douglas Ginsburg (24:37):

That was a pretty dramatic but true example of what can happen. So you have to balance that with some of the protective aspects of tenure. And I was a student at Cornell when the student union was taken over by half a dozen Black students with rifle or machine guns or something. And the result was that the history and government departments were drained of their talent.

(25:00):

Within the next year, Walter Berns, Andrew Hacker, Clinton Rossite, Kagan went to Yale. Six people of that stature were gone. The scientists were unfazed. They weren't sensitive to that, but these people needed tenure. And even with tenure, when the president didn't back them up or didn't protect the university from violence said, "So long."

Michael Poliakoff (25:26):

And of course, bringing it to our own times, Martha Pollack was trying to force through mandatory, as she called it, anti-racism training for the faculty.

(25:39):

Very pleased at what ACTA did. We sent a five-and-a-half-page letter to the faculty senate and just pointed out to them what was in the fine print of President Pollack's initiative, which was that anyone who didn't do every year, the requisite amount of such forced training would lose privileges of teaching and research.

(26:06):

In other words, it wasn't optional and it was going to be organized by the most radical elements on campus. And that in the absence for students of an American history or government requirement. Deecy, you were about to say.

Dorothy Gray (26:22):

Well, I think so what Doug and I did, or thought about doing and have done is precisely because if we don't have students going to college, ready to be able to take on some of these challenges, it's going to get

worse. And luckily, we have things going on, like the Jack Miller Center who are focusing on higher ed, but we decided to focus on middle and high school, so grades six through 12.

(26:48):

And a lot of the civics fundamentals program has lesson plans for teachers. And we teamed up to get a 501(c)(3) to help us with izzit, I-Z-Z-I-T.org. And they have 70,000 teachers nationwide who've started to do this. And then Doug and I have gone state by state to try and work with the secretaries of education in each state.

(27:14):

It is extraordinarily, painstakingly slow. Why? Because again, we need grassroots pitching. There's no other word that says it as well to say, "This is what we want our students to learn. If nothing else, civics, but also American history in high school and secondary school down to sixth grade."

(27:36):

And to me, that just is what the taxpayer deserves, employers deserve in the future. We need young citizens to know this in order to be able to vote intelligent. So I just can't see any reason for pushback. But believe it or not, there is.

Michael Poliakoff (27:53):

Judge Ginsburg, you've pointed out that many secondary schools, although it may be statutory for there to be an American history requirement, it's absent. They're not even fulfilling the law as far as I can see.

Judge Douglas Ginsburg (28:07):

Well, there's that pattern. There's also the pattern in which the civics is taken out of the curriculum and the American History teacher is told to just cover civics too, which is quite impossible. When No Child Left Behind came along in 2001, art, music, civics, anything for which you didn't get money from the federal government was compromised and teaching, reading, and math were emphasized.

(28:30):

And you can understand the plight of the schools who were trying to get their scores up in that regard.

Dorothy Gray (28:35):

But the scores didn't go up.

Judge Douglas Ginsburg (28:36):

But the result was, yeah, the scores were not much affected. I think by now all states have dropped out of the program. It just wasn't effective for anybody. And by the way, I'm pleased to say it's 170,000 teachers that-

Dorothy Gray (28:51):

Oh, I'm sorry.

Judge Douglas Ginsburg (28:51):

... on there-

Dorothy Gray (28:51):

Did I say 70?

Judge Douglas Ginsburg (28:53):

Plus we know that civics fundamental is being used in 48 states, but we don't know by how many teachers in each state.

Dorothy Gray (28:58):

Those of you who are listening, who help pay for their children's education or grandchildren's, I really wish you would ask the schools before you write another check or just make a donation, what are they doing on civics education and what are they doing on American history requirements? Because you're the ones that are funding this and you're the ones that they're going to listen to even more than anyone else because without you, they can't survive.

(29:24):

And in private education, this is even more true. It makes such a difference, but you have to be involved.

Michael Poliakoff (29:31):

We need to create a virtuous circle to replace the vicious circle that we have here.

Dorothy Gray (29:38):

Nice thought.

