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OAKLAND

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17 IN THE UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
19 SAN JOSE DIVISION

20 STEPHEN J. WILLIAMS,

21 Plaintiff,

22 v.

23 PATRICIA VIDMAR, Principal of Stevens  
24 Creek School, WILLIAM BRAGG,  
Superintendent of Cupertino Union School  
25 District, PEARL CHENG, BEN LIAO,  
26 JOSEPHINE LUCEY, GARY MCCUE,  
27 GEORGE TYSON, Board members of  
Cupertino Union School District, in their  
official and individual capacities,

28 Defendants.

ADR

PNT

CASE NO.

04 4946

**VERIFIED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND DAMAGES**

1 Comes now the plaintiff, Stephen J. Williams, by and through counsel, pursuant to the  
2 Federal Rules of Civil Procedure and against the Defendants avers the following:

3 **I.**

4 **INTRODUCTION**

5 1. This case is about the First Amendment rights of Stephen Williams, a public  
6 school teacher and orthodox Christian. The Defendants have systematically censored Mr.  
7 Williams' choices of supplemental handouts because those handouts – chiefly excerpts of  
8 primary source documents from America's founding era, or from state constitutions – contain  
9 some religious content. Defendants have ordered Mr. Williams (but no other current teacher) –  
10 to not distribute any supplemental handout unless it appears on a list of authorized handouts that  
11 applies only to Mr. Williams. This is a violation of the First and Fourteenth Amendments to the  
12 United States Constitution for which Mr. Williams seeks declaratory relief, injunctive relief,  
13 nominal damages, costs and attorneys' fees.

14 **II.**

15 **JURISDICTION AND VENUE**

16 2. This action arises under the United States Constitution, particularly the First and  
17 Fourteenth Amendments; and under federal law, particularly 28 U.S.C. §§ 2201, 2202 and 42  
18 U.S.C. §§ 1983 and 1988.

19 3. This Court has original jurisdiction over these federal claims by operation of 28  
20 U.S.C. §§ 1331 and 1343.

21 4. This Court has authority to issue the requested declaratory relief under 28 U.S.C.  
22 § 2201.

23 5. This Court has authority to issue the requested injunctive relief under 28 U.S.C. §  
24 1343(a)(3).

25 6. This Court is authorized to award the requested damages under 28 U.S.C. §  
26 1343(a)(3).

27 7. This Court is authorized to award attorneys' fees under 42 U.S.C. § 1988.  
28

1 8. Venue is proper under 28 U.S.C. § 1391 in the Northern District of California  
2 because this claim arose there, and the parties reside within the District.

3 **III.**

4 **INTRADISTRICT ASSIGNMENT**

5 9. Pursuant to L.R. 3-2(e) & 3-5, this case is a civil rights case, in a non-excepted  
6 category, suitable for assignment to the San Jose division because the civil action arose in Santa  
7 Clara County.

8 **IV.**

9 **IDENTIFICATION OF PARTIES**

10 10. Plaintiff Stephen J. Williams is a resident of Mountain View, California.

11 11. Defendant Patricia Vidmar is Principal of Stevens Creek School, within the  
12 Cupertino Union School District. Among other things, this Defendant is responsible for setting  
13 the policies at Stevens Creek School and implementing the policies of Stevens Creek School and  
14 the Cupertino Union School District.

15 12. Defendant William Bragg is Superintendent of Cupertino Union School District.  
16 Among other things, this Defendant is responsible for setting and implementing policies for  
17 schools within the Cupertino Union School District.

18 13. Defendant Pearl Cheng is a member of the Board of Education of the Cupertino  
19 Union School District. Among other things, this Defendant is responsible for setting policies for  
20 schools within the Cupertino Union School District.

21 14. Defendant Ben Liao is a member of the Board of Education of the Cupertino  
22 Union School District. Among other things, this Defendant is responsible for setting policies for  
23 schools within the Cupertino Union School District.

24 15. Defendant Josephine Lucey is a member of the Board of Education of the  
25 Cupertino Union School District. Among other things, this Defendant is responsible for setting  
26 policies for schools within the Cupertino Union School District.

1           16.     Defendant Gary McCue is a member of the Board of Education of the Cupertino  
2 Union School District. Among other things, this Defendant is responsible for setting policies for  
3 schools within the Cupertino Union School District.

4           17.     Defendant George Tyson is a member of the Board of Education of the Cupertino  
5 Union School District. Among other things, this Defendant is responsible for setting policies for  
6 schools within the Cupertino Union School District.

7           18.     Each Defendant is sued in his or her individual and official capacities.

8   **V.**

9   **STATEMENT OF FACTS**

10           **Background**

11           19.     Plaintiff Stephen J. Williams currently teaches fifth grade at Stevens Creek  
12 School (“the School”), which is part of Cupertino Union School District (“the District”).

13           20.     Defendant Patricia Vidmar is the Principal of the School.

14           21.     Mr. Williams has taught for eight years in the District.

15           22.     Mr. Williams has taught fifth grade for six years.

16           23.     History and Social Studies are among the subjects that Mr. Williams teaches the  
17 fifth grade students at the School.

18           **Conflicts Over Handouts and Lessons**

19           24.     The District’s fifth grade History textbook is entitled “A New Nation: Adventures  
20 in Time and Place” (“textbook”).

21           25.     Mr. Williams frequently supplements the district-approved textbook with  
22 curriculum-related handouts for his students to understand the topic under study.

23           26.     It is not uncommon for teachers within the District to supplement District  
24 textbooks with curriculum-related handouts.

25           27.     Mr. Williams chooses supplemental handouts that, in his judgment as a  
26 professional educator, satisfy the California History-Social Science content standards for the fifth  
27 grade.

1           28.    Many teachers employed by the District supplement the textbooks for each  
2 subject with curriculum-related handouts.

3           29.    In his judgment as a professional educator, Mr. Williams cannot satisfy the  
4 California History-Social Science content standards for the fifth grade if he does not supplement  
5 the textbooks with handouts.

6           30.    When teaching the history of the founding era, Mr. Williams includes original  
7 source documents from the founding era, or excerpts from such documents, as his supplemental  
8 handouts.

9           31.    When teaching the history of the founding era, many of the documents Mr.  
10 Williams distributes as handouts contain references to God and Christianity.

11          32.    Many original source documents from the founding era contain references to God  
12 and Christianity.

13          33.    On or about May 19, 2004, Principal Vidmar ordered Mr. Williams to submit all  
14 of his lesson plans and supplemental handouts to her for review in advance.

15          34.    Principal Vidmar reviewed Mr. Williams' lesson plans and curriculum-related  
16 handouts to determine whether either had religious content such that they would not be  
17 permissible for use in or for Mr. Williams' classes.

18          35.    Since approximately May 19, 2004, Principal Vidmar has systematically rejected  
19 Mr. Williams' proposed lesson plans and proposed supplemental handouts that contain  
20 references to God or Christianity.

21          36.    Mr. Williams is aware that one parent has complained about one handout during a  
22 lesson on Presidential Proclamations.

23          37.    Mr. Williams gave a supplemental handout consisting of President George W.  
24 Bush's Proclamation on the National Day of Prayer as an example of a Presidential  
25 Proclamation. A true and correct copy of this handout is attached as Exhibit A.

26          38.    Other teachers are not required to submit all of their lesson plans and  
27 supplemental handouts to Principal Vidmar in advance.

1           39. Other teachers are permitted to show films and distribute handouts containing  
2 references to God.

3           40. Principal Vidmar has rejected Mr. Williams' attempts to distribute, among others:

- 4           a. Excerpts from the "Frame of Government of Pennsylvania" by William  
5 Penn;
- 6           b. Excerpts from the Declaration of Independence;
- 7           c. Excerpts from various state constitutions;
- 8           d. A handout entitled "What Great Leaders Have Said About The Bible";
- 9           e. "The Rights of the Colonists" by Samuel Adams;
- 10          f. Excerpts from George Washington's journal;
- 11          g. Excerpts from John Adams' diary;
- 12          h. Excerpts from "The Principles of Natural Law" by Jean-Jacques  
13 Burlamaqui;
- 14          i. A handout entitled "Fact Sheet: Currency & Coins -- History of 'In God  
15 We Trust.'"