Michael Poliakoff (29:39):

And as you were talking, it brought back to mind the utter failure of teacher preparation in this nation. We have within higher education, very bad preparation of the people who may have gone into their education programs with really good intentions. They come out undereducated or miseducated about the story of our nation and then they become schoolteachers.

(30:08):

And as you've pointed out, they are utterly unprepared to train young people. And so by the time their charges arrive at higher education, if they have any knowledge of the way our country works and how our institutions developed, it's likely to have a very perverse slant to it as well.

(30:32):

Last I looked, Howard Zinn's People's History was the most widely read book in higher education courses. And I thought, "How awful?" A book that is so tendentious that every responsible historian that I know, whether liberal or conservative has blasted it.

Dorothy Gray (30:52):

So Michael, that's why there's such a pushback against higher ed in general, plus the fact that most people in this country do not go to higher ed. And the part that's left out in all this is the community college. I did teach at a community college in St. Louis, in fact, two different ones. And I can't tell you how much the students that I've found there valued education.

(31:13):

Why? Because no one sent them there. Most of them had one or two jobs, or their parents took a second job if they were helping, to be able to pay for that. I think we've been very easy on our young people who go particularly to elite schools and they've never had a job. They've never appreciated anything because it's been given to them. It's just like people here who are naturalized, sometimes value citizenship more than those of us who were fortunate enough to be born here.

(31:45):

But I think that we really need to address the middle school, secondary school, community college. I think it's vital. That's where the majority of our people are. And it's just too bad that those who are fortunate enough to have risen to the top have not been as responsible and measured about getting the word right.

Michael Poliakoff (32:07):

Very nicely put. Thank you.

Judge Douglas Ginsburg (32:08):

Howard Zinn's book has sold more than two million copies. It's rated in the top one or two or three in several different categories on Amazon. The second most, I think widely used text, if you will is The 1619 Project. Zinn is a Marxist. The 1619 authors are just ignorant and tendentious. And these things get used, in part because the teachers don't know what else to do.

(32:37):

In a Pew survey a few years ago, 79% of social studies teachers said they felt unprepared to teach civics. They may have been unprepared to teach other aspects of social studies too, I don't know. But what makes attractive, something like Zinn's book, instruction in civics dropped off precipitously starting in the 1970s, or at least that's as far back as we have data.

(33:00):

And then again, it fell off a cliff in 2001, as I mentioned, with No Child Left Behind. But in the 1970s, who was going into teaching? Well, it was the students who'd been on campus in the late 1960s. They weren't particularly proud to be American. Many of them really hated the country. That bias, I think, really infiltrated who self-selects to be a teacher, teacher of this sort of material, how they're educated and what they go on to teach. And we're still living with that legacy.

Dorothy Gray (33:32):

Do you think that was because of Vietnam?

Judge Douglas Ginsburg (33:34):

Definitely. Vietnam and the social turmoil that coincided with it.

Dorothy Gray (33:38):

Yeah.

Michael Poliakoff (33:39):

It really was a kind of perfect storm of things. It would take people away from informed patriotism, recognition that we're not a perfect nation, but we are striving to be a better nation. And when we measure ourselves against other nations in the world, we can hold our heads really, quite high.

Dorothy Gray (34:02):

So this leads me perfectly into saying that Doug's most recent thing, and which he's done for the 250th anniversary of our country is accessible to everybody right now by going to declarationmovie.com. It's called We Hold These Truths. It is the story of our Declaration of Independence, but mostly how it not only worked for us, but how it influenced other countries and continents around the world. And you probably want to say more than I do.

Judge Douglas Ginsburg (34:35):

Well, our Declaration is cited, referred to, and sometimes quoted, sometimes extensively in the founding documents of more than 100 countries. And in this one hour, this is a one-hour program I did for public television. A prequel to, if you will, to the Constitution series. We talk about the influence abroad in more than 100 countries, and then how the Declaration comes back to the U.S. and is applied and used, inspires the abolitionists, the women's suffrage movements, the Civil Rights movement in the '60s.

(35:08):

And it really has been extraordinarily influential because it's an aspiration that will never be fully achieved, but which is more important than any alternative aspiration, liberty and equality.

Dorothy Gray (35:21):

So let me just say one more thing on this. So for the 250 of those of you who are listening, we have found that people really need product, whether it's a museum, a Lions Club, The Daughters of the American Revolution, The Sons of the American Revolution, veterans groups.

(35:40):

All of these groups are looking for content to show to their members and have discussion and some celebration with it. This movie is perfect because you can stop it at any point you want and have discussion points among yourselves, and it's fun.

Michael Poliakoff (35:56):

I hope our listeners will take that absolutely to heart. You may be aware that ACTA has formed a national commission, which has a very simple but absolutely vital goal, which is to prompt more colleges and universities, especially privates to restore the American history and government requirement.

(36:18):

And we'll be producing a white paper in 2026 with a lot of press behind it. I'm not wildly predicting that we can get 100% participation, but if we can get hundreds more schools that will simply make that commitment. In some cases it will mean that the board of trustees will have to mandate and say, "We're not interfering with anybody's academic freedom, but the product of this enterprise is student learning." And we have a responsibility to make sure that we are turning out informed, engaged citizens, not simply by doing a community service project, which is often what substitutes for real understanding of the nation, but serious academic study of the American story.

(37:12):

And in my best hopes, we'll have colleges and universities increasingly embarrassed not to have a solid foundational course. And for public universities, legislators are helping us, hence the REACH Act in South Carolina and Senator Cirino's Senate Bill 1. And right now, before the North Carolina Legislature and the Tennessee Legislature, similar initiatives so that when taxpayers are paying for their public universities, they can expect that students will understand at least the rudiments, the fundamentals of our nation.

(37:53):

So that's my great ambition that ACTA can make this gift to the nation with the help of distinguished advisors. And I will now quote a little Goethe, "Then I can say to each passing moment, stay, you are so fair. We've done something really good."

(38:11):

But Judge Ginsburg, you were smiling. I was talking about the abdication of responsibility to make those courses required.

Judge Douglas Ginsburg (38:21):

I was thinking of what Gordon Wood said when he retired from teaching history at Brown, that there was no straight American History course at Brown after that. Maybe that's changed. It's been a few years now, but there was not. There would've been a course on the effects of Europeans on Indigenous people and so on. And there was a major in history, but there was no straight American History course at a renowned Ivy League university.

Michael Poliakoff (38:48):

And what we've discovered as well in some of our research and we put in our publications, even for the history major, there will be requirements for the study outside of North America, required courses on Asia or Africa, but no requirement for an American History course in the core for the major.

(39:13):

What is that telling us? This is not for a moment to say that we should not be globally aware, or that our history majors should be narrow and parochial, but we live here. And this has also been the inspiration, as you pointed out in your discussion of the Declaration of Independence, for so many other nations around the world. We matter.

Judge Douglas Ginsburg (39:39):

Actually, American History well-taught, I think would include more of an appreciation of America's role in the world. Our War of Independence, as an example of a starting point. It was a world war in which we were allied with France and Spain and helped fight Netherlands and Russia against Great Britain, their common enemy. And it was a outgrowth in part of the French and Indian War, or the seven years' war that ended in 1763. It didn't just happen here with a wall and oceans around us.

Michael Poliakoff (40:16):

Yes. Yes, indeed. And that has been one of those core elements in our understanding, American grand strategy. What is that? And it's certainly about engagement. It needs to be tweaked and improved. But by doing our study of ourselves well and honestly with candor of both our successes and our failures, we are doing something that has the most dramatic global implications.

Dorothy Gray (40:47):

Well, you don't see anyone immigrating into China or Russia. We were just at a meeting of a group of judges and they were talking about the patriotism that's shown at naturalization ceremonies.

(40:58):

And I would urge anyone listening, if you haven't been to one, it'll revive your spirits to go. That it is such a terrific thing and something that federal judges preside over. It's good for judges right now too, to feel reinvigorated, I think. And there are going to be a lot of them coming up with the 250th, I'm sure.