16 True and correct copies of these handouts are attached as Exhibits B-J.

17           41. Mr. Williams intended to distribute these handouts to explain 1) the role of  
18 religion at the nation's founding; 2) the religious references in several founding documents  
19 including the Declaration of Independence; and 3) the reasons for the Establishment Clause in  
20 the First Amendment.

21           42. Principal Vidmar rejected the documents referenced in Paragraph 41 because of  
22 their religious content.

23           43. Approximately five percent of all of Mr. Williams' supplemental handouts  
24 distributed throughout the school year contain references to God or Christianity.

25           44. In November 2003, Mr. Williams taught a lesson on the origins of Thanksgiving.

26           45. In December 2003 and January 2004, Mr. Williams taught lessons on the origins  
27 of religious holidays, including Christmas, Ramadan, Diwali, Hanukah, and the Chinese New  
28 Year.

1           46.   Principal Vidmar did not object to the lessons about Thanksgiving or the religious  
2 holidays.

3           47.   In April 2004, Mr. Williams intended to teach a lesson about the religious holiday  
4 of Easter.

5           48.   Principal Vidmar ordered Mr. Williams not to teach a lesson about Easter.

6           49.   Principal Vidmar gave this order because Easter is a Christian religious holiday.

7           50.   Mr. Williams is a Christian, and generally adheres to orthodox Christian beliefs as  
8 prescribed by the Bible.

9           51.   One of Mr. Williams' Christian beliefs is that he must submit to governing  
10 authorities.

11          52.   Mr. Williams understands and admits that he is not permitted to "proselytize" or  
12 seek to convert his students to Christian beliefs during instructional time.

13          53.   Mr. Williams does not attempt to proselytize his students during instructional  
14 time.

15          54.   Other than the religious references that occasionally occur in his lesson plans and  
16 supplemental handouts during the school year, Mr. Williams does not distribute religious  
17 material during instructional time.

18          55.   Other than religious references that occasionally occur in his lesson plans and  
19 supplemental handouts, or in response to questions by students, Mr. Williams does not discuss  
20 religion during instructional time.

21          56.   Mr. Williams has distributed his chosen handouts during previous school years  
22 without any problems.

23          57.   Principal Vidmar is aware that Mr. Williams is a Christian.

24          58.   At the beginning of the 2003-04 school year, Principal Vidmar communicated to  
25 Mr. Williams her concern that Mr. Williams would try to proselytize his Christian faith to the  
26 students in his classroom.

27

28

1           59.     Mr. Williams communicated to Defendant Vidmar that, because of his religious  
2 belief regarding submission to authority, he does not attempt to proselytize his students during  
3 instructional time.

4 **California State Law**

5           60.     California Education Code § 51511 states:

6           Nothing in this code shall be construed to prevent, or exclude from the public  
7 schools, references to religion or references to or the use of religious literature,  
8 dance, music, theatre, and visual arts or other things having a religious  
9 significance when such references or uses do not constitute instruction in religious  
10 principles or aid to any religious sect, church, creed, or sectarian purpose and  
11 when such references or uses are incidental to or illustrative of matters properly  
12 included in the course of study.

13           61.     On its face, California Educational Code § 51511 permits, *inter alia*, “religious  
14 literature” and “other things having a religious significance” as part of the school curriculum.

15 **California’s History-Social Science Content Standards**

16           62.     The California Department of Education has promulgated content standards for  
17 fifth grade curriculum taught in California public schools, including the District’s schools.

18           63.     The District’s schools are required to educate fifth grade students according to the  
19 State’s content standards.

20           64.     The California Department of Education has published the content standards  
21 governing history and the social sciences as part of a book entitled “History-Social Science  
22 Framework for California Public Schools Kindergarten through Grade Twelve” (“Framework”).

23           65.     In that book, the History-Social Science Content Standards for Grade Five are  
24 entitled “United States History and Geography: Making a New Nation.” A true and correct copy  
25 of these standards (including the cover pages of the Framework) is attached as Exhibit K.

26           66.     The introduction to the History-Social Science Content Standards for Grade Five  
27 state: “This course focuses on one of the most remarkable stories in history: the creation of a new  
28 nation . . . founded on the Judeo-Christian heritage. . . .” Ex. K at 64.

          67.     This nation was founded on the Judeo-Christian heritage.



1           68.     Standard 5.2.2 states “Explain . . . the reasons Europeans chose to explore and  
2 colonize the world (e.g., the Spanish Reconquista, the Protestant Reformation, the Counter  
3 Reformation).” *Id.* at 71.

4           69.     Standard 5.4 requires that “Student understand the political, religious, social, and  
5 economic institutions that evolved in the colonial area.” *Id.* at 72.

6           70.     Standard 5.4.2 states: “Identify the major individuals and groups responsible for  
7 the founding of the various colonies and the reasons for their founding (e.g., . . . William Penn,  
8 Pennsylvania. . .).” *Id.*

9           71.     Standard 5.4.3 states: “Describe the religious aspects of the earliest colonies (e.g.,  
10 Puritanism in Massachusetts, Anglicanism in Virginia, Catholicism in Maryland, Quakerism in  
11 Pennsylvania).” *Id.*

12          72.     Standard 5.4.4 states: “Identify the significance and leaders of the First Great  
13 Awakening, which marked a shift in religious ideas, practices, and allegiances in the colonial  
14 period, the growth of religious toleration, and free exercise of religions.” *Id.*

15          73.     Standard 5.5.1 states: “Understand how political, religious, and economic ideas  
16 and interests brought about the Revolution. . . .” *Id.*

17          74.     Standard 5.7.6 states: “Know the songs that express American ideals (e.g.,  
18 ‘America the Beautiful,’ ‘The Star Spangled Banner’).”

19          75.     The Framework contains a list of “analysis skills” in conjunction with the content  
20 standards. Ex. K at 75.

21          76.     The analysis skills under “Research, Evidence, and Point of View” require that:

- 22           1.     Students differentiate between primary and secondary sources.
- 23           2.     Students pose relevant questions about events they encounter in historical  
24               documents, eyewitness accounts, oral histories, letters, diaries, artifacts,  
25               photographs, maps, artworks, and architectures.
- 26           3.     Students distinguish fact from fiction by comparing documentary sources  
27               on historical figures and events with fictionalized characters and events.

28 *Id.*

          77.     On their face, the California History-Social Science Content Standards require,  
*inter alia*, teaching about religion.

1 78. Appendix C of the Framework discusses teaching about religion in public schools.  
2 *Id.* at 203.

3 79. Appendix F of the Framework discusses the importance of using primary source  
4 documents. *Id.* at 214.

### 5 **Cupertino Union School District Content Standards**

6 80. The District has promulgated content standards for fifth grade curriculum taught  
7 in District schools.

8 81. Standard 4 under “United States History and Geography: Making a New Nation”  
9 requires that: “Students understand the political, religious, social, and economic institutions that  
10 evolved in the colonial era.”

11 82. On their face, the District’s content standards require, *inter alia*, that students  
12 receive objective instruction about religion.

### 13 **Textbook Inadequacies**

14 83. The District’s textbook contains nothing about the Spanish Reconquista, the  
15 Protestant Reformation, or the Counter Reformation.

16 84. The District’s textbook contains the following statements in its entire discussion  
17 about the Great Awakening: “The Great Awakening’s goal was to strengthen people’s religious  
18 beliefs and feelings. It widened the differences between several Protestant groups.”

19 85. The textbook contains nothing on the religious ideas that motivated the  
20 Revolution or the religious origins of the concepts in the Declaration of Independence and the  
21 Bill of Rights.

22 86. The textbook contains nothing on the state constitutions’ influence on the federal  
23 constitution.

24 87. These inadequacies, among others, are the reasons that Mr. Williams supplements  
25 the textbook with handouts in order to fulfill California’s History-Social Science Content  
26 Standards.

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**VI.**

**STATEMENTS OF LAW**

88. Each and all of the acts alleged herein were done by Defendants under the color and pretense of state law, statutes, ordinances, regulations, customs, usages, and policies of Cupertino Union School District, Santa Clara County, and the State of California.

89. Teachers do not shed their constitutional rights at the schoolhouse gate. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

90. Teachers have academic freedom rights within the reasonable limits of the state's education content standards.

91. Defendants have a duty to set education policies and local content standards in accordance with the state's education content standards.

92. By their policy of excluding all of Mr. William's handouts containing religious references, Defendants have failed to meet their duty.

93. Unless and until the enforcement of the Defendants' religiously discriminatory policy is enjoined, the Plaintiff will suffer and continue to suffer irreparable harm to his federal constitutional rights.

**VII.**

**FIRST CAUSE OF ACTION - VIOLATION OF THE EQUAL PROTECTION CLAUSE  
UNDER THE UNITED STATES CONSTITUTION**

94. The allegations contained in all preceding paragraphs are incorporated herein by reference.

95. The Equal Protection Clause requires that the government treat similarly-situated persons equally.

96. The Defendants allowed similarly-situated teachers to include religious expression in their lessons and supplemental handouts.

97. The Defendants do not require similarly-situated teachers to submit their lesson plans and supplemental handouts in advance.

1 98. The Defendants do not limit similarly-situated teachers' choices of supplemental  
2 handouts as they have limited Mr. Williams' choices.

3 99. The Defendants have treated Mr. Williams differently based on the exercise of his  
4 fundamental right to free speech.

5 100. Defendants have no compelling interest to justify their unequal treatment of Mr.  
6 Williams.

7 101. The Defendants' policy therefore violates the Equal Protection Clause of the  
8 Fourteenth Amendment to the United States Constitution.

9 WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth  
10 hereinafter in the prayer for relief.

11 **VIII.**

12 **SECOND CAUSE OF ACTION - VIOLATION OF THE RIGHT TO FREEDOM OF**  
13 **SPEECH UNDER THE UNITED STATES CONSTITUTION**

14 102. The allegations contained in all preceding paragraphs are incorporated herein by  
15 reference.

16 103. Speech about religion is protected by the First and Fourteenth Amendments to the  
17 United States Constitution.

18 104. Speech about religion is necessary to fulfill the state teaching standards.

19 105. Defendants have excluded Mr. Williams' speech because of its religious content  
20 and viewpoint.

21 106. Specifically, Defendants have excluded the viewpoint that this nation has a  
22 Christian history.

23 107. By this exclusion, Defendants have, *inter alia*, limited Mr. Williams' academic  
24 freedom – his ability to speak and teach freely in accordance with the state educational standards.

25 108. Regardless of the type of forum (traditional, designated or limited, or nonpublic  
26 fora), the government may not discriminate based upon the viewpoint expressed by the speaker.

27 109. The Defendants have no compelling government interest to justify their  
28 discriminatory treatment of the Plaintiff.

1 110. The Defendants' actions therefore violate the Free Speech Clause of the First  
2 Amendment to the United States Constitution as incorporated and applied to the states under the  
3 Fourteenth Amendment.

4 WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth  
5 hereinafter in the prayer for relief.

6 **IX.**

7 **THIRD CAUSE OF ACTION - VAGUENESS**

8 111. The allegations contained in all preceding paragraphs are incorporated herein by  
9 reference.

10 112. Defendants' policy and practice do not give adequate notice as to what conduct is  
11 prohibited.

12 113. Defendants' policy and practice vest unfettered discretion in school officials to  
13 control teacher speech based on its content and viewpoint.

14 114. Defendants' policy and practice contradict state law.

15 115. Defendants have no compelling interest to justify their policy and practice.

16 116. Defendants' policy and practice are therefore void for vagueness in violation of  
17 the First and Fourteenth Amendments to the United States Constitution.

18 WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth  
19 hereinafter in the prayer for relief.

20 **X.**

21 **FOURTH CAUSE OF ACTION - VIOLATION OF THE ESTABLISHMENT CLAUSE**  
22 **UNDER THE UNITED STATES CONSTITUTION**

23 117. The allegations contained in all preceding paragraphs are incorporated herein by  
24 reference.

25 118. The Defendants' policy and practice excludes Mr. Williams' religious expression.

26 119. The Defendants' policy requires that school officials systematically and regularly  
27 scrutinize historical documents to determine whether the officials consider the documents to  
28 have religious content that the officials consider impermissible within their school.

1 120. The Defendants' policy demonstrates impermissible hostility towards religion.

2 121. Defendants have no compelling interest that would justify their hostility towards  
3 religion.

4 122. The Defendants' policy therefore violates the Establishment Clause of the First  
5 Amendment to the United States Constitution as incorporated and applied to the states under the  
6 Fourteenth Amendment.

7 WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth  
8 hereinafter in the prayer for relief.

9 **XI.**

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff requests the following relief:

12 A. That this Court preserve the pre-litigation status quo by preliminarily enjoining the  
13 Defendants from ceasing their practice of allowing teachers to distribute curriculum-related  
14 supplemental handouts;

15 B. That this Court preliminarily and permanently enjoin the Defendants from enforcing  
16 their policy and practice of suppressing Mr. Williams' use of curriculum-related supplements on  
17 the basis that they contain religious content or references;

18 C. That this Court enter declaratory judgment stating that the Defendants' policy and  
19 practice is facially unconstitutional and violates the Plaintiff's rights as guaranteed under the  
20 First and Fourteenth Amendments to the United States Constitution;

21 D. If the policy is not declared facially unconstitutional, that this Court enter a  
22 declaratory judgment stating that the policy is unconstitutional as applied to the Plaintiff and  
23 violates the Plaintiff's rights guaranteed under the First and Fourteenth Amendments to the  
24 United States Constitution;

25 E. That this Court award Plaintiff nominal damages arising from the acts of the  
26 Defendants as an important vindication of the constitutional rights at stake;

27 F. That this Court award Plaintiff his costs and expenses of this action, including  
28 reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988 and other applicable law;

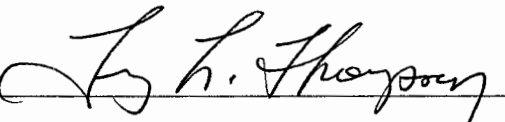
1 G. That this Court grant such other and further relief as the Court deems equitable, just,  
2 and proper;

3 H. That this Court adjudge, decree and declare the rights and other legal relations of the  
4 parties to the subject matter here in controversy, in order that such declarations shall have the  
5 force and effect of final judgment; and

6 I. That this Court retain jurisdiction of this matter as necessary to enforce the Court's  
7 orders.

8 Respectfully submitted on this, the 22<sup>nd</sup> day of November, 2004,

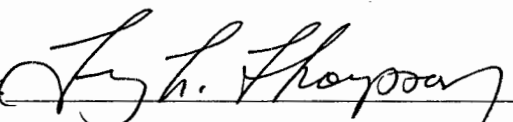
9 Attorney for Plaintiff,

10  
11 By   
12 Terry L. Thompson  
13  
14  
15

16 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

17 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the  
18 named parties, there is no such interest to report.

19 Respectfully submitted on this, the 22<sup>nd</sup> day of November, 2004.

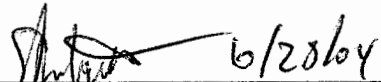
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**VERIFICATION**

I, Stephen J. Williams, a citizen of the United States and a resident of the State of California, have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and Damages and declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 28 day of October, 2004

  
\_\_\_\_\_  
Stephen J. Williams



# Exhibit A

## **National Day of Prayer, 2004**

By the President of the United States of America  
A Proclamation

In his first Inaugural Address, President George Washington prayed that the Almighty would preserve the freedom of all Americans. On the National Day of Prayer, we celebrate that freedom and America's great tradition of prayer. The National Day of Prayer encourages Americans of every faith to give thanks for God's many blessings and to pray for each other and our Nation.

Prayer is an opportunity to praise God for His mighty works, His gift of freedom, His mercy, and His boundless love. Through prayer, we recognize the limits of earthly power and acknowledge the sovereignty of God. According to Scripture, "the Lord is near to all who call upon Him . . . He also will hear their cry, and save them." Prayer leads to humility and a grateful heart, and it turns our minds to the needs of others.

On this National Day of Prayer, we pray especially for the brave men and women of the United States Armed Forces who are serving around the world to defend the cause of liberty. We are grateful for their courage and sacrifice and ask God to comfort their families while they are away from home. We also pray that the people of Iraq and Afghanistan, and throughout the Greater Middle East, may live in safety and freedom. During this time, we continue to ask God's blessing for our Nation, granting us strength to meet the challenges ahead and wisdom as we work to build a more peaceful future for all.

The Congress, by Public Law 100-307, as amended, has called on our citizens to reaffirm the role of prayer in our society by recognizing annually a "National Day of Prayer."

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim May 6, 2004, as a National Day of Prayer. I ask the citizens of our Nation to give thanks, each according to his or her own faith, for the freedoms and blessings we have received and for God's continued guidance and protection. I also urge all Americans to join in observing this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand four, and of the Independence of the United States of America the two hundred and twenty-eighth.

GEORGE W. BUSH

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**Return to this article at:**

<http://www.whitehouse.gov/news/releases/2004/04/20040430-12.html>

## History of the National Day of Prayer

Because of the faith of many of our founding fathers, public prayer and national days of prayer have a long-standing and significant history in American tradition. The Supreme Court affirmed the right of state legislatures to open their sessions with prayer in *Marsh vs. Chambers* (1983). The National Day of Prayer is a vital part of our heritage. Since the first call to prayer in 1775, when the Continental Congress asked the colonies to pray for wisdom in forming a nation, the call to prayer has continued through our history, including President Lincoln's proclamation of a day of "humiliation, fasting, and prayer" in 1863. In 1952, a joint resolution by Congress, signed by President Truman, declared an annual, national day of prayer. In 1988, the law was amended and signed by President Reagan, permanently setting the day as the first Thursday of every May. Each year, the president signs a proclamation, encouraging all Americans to pray on this day. Last year, all 50 state governors plus the governors of several U.S. territories signed similar proclamations.

## The National Day of Prayer is Significant

The National Day of Prayer has great significance for us as a nation. It enables us to recall the way in which our founding fathers sought the wisdom of God when faced with critical decisions. The unanimous passage of the bill establishing the National Day of Prayer as an annual event, signifies that prayer is as important to our nation today as it was in the beginning. This day has become a national observance placed on all Hallmark calendars and observed annually across the nation and in Washington, D.C. Last year, local, state and federal observances were held from sunrise in Maine to sunset in Hawaii, uniting Americans from all socio-economic, political and ethnic backgrounds in prayer for our nation. It is estimated that more than two million people attended more than 40,000 observances organized by approximately 40,000 volunteers. At state capitols, county court houses, on the steps of city halls, and in schools, businesses, churches and homes, people stopped their activities and gathered for prayer.

## History Summary

1775 - The first Continental Congress called for a National Day of Prayer.

1863 - Abraham Lincoln called for such a day.

1952 - Congress established NDP as an annual event by a joint resolution, signed into law by President Truman.

1988 - The law was amended and signed by President Reagan, designating the NDP as the first Thursday in May.

# Exhibit B

Excerpts from

# FRAME OF GOVERNMENT OF PENNSYLVANIA

by William Penn

1682

When the great and wise *God* had made the world, of all his creatures it pleased him to choose man his deputy to rule it; and to fit him for so great a charge and trust, he did not only qualify him with skill and power but with integrity to use them justly. (Genesis 1) This native goodness was equally his honor and his happiness; and whilst he stood here, all went well; there was no need of coercive or compulsive means, the precept of divine love and truth, in his bosom, was the guide and keeper of his innocency. But lust prevailing against duty made a lamentable breach upon it; and the law, that before had no power over him, took place upon him, and his disobedient posterity, that such as would not live conformable to the holy law within should fall under the reproof and correction of the just law without in a judicial administration.

This the Apostle teaches in divers of his epistles: "The law," says he, "was added because of transgressions." (Galatians 3:19) In another place, "Knowing that the law was not made for the righteous man; but for the disobedient and ungodly, for sinners, for unholy and profane, for murderers, for whoremongers, for them that defile themselves with mankind, and for manstealers, for liars, for perjured persons," (1 Timothy 1:8-10) etc.; but this is not all, he opens and carries the matter of government a little further: "Let every soul be subject to the higher powers; for there is no power but of *God*. The powers that be are ordained of *God*: whosoever therefore resisteth the power, resisteth the ordinance of *God*. For rulers are not a terror to good works, but to evil: wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same." (Romans 13:1-3) "He is the minister of *God* to thee for good." (Romans 13:4) "Wherefore ye must needs be subject, not only for wrath, but for conscience' sake." (Romans 13:5)

This settles the divine right of government beyond exception, and that for two ends: first, to terrify evildoers; secondly, to cherish those that do well; which gives government a life beyond corruption and makes it as durable in the world, as good men shall be. So that government seems to me a part of religion itself, a thing sacred in its institution and end. For, if it does not directly remove the cause, it crushes the effects of evil and is, as such (though a lower, yet), an emanation of the same Divine Power that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operations; but that is only to evildoers; government itself being otherwise as capable of kindness, goodness, and charity, as a more private society. They weakly err that think there is no other use of government than correction, which is the coarsest part of it: daily experience tells us that the care and regulation of many other affairs, more soft, and daily necessary, make up much of the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue among men, on earth, under the highest attainments they may arrive at, by the coming of the blessed *Second Adam*, the *Lord* from heaven. Thus much of government in general, as to its rise and end.

# Exhibit C

# Declaration of Independence

[Adopted in Congress 4 July 1776]

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## The Unanimous Declaration of the Thirteen United States of America

When, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.....

We, therefore, the representatives of the United States of America, in General Congress, assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be free and independent states; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain, is and ought to be totally dissolved; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

# Exhibit D



# Religious Clauses in State Constitutions

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**Delaware;** Article 22 (1776) "Every person who shall be chosen a member of either house, or appointed to any office or place of trust...shall...also make and subscribe the following declaration, to wit:

"I, \_\_\_\_\_, do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration"

**Delaware;** Article VIII, Section 9 (1792) "...No clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this State, or of being a member of either branch of the legislature, while he continues in the exercise of the pastoral or clerical functions."

**Georgia;** Article VI (1777) "The representatives shall be chosen out of the residents in each county...and they shall be of the Protestant religion..."

**Georgia;** Article LXII (1777) "No clergyman of any denomination shall be allowed a seat in the legislature."

**Georgia;** Article VI (1777) "The representatives shall be chosen out of the residents in each county,...and they shall be of the Protestant religion..."

**Kentucky;** Article II, Section 26 (1777) "No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society of sect...shall be eligible to the general assembly..."

**Maryland;** Article XXXII (1776) "...All persons, professing the Christian religion, are equally entitled to protection their religious liberty...the Legislature may, in their discretion, lay a general tax and equal tax, for the support of the Christian religion."

**Maryland;** Article XXXIV (1776) "That every gift, sale or devise of lands, to any minister, public teacher or preacher of the gospel, as such, or to any religious sect, order or denomination [must have the approval of the Legislature]"

**Maryland;** Article XXXV (1776) "That no other test or qualification ought to be required...than such oath of support and fidelity to this State...and a declaration of a belief in the Christian religion."

**Massachusetts;** First Part, Article II (1780) "It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe..."

**Massachusetts;** First Part, Article II (1780) "The governor shall be chosen annually; and no person shall be eligible to this office, unless...he shall declare himself to be of the Christian religion."

**Massachusetts;** Chapter VI, Article I (1780) "[All persons elected to State office or to the Legislature must] make and subscribe the following declaration, viz.

"I, \_\_\_\_\_, do declare, that I believe the Christian religion, and have firm persuasion of its truth..."

**New Hampshire;** Part 1, Article 1, Section 5 (1784) "...the legislature ...authorize ...the several towns ...to make adequate provision at their own expense, for the support and maintenance of public protestant teachers of piety, religion and morality..."

**New Hampshire;** Part 2, (1784) "[Provides that no person be elected governor, senator, representative or member of the Council] who is not of the protestant religion."

**New Jersey;** Article XIX (1776) "...no Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right...; all persons, professing a belief in the faith of any Protestant sect...shall be capable of being elected into any office of profit or rust, or being a member of either branch of the Legislature."

**New York;** Section VIII (1777) "...no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretense or description whatever, be eligible to, or capable of holding any civil or military office or place within this State."

**North Carolina;** Article XXXI (1776) "That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral function,"

**North Carolina;** Article XXXII (1776) "That no person, who shall deny the being of God or the truth of the Protestant religion, or the divine authority either of the Old or New Testaments,...shall be capable of holding any office or place of trust or profit in the civil department within this State.

**Pennsylvania;** Declaration of Rights II (1776) "...Nor can any man, who acknowledges the being of a God, be justly deprived or abridged to any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship."

**Pennsylvania;** Frame of Government, Section 10 (1776) "And each member [of the legislature]...shall make and subscribe the following declaration, viz.:

'I do believe in one God, the creator and governor of the universe, the rewarder to the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.'

**Pennsylvania;** Article IX, Section 4 (1790) "that no person, who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth."

**South Carolina;** Article III (1778) "[State officers and privy council to be] all of the Protestant religion."

**South Carolina;** Article XII (1778) "...no person shall be eligible to a seat in the said senate unless he be of the Protestant religion."

**South Carolina;** Article XXI (1778) "...no minister of the gospel or public preachers of any religious persuasion, while he continues in the exercise of his pastoral function, and for two years after, shall be eligible either as governor, lieutenant-governor, a member of the senate, house of representatives, or privy council in this State."

**South Carolina;** Article XXXVIII (1778) "That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed...to be the established religion of this State."

**Tennessee;** Article VIII, Section 1 (1796) "...no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature."

**Tennessee;** Article VIII, Section 2 (1796) "...no person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State."

**Vermont;** Declaration of Rights, III (1777) "...nor can any man who professes the protestant religion, be justly deprived or abridged of any civil right, as a citizen, on account of his religious sentiment...; nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's day..."

**Vermont;** Frame of Government, Section 9 (1777) "And each member [of the legislature],...shall make and subscribe the following declaration, viz.:

'I do believe in one god, the Creator and Governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the scriptures of the old and new testament to be given by divine inspiration, and own and profess the protestant religion.'

# Exhibit E

## **What Great Leaders Have Said About The Bible:**

George Washington...It is impossible to rightly govern the world without the Bible.

John Adams...The Bible is the best book in the world. It contains more than all the libraries I have seen.

Thomas Jefferson...The Bible makes the best people in the world.

Abraham Lincoln...But for this Book we could not know right from wrong. I believe the Bible is the best gift God has ever given to man.

Ulysses S. Grant....The Bible is the anchor of our liberties.

Rutherford B Hayes...The best religion the world has ever known is the religion of the Bible. It builds up all that is good.

William McKinley...The more profoundly we study this wonderful Book.. the better citizens we will become.

Theodore Roosevelt...No educated man can afford to be ignorant of the Bible.

Herbert Hoover...The whole of the inspirations of our civilization springs from the teachings of Christ. To read the Bible is a necessity of American life.

Jesus Christ...It is written, man shall not live by bread alone, but by every word that proceedeth out of the mouth of God.

# Exhibit F

## **The Rights of the Colonists**

by Samuel Adams

*The Report of the Committee of Correspondence to the Boston Town Meeting.*

November 20, 1772

### **I. Natural Rights of the Colonists as Men.**

**Among the natural rights of the Colonists are these: First, a right to life; Secondly, to liberty; Thirdly, to property; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature.**

All men have a right to remain in a state of nature as long as they please; and in case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another.

When men enter into society, it is by voluntary consent; and they have a right to demand and insist upon the performance of such conditions and previous limitations as form an equitable original compact.

Every natural right not expressly given up, or, from the nature of a social compact, necessarily ceded, remains.

All positive and civil laws should conform, as far as possible, to the law of natural reason and equity.

As neither reason requires nor religion permits the contrary, every man living in or out of a state of civil society has a right peaceably and quietly to worship God according to the dictates of his conscience.

"Just and true liberty, equal and impartial liberty," in matters spiritual and temporal, is a thing that all men are clearly entitled to by the eternal and immutable laws of God and nature, [418]as well as by the law of nations and all well-grounded municipal laws, which must have their foundation in the former.

In regard to religion, mutual toleration in the different professions thereof is what all good and candid minds in all ages have ever practised, and, both by precept and example, inculcated on mankind. And it is now generally agreed among Christians that this spirit of toleration, in the fullest extent consistent with the being of civil society, is the chief characteristic mark of the Church. Insomuch that Mr. Locke has asserted and proved, beyond the possibility of contradiction on any solid ground, that such toleration ought to be extended to all whose doctrines are not subversive of society. The only sects which he thinks ought to be, and which by all wise laws are excluded from such toleration, are those who teach doctrines subversive of the civil government under which they live. The Roman Catholics or Papists are excluded by reason of such doctrines as these, that princes excommunicated may be deposed, and those that they call heretics may be destroyed without mercy; besides their recognizing the Pope in so absolute a manner, in subversion of government, by introducing, as far as possible into the states under whose protection they enjoy life, liberty, and property, that solecism in politics, imperium in imperio, leading directly to the worst anarchy and confusion, civil discord, war, and bloodshed.

The natural liberty of man, by entering into society, is abridged or restrained, so far only as is necessary for the great end of society, the best good of the whole.

In the state of nature every man is, under God, judge and sole judge of his own rights and of the injuries done him. By entering into society he agrees to an arbiter or indifferent judge between him and his

neighbors; but he no more renounces his original right than by taking a cause out of the ordinary course of law, and leaving the decision to referees or indifferent arbitrators.

In the last case, he must pay the referees for time and trouble. He should also be willing to pay his just quota for the support of government, the law, and the constitution; the end of which is to furnish indifferent and impartial judges in all cases that may happen, whether civil, ecclesiastical, marine, or military.

[419] The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule.

In the state of nature men may, as the patriarchs did, employ hired servants for the defence of their lives, liberties, and property; and they should pay them reasonable wages. Government was instituted for the purposes of common defence, and those who hold the reins of government have an equitable, natural right to an honorable support from the same principle that "the laborer is worthy of his hire." But then the same community which they serve ought to be the assessors of their pay. Governors have no right to seek and take what they please; by this, instead of being content with the station assigned them, that of honorable servants of the society, they would soon become absolute masters, despots, and tyrants. Hence, as a private man has a right to say what wages he will give in his private affairs, so has a community to determine what they will give and grant of their substance for the administration of public affairs. And, in both cases, more are ready to offer their service at the proposed and stipulated price than are able and willing to perform their duty.

In short, it is the greatest absurdity to suppose it in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defence of those very rights; the principal of which, as is before observed, are Life, Liberty, and Property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave.

## **II. The Rights of the Colonists as Christians.**

These may be best understood by reading and carefully studying the institutes of the great Law Giver and Head of the Christian Church, which are to be found clearly written and promulgated in the New Testament.

[420] By the act of the British Parliament, commonly called the Toleration Act, every subject in England, except Papists, &c., was restored to, and re-established in, his natural right to worship God according to the dictates of his own conscience. And, by the charter of this Province, it is granted, ordained, and established (that is, declared as an original right) that there shall be liberty of conscience allowed in the worship of God to all Christians, except Papists, inhabiting, or which shall inhabit or be resident within, such Province or Territory. Magna Charta itself is in substance but a constrained declaration or proclamation and promulgation in the name of the King, Lords, and Commons, of the sense the latter had of their original, inherent, indefeasible natural rights, as also those of free citizens equally perdurable with the other. That great author, that great jurist, and even that court writer, Mr. Justice Blackstone, holds that this recognition was justly obtained of King John, sword in hand. And peradventure it must be one day, sword in hand, again rescued and preserved from total destruction and oblivion.

# Exhibit G



# George Washington's Prayer Journal

From William J. Johnson *George Washington, the Christian* (New York: The Abingdon Press, New York & Cincinnati, 1919), pp. 24-35.

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## (1) Sunday Morning

Almighty God, and most merciful father, who didst command the children of Israel to offer a daily sacrifice to thee, that thereby they might glorify and praise thee for thy protection both night and day, receive, O Lord, my morning sacrifice which I now offer up to thee; I yield thee humble and hearty thanks that thou has preserved me from the danger of the night past, and brought me to the light of the day, and the comforts thereof, a day which is consecrated to thine own service and for thine own honor. Let my heart, therefore, Gracious God, be so affected with the glory and majesty of it, that I may not do mine own works, but wait on thee, and discharge those weighty duties thou requirest of me, and since thou art a God of pure eyes, and wilt be sanctified in all who draw near unto thee, who doest not regard the sacrifice of fools, nor hear sinners who tread in thy courts, pardon, I beseech thee, my sins, remove them from thy presence, as far as the east is from the west, and accept of me for the merits of thy son Jesus Christ, that when I come into thy temple, and compass thine altar, my prayers may come before thee as incense; and as thou wouldst hear me calling upon thee in my prayers, so give me grace to hear thee calling on me in thy word, that it may be wisdom, righteousness, reconciliation and peace to the saving of the soul in the day of the Lord Jesus. Grant that I may hear it with reverence, receive it with meekness, mingle it with faith, and that it may accomplish in me, Gracious God, the good work for which thou has sent it. Bless my family, kindred, friends and country, be our God & guide this day and for ever for his sake, who lay down in the Grave and arose again for us, Jesus Christ our Lord, Amen.

## (2) Sunday Evening

O most Glorious God, in Jesus Christ my merciful and loving father, I acknowledge and confess my guilt, in the weak and imperfect performance of the duties of this day. I have called on thee for pardon and forgiveness of sins, but so coldly and carelessly, that my prayers are become my sin and stand in need of pardon. I have heard thy holy word, but with such deadness of spirit that I have been an unprofitable and forgetful hearer, so that, O Lord, tho' I have done thy work, yet it hath been so negligently that I may rather expect a curse than a blessing from thee. But, O God, who art rich in mercy and plenteous in redemption, mark not, I beseech thee, what I have done amiss; remember that I am but dust, and remit my transgressions, negligences & ignorances, and cover them all with the absolute obedience of thy dear Son, that those sacrifices which I have offered may be accepted by thee, in and for the sacrifice of Jesus Christ offered upon the cross for me; for his sake, ease me of the burden of my sins, and give me grace that by the call of the Gospel I may rise from the slumber of sin into the newness of life. Let me live according to those holy rules which thou hast this day prescribed in thy holy word; make me to know what is acceptable in thy holy word; make me to know what is acceptable in thy sight, and therein to delight, open the eyes of my understanding, and help me thoroughly to examine myself concerning my knowledge, faith and repentance, increase my faith, and direct me to the true object Jesus Christ the way, the truth and the life, bless O Lord, all the people of this land, from the highest to the lowest, particularly those whom thou has appointed to rule over us in church & state. Continue thy goodness to me this night. These weak petitions I humbly implore thee to hear accept and ans. for the sake of thy Dear Son Jesus Christ our Lord, Amen.

## (3) Monday Morning

O eternal and everlasting God, I presume to present myself this morning before thy Divine majesty, beseeching thee to accept of my humble and hearty thanks, that it hath pleased thy great goodness to keep and preserve me the night past from all the dangers poor mortals are subject to, and has given me sweet and pleasant sleep, whereby I find my body refreshed and comforted for performing the duties of this day, in which I beseech thee to defend me from all perils of body and soul. Direct my thoughts, words and work, wash away my sins in the immaculate blood of the lamb, and purge my heart by thy holy spirit, from the dross of my natural corruption, that I may with more freedom of mind and liberty of will serve thee, the ever lasting God, in righteousness and holiness this day, and all the days of my life. Increase my faith in the sweet promises of the gospel; give me repentance from dead works; pardon my wanderings, & direct my thoughts unto thyself, the God of my salvation; teach me how to live in thy fear, labor in thy service, and ever to run in the ways of thy commandments; make me always watchful over my heart, that neither the terrors of conscience, the loathing of holy duties, the love of sin, nor an unwillingness to depart this life, may cast me into a spiritual slumber, but daily frame me more & more into the likeness of thy son Jesus Christ, that living in thy fear, and dying in thy favor, I may in thy appointed time attain the resurrection of the just unto eternal life bless my family, friends & kindred unite us all in praising & glorifying thee in all our works begun, continued, and ended, when we shall come to make our last account before thee blessed saviour, who hath taught us thus to pray, our Father, & c.

#### **(4) Monday Evening**

Most Gracious Lord God, from whom proceedeth every good and perfect gift, I offer to thy divine majesty my unfeigned praise & thanksgiving for all thy mercies towards me. Thou mad'st me at first and hast ever since sustained the work of thy own hand; thou gav'st thy Son to die for me; and hast given me assurance of salvation, upon my repentance and sincerely endeavoring to conform my life to his holy precepts and example. Thou art pleased to lengthen out to me the time of repentance and to move me to it by thy spirit and by the word, by thy mercies, and by thy judgments; out of a deepness of thy mercies, and by my own unworthiness, I do appear before thee at this time; I have sinned and done very wickedly, be merciful to me, O God, and pardon me for Jesus Christ sake; instruct me in the particulars of my duty, and suffer me not to be tempted above what thou givest me strength to bear. Take care, I pray thee of my affairs and more and more direct me in thy truth, defend me from my enemies, especially my spiritual ones. Suffer me not to be drawn from thee, by the blandishments of the world, carnal desires, the cunning of the devil, or deceitfulness of sin. work in me thy good will and pleasure, and discharge my mind from all things that are displeasing to thee, of all ill will and discontent, wrath and bitterness, pride & vain conceit of myself, and render me charitable, pure, holy, patient and heavenly minded. be with me at the hour of death; dispose me for it, and deliver me from the slavish fear of it, and make me willing and fit to die whenever thou shalt call me hence. Bless our rulers in church and state. bless O Lord the whole race of mankind, and let the world be filled with the knowledge of Thee and thy son Jesus Christ. Pity the sick, the poor, the weak, the needy, the widows and fatherless, and all that morn or are borken in heart, and be merciful to them according to their several necessities. bless my friends and grant me grace to forgive my enemies as heartily as I desire forgiveness of Thee my heavenly Father. I beseech thee to defend me this night from all evil, and do more for me than I ccan think or ask, for Jesus Christ sake, in whose most holy name & words, I continue to pray, Our Father, & c.

#### **(5) Tuesday Morning**

O Lord our God, most mighty and merciful father, I thine unworthy creature and servant, do once more approach thy presence. Though not worthy to appear before thee, because of my natural corruptions, and the many sins and transgressions which I have committed against thy divine majesty; yet I beseech thee, for the sake of him in whom thou art well pleased, the Lord Jesus Christ, to admit me to render thee deserved thanks and praises for thy manifold mercies extended toward me, for the quiet rest & repose of the past night, for food, rainment, health, peace, liberty, and the hopes of a better life through the merits of thy dear son's bitter passion. and O kind father continue thy mercy and favor to me this day, and ever hereafter; propse all my lawful undertakings; et me have all my directions from thy holy spirit; and success from thy bountiful hand. Let the bright beams of thy light so shine into my heart, and enlighten my mind in understanding thy blessed word, that I may be enabled to perform thy will in all things, and effectually resist all temptations of the world, the flesh and the devil. preserve and defend our rulers in church & state. bless the people of this land, be a father to the fatherless, a comforter to the comfortless, a deliverer to the captives, and a physician to the sick. let thy blessings guide this day and forever through J. C. in whose blessed form of prayer I conclude my weak petitions--Our Father, & c.

#### **(6) Tuesday Evening**

Most gracious God and heavenly father, we cannot cease, but must cry unto thee for mercy, because my sins cry against me for justice. How shall I address myself unto thee, I must with the publican stand and admire at thy great goodness, tender mercy, and long suffering towards me, in that thou hast kept me the past day from being consumed and brought to nought. O Lord, what is man, or the son of man, that thou regardest him; the more days pass over my head, the more sins and iniquities I heap up against thee. If I should cast up the account of my good deeds done this day, how few and small would they be; but if I should reckon my miscarriages, surely they would be many and great. O, blessed father, let thy son's blood wash me from all impurities, and cleanse me from the stains of sin that are upon me. Give me grace to lay hold upon his merits; that they may be my reconciliation and atonement unto thee,--That I may know my sins are forgiven by his death & passion. embrace me in the arms of thy mercy; vouchsafe to receive me unto the bosom of thy love, shadow me with thy wings, that I may safely rest under thy suspicion this night; and so into thy hands I commend myself, both soul and body, in the name of thy son, J. C., beseeching Thee, when this life shall end, I may take my everlasating rest with thee in thy heavenly kingdom. bless all in authority over us, be merciful to all those afflicted with thy cross or calamity, bless all my friends, forgive my enemies and accept my thanksgiving this evening for all the mercies and favors afforded me; hear and graciously answer these my requests, and whaatver else thou see'st needful grant us, for the sake of Jesus Christ in whose blessed name and words I continue to pray, Our Father, & c.

#### **(7) A Prayer for Wednesday Morning**

Almighty and eternal Lord God, the great creator of heaven & earth, and the God and Father of our Lord Jesus Christ; look down from heaven, in pity and compassion upon me thy servant, who humbly prostrate myself before thee, sensible of thy

mercy and my own misery; there is an infinite distance between thy glorious majesty and me, thy poor creature, the work of thy hand, between thy infinite power, and my weakness, thy wisdom, and my folly, thy eternal Being, and my mortal frame, but, O Lord, I have set myself at a greater distance from thee by my sin and wickedness, and humbly acknowledge the corruption of my nature and the many rebellions of my life. I have sinned against heaven and before thee, in thought, word & deed; I have contemned thy majesty and holy laws. I have likewise sinned by omitting what I ought to done, and committing what i ought not. I have rebelled against light, despised thy mercies and judgments, and broken my vows and promises; I have neglected teh means of Grace, and opportunities of becoming better; my iniquities are multiplies, and my sins are very great. I confess them, O Lord, with shame and sorrow, detestation and loathing, and desire to be vile in my own eyes, as I have rendered myself vile in thine. I humbly bessech thee to be merciful to me in the free pardon of my sins, for the sake of thy dear Son, my only saviour, J. C., who came not to call the righteous, but sinners to repentance; be pleased to renew my nature and write thy laws upon my heart, and help me to live, righteously, soberly, and godly in this evil worlds; make me humble, meek, patient and contented, and work in me the grace of thy holy spirit. prepare me for death and judgment, and let the thoughts thereof awaken me to a greater care and study to approve myself unto thee in well doing. bless our rulers in church & state. Help all in affliction or adversity--give them patience and a sanctified use of their affliction, and in thy good time deliverance from them; forgive my enemies, take me unto thy protection this day, keep me in perfect peace, which I ask in the name & for the sake of Jesus. Amen.

### **(8) Wednesday Evening**

Holy and eternal Lord God who art the King of heaven, and the watchman of Israel, that never slumberest or sleepest, what shall we render unto thee for all thy benefits; because thou hast inclined thine ears unto me, therefore will I call on thee as long as I live, from the rising of the sun to the going down of the same let thy name be praised. among the infinite riches of thy mercy towards me, I desire to render thanks & praise for thy merciful preservation of me this day, as well as all the days of my life; and for the many other blessings & mercies spiritual & temporal which thou hast bestowed on me, contrary to my deserving. All these thy mercies call on me to be thankful and my infirmities & wants call for a continuance of thy tender mercies; cleanse my soul, O Lord, I beseech thee, from whatever is offensive to thee, and hurtful to me, and give me what is convenient for me. watch over me this night, and give me comfortable and sweet sleep to fit me for the service of the day following. Let my soul watch for the coming of the Lord Jesus; let my bed put me in mind of my grave, and my rising from there of my last resurrection; O heavenly Father, so frame this heart of mine, that I may ever delight to live according to thy will and command, in holiness and righteousness before thee all the days of my life. Let me remember, O Lord, the time will come when the trumpet shall sound, and the dead shall rise and stand before the judgment seat, and give an account of whatever they have done in the body, and let me so prepare my soul, that I may do it with joy and not with grief. bless the rulers and people of this and forget not those who are under any affliction or oppression. Let thy favor be extended to all my relations friends and all others who I ought to remember in my prayer and hear me I beseech thee for the sake of my dear redeemer in whose most holy words, I farther pray, Our Father, & c.

### **(9) Thursday Morning**

Most gracious Lord God, whose dwelling is in the highest heavens, and yet beholdest the lowly and humble upon the earth, I blush and am ashamed to lift up my eyes to thy dwelling place, because I have sinned against thee; look down, I beseech thee upon me thy unworthy servant who prostrate myself at the footstool of thy mercy, confessing my own guiltiness, and begging pardon for my sins; what couldst thou have done Lord more for me, or what could I have done more against thee? Thou didst send me thy Son to take nature upon

*"The manuscript ended at this place, the close of a page. Whether the other pages were lost or the prayers were never completed, has not been determined."*

# Exhibit H

# John Adams' Diary

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FEBRUARY 22, 1756

Suppose a nation in some distant region should take the Bible for their only law book, and every member should regulate his conduct by the precepts there exhibited! Every member would be obliged, in conscience, to temperance and frugality and industry; to justice and kindness and charity towards his fellow men; and to piety, love and reverence towards Almighty God. In this commonwealth, no man would impair his health by gluttony, drunkenness, or lust; no man would sacrifice his most precious time to cards or any other trifling and mean amusement; no man would steal, or lie, or in any way defraud his neighbor, but would live in peace and good will with all men; no man would blaspheme his Maker or profane his worship; but a rational and manly, a sincere and unaffected piety and devotion would reign in all hearts. What a Utopia; what a Paradise would this region be

MARCH 2, 1756

Began this afternoon my third quarter. The great and Almighty author of nature, who at first established those rules which regulate the world, can as easily suspend those laws whenever his providence sees sufficient reason for such suspension. This can be no objection, then, to the miracles of Jesus Christ. Although some very thoughtful and contemplative men among the heathen attained a strong persuasion of the great principles of religion, yet the far greater number, having little time for speculation, gradually sunk into the grossest opinions and the grossest practices. These, therefore, could not be made to embrace the true religion till their attention was roused by some astonishing and miraculous appearances. The reasoning of philosophers, having nothing surprising in them, could not overcome the force of prejudice, custom, passion, and bigotry. But when wise and virtuous men commissioned from heaven, by miracles awakened men's attention to their reasonings, the force of truth made its way with ease to their minds.

MARCH 7, 1756

Heard Mr. Maccarty all day. Spent the evening and supped at Mr. Greene's with Thayer. Honesty, sincerity, and openness I esteem essential marks of a good mind. I am, therefore, of opinion that men ought (after they have examined with unbiased judgments every system of religion, and chosen one system, on their own authority, for themselves), to avow their opinions and defend them with boldness.

MAY 1, 1756

If we consider a little of this our globe, we find an endless variety of substances mutually connected with and dependent on each other. In the wilderness we see an amazing profusion of vegetables, which afford sustenance and covering to the wild beasts. The cultivated plains and meadows produce grass for, the cattle, and herbs for the service of man. The milk and the flesh of other animals afford a delicious provision for mankind.

A great part of the human species are obliged to provide food and nourishment for other helpless and improvident animals. Vegetables sustain some animals; these animals are devoured by others, and these others are continually cultivating and improving the vegetable species. Thus, nature upon our earth is in a continual rotation.

If we rise higher, we find the sun and moon, to a very great degree, influencing us. Tides are produced in the ocean; clouds in the atmosphere; all nature is made to flourish and look gay by these enlivening and invigorating luminaries. Yea, life and cheerfulness is diffused to all other planets, as well as ours, upon the brightly sunbeams.

No doubt, there is as great a multitude and variety of bodies upon each Planet in proportion to its magnitude, as there is upon ours. These bodies are connected with, and influenced by each other. Thus, we see the amazing harmony of our solar system.

The minutest particle, in one of Saturn's satellites, may have some influence upon the most distant regions of the system. The stupendous plan of operation was projected by Him who rules the universe, and a part assigned to every particle of matter, to act in this great and complicated drama. The Creator looked into the remotest futurity, and saw his great designs accomplished by this inextricable, this mysterious complication of causes. But to rise still higher, this solar system is but one very small wheel in the great, the astonishing machine of the world. Those stars, that twinkle in the heavens, have each of them a choir of planets, comets, and satellites dancing round them, playing mutually on each other, and all, together playing on the other systems that lie around them.

Our system, considered as one body hanging on its center of gravity, may affect and be affected by all the other systems within the compass of creation. Thus it is highly probable every particle of matter influences and is influenced by every other particle in the whole collected universe.

JULY 26, 1796

Cloudy . . .

The Christian religion is above all the religions that ever prevailed or existed in ancient or modern times, the religion of wisdom, virtue, equity, and humanity, let the blackguard Paine say what he will; it is resignation to God, it is goodness itself to man.

AUGUST 24, 1796

One great advantage of the Christian religion is that it brings the great principle of the law of nature and nations--Love your neighbor as yourself, and do to others as you would that others should do to you,--to the knowledge, belief, and veneration of the whole people. Children, servants, women, and men, are all professors in the science of public and private morality. No other institution for education, no kind of political discipline, could diffuse this kind of necessary information, so universally among all ranks and descriptions of citizens. The duties and rights of the man and the citizen are thus taught from early infancy to every creature. The sanctions of a future life are thus added to the observance of civil and political, as well as domestic and private duties. Prudence, justice, temperance, and fortitude, are thus taught to be the means and conditions of future as well as present happiness.

# Exhibit I

# THE PRINCIPLES OF NATURAL LAW

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Jean-Jacques Burlamaqui

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OF THE LAW OF NATURE.

CHAP. 1.

*In what the Law of Nature consists, and that there is such a thing. First considerations, drawn from the existence of God and his authority over us.*

I. AFTER having settled the general principles of law, our business is now to apply them to natural law in particular. The questions, we have to examine in this second part, are of no less importance, than to know whether man, by his nature and constitution, is really subject to law properly so called. What are these laws? Who is the superior, that imposes them? By what method or means is it possible to know them? Whence results the obligation of observing them? What consequence may follow from our negligence in this respect? And in fine, what advantage on the contrary may arise from the observance of these laws ?

II. Let us begin with a proper definition of the terms. By natural law we understand a law, that God imposes on all men, and which they are able to discover and know by the sole light of reason, and by attentively considering their state and nature.

Natural law is likewise taken for the system, assemblage, or body of, the laws of nature.

Natural jurisprudence is the art of attaining to the knowledge of the laws of nature, of explaining and applying them to human actions.

III. But whether there be really any natural laws is the first question that presents itself here to our inquiry. In order to make a proper answer we must ascend to the principles of natural theology, as being the first and true foundation of the law of nature. For, when we are asked whether there are any natural laws, this question cannot be resolved, but by examining the three following articles. 1. Whether there is a God? 2. If there is a God, whether he has a right to impose laws on man? 3. Whether God actually exercises his right in this respect, by really giving us laws, and requiring we should square thereby our actions? These three points will furnish the subject of this and the following chapters.

IV. The existence of God, that is of a first, intelligent, and self-existent being, on whom all things depend, as on their first cause, and who depends himself on no one; the existence, I say, of such a being is one of those truths, that show themselves to us at the first glance. We have only to attend to the evident and sensible proofs, that present themselves to us, as it were, from all parts.

The chain and subordination of cause among themselves which necessarily requires we should fix on a first cause, the necessity of acknowledging a first mover, the admirable structure and order of the universe, are all so many demonstrations of the existence of God, within the reach of every capacity. Let us unfold them in a few words.



V. We behold an infinite number of objects, which, being united, form the assemblage, we call the universe. Something therefore must have always existed. For, were we to suppose a time in which there was absolutely nothing, it is evident that nothing could have ever existed because, whatsoever has a beginning must have a cause of its existence since nothing can produce nothing. It must be therefore acknowledged, that there is some eternal being, who exists necessarily and of himself for he can be indebted to no one else for his origin; and it implies a contradiction, that such a being does not exist.

Moreover this eternal being, who necessarily and of himself subsists, is endued with reason and understanding. For, to pursue the same manner of arguing, were we to suppose a time, in which there was nothing but inanimate beings, it would have been impossible for intelligent beings, such as we now behold, ever to exist. Intellection can no more proceed from a blind and unintelligent cause, than a being, of any kind whatsoever, can come from nothing. There must therefore have always existed a father of spiritual beings, an eternal mind, the source, whence all others derive their existence. Let what system soever be adopted concerning the nature and origin of the soul, our proof subsists still in its full force. Were it even to be Supposed, that the cogitative part of man is no more than the effect of a certain motion or modification of matter, yet we should still want to know how matter acquired this activity, which is not essential to it, and this particular and so much admired organization, which it cannot impart to itself. We should inquire, who is it, that has modified the body in such a manner proper to produce such wonderful operations, as those of intellection, which reflects, which acts on the very body itself with commands, which surveys the earth, and measures the heavens, recollects past transactions, and extends its views to futurity. Such a masterpiece must come from the hands of an intelligent cause; wherefore it is absolutely necessary to acknowledge a first, eternal, and intelligent Being

VI. An eternal Spirit, who has within himself the principle of his own existence, and of all his faculties, can be neither changed nor destroyed; neither dependent nor limited; he should even be invested with infinite perfection, sufficient to render him the sole and first cause of all, so that we may have no occasion to seek for any other.

But does not (some will ask) this quality of an eternal and intelligent being belong to matter itself, to the visible world, or to some of the parts thereof?

I answer that this supposition is absolutely contrary to all our ideas. Matter is not essentially and of itself intelligent; nor can it be supposed to acquire intellection but by a particular modification, received from a cause supremely intelligent. Now this first cause cannot have such a modification from any other being for he thinks essentially and of himself wherefore he cannot be a material being. Besides, as all the parts of the universe are variable and dependent, how is it possible to reconcile this with the idea of an infinite and all perfect being?

As for what relates to man, his dependence and weakness are much more sensible, than those of other creatures. Since he has no life of himself, he cannot be the efficient cause of the existence of others. He is unacquainted with the structure of his own body, and with the principle of life; incapable of discovering in what manner motions are connected with Ideas, and which is the proper Spring of the empire of the will. We must therefore look out for an efficient, primitive, and original cause of mankind, beyond the human chain, be it supposed ever so long; we must trace the cause of each part of the world beyond this material and visible world.

VII. 2. After this first proof, drawn from the necessity of a first, eternal, and intelligent being, distinct from matter; we proceed to a second, which shows us the Deity in a more sensible manner and more within the reach of common capacities. The proof I mean is the contemplation of this visible world

wherein we perceive a motion and order which matter has not of itself, and must therefore receive from some other being.

Motion or active force is not an essential quality of body. Extension is of itself rather a passive being. It is easily conceived at rest and, if it has any motion we may well conceive it may loose it without being stript of its existence; it is a quality or state, that passes and is accidentally communicated from one body to another. The first impression must therefore proceed from an intrinsic cause and, as Aristotle has well expressed it, The first mover of bodies must not be moveable himself, must not be a body. This has also been agreed to by Hobbes. But the acknowledging, says he, of one God, eternal, infinite and omnipotent, may more easily be derived from the desire men have to know the causes of natural bodies, and their several virtues and operations, than from the fear of what was to befall them in time to come. For he, who, from any effect he seeth come to pass, should reason to the next and immediate cause thereof, and thence to the cause of that cause, shall at last come to this, that there must be (as even the heathen philosophers confessed) one first mover; that is, a first and eternal cause of all things; which is that, which men mean by the name of God.

VIII 3. But, if matter has not been able to move of itself, much less was it able to move to the exact degree, and with all the determinations necessary to form such a world, as we behold, rather than a confused chaos.

In fact, let us only cast our eyes on this universe, and we shall every where discover, even at the first glance, an admirable beauty, regularity, and order, and this admiration will increase in proportion as, in searching more closely into nature, we enter into the particulars of the structure, proportion, and use of each part. For then we shall clearly see, that every thing is relative to a certain end, and that these particular ends, though infinitely varied among themselves, are so dexterously managed and combined as to conspire all to a general design. Notwithstanding this amazing diversity of creatures, there is no confusion we behold several thousand different species, which preserve their distinct form and qualities. The parts of the universe are proportional and balanced, in order to preserve a general harmony and each of those parts has exactly its proper figure