(41:19):

So I urge you to ask around if you know judges socially, "Are you doing a naturalization ceremony? We'd love to come." And the venues, we heard about them have been just terrific. I mean, one judge in San Diego, and I think he said on the Reagan, the ship, 1,600 people. Often they're in courthouses, but I think creative venues are something of interest to do as we go forward. So if you have suggestions, we welcome them.

Michael Poliakoff (41:45):

Well Deecy, I have a little lump in my throat because when we adopted our older daughter in China, we took her as a baby to the naturalization ceremony and it was indeed incredibly inspiring.

(42:02):

You've been incredibly generous with your time, but before we wrap up, I wanted to ask you, you've been a treasure trove of great ideas and things that you're implementing. Are there other things that we haven't covered in the initiatives that you've been undertaking to strengthen civic knowledge in our country?

Dorothy Gray (42:22):

I'm shocked how people don't know anything about the courts. And I think with all the publicity that had gone on over the past couple of years about the courts, people come up to me much more than they do to Doug and they'll just say, "What is the difference in a federal judge and a state judge? How do you get to be a judge? What is an appellate judge versus a district judge?"

(42:45):

And really, they don't know anything and they're shocked by what they see on TV of some judicial behavior. And if I say, "Well, this was this kind of a judge," they say, "Well, what do you mean? Isn't a judge, a judge?"

(42:56):

So that is something that I don't see people addressing. And I think we need an education program about that, which could easily come up in civics.

Michael Poliakoff (43:05):

Well said. And of course, one thing I neglected to mention was that the really excellent article that you did, Judge Ginsburg, after all the fussing about the Dobbs decision, total inability of people to understand what the procedural and judicial prerogatives were as they started picketing the houses of the justices.

Judge Douglas Ginsburg (43:30):

For the vast majority of people, anything they know or read or come to learn about the courts comes through newspapers and other press organs, and the press is tirelessly politicizing whatever they write. They simplify. They don't understand the procedural aspects, and then they identify every judge by his or her background before coming on the court. Or if it's a federal judge, which president nominated him or her.

(44:00):

It's a great disservice. I don't see any way to break that habit. It's a self-interest on the part of the publishers and so they go on doing it. And my wife's the one person, the one-man band as it were, educating people one by one about the court system. And when they don't know anything, it tells you two things. They didn't learn about it in school and they've led a virtuous life. Okay?

Michael Poliakoff (44:25):

I treasured what Chief Justice Roberts once said that, "The reason we put on robes is to emphasize the fact that we're not personalities, we are representatives of the law." And we are in a dangerous place right now. I think it's a bipartisan problem. That rule of law is what separates us from savagery. Classicist, I'm always quoting Cicero's Pro Cluentio that we are slaves to the law so that we can be free.

Judge Douglas Ginsburg (44:59):

The Harvard Law Library has an inscription going around the top of the reading room, forget to whom it's attributed. "Laws are the wise restraints that make men free."

Michael Poliakoff (45:11):

Yes. Well, I want to thank you both. This has been really, really wonderful conversation. I'm feeling invigorated by it. And we will be very, very proud to get this out widely, very quickly.

Dorothy Gray (45:29):

We want to thank you for inviting us.

Michael Poliakoff (45:29):

And God bless you both for what you're doing.

Judge Douglas Ginsburg (45:30):

It's been an interesting conversation for us because you're the maestro and you've led a good symphony here.

Michael Poliakoff (45:36):

Well, thank you. And I come in every morning to ACTA with a real rush of adrenaline for the things that we're going to be addressing. We've had our great successes. We've had some setbacks, of course over 30 years, but many of the things that we called upon the nation to address in 1995 when we were founded are now things that are front and center, and that's very gratifying.

Judge Douglas Ginsburg (46:05):

It should be.

Dorothy Gray (46:05):

Congratulations.

Michael Poliakoff (46:05):

Thank you. Yeah. My junior high school principal once told us that we shouldn't be thermometers just telling everyone how hot or cold it is, but to be thermostats and to make things better.

Dorothy Gray (46:21):

That's a great analogy.

Michael Poliakoff (46:21):

And so I thank you both for all you're doing to make things better.

Judge Douglas Ginsburg (46:25):

Well, thank you for inviting us. Appreciate it.

Doug Sprei (46:45):

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(47:01):

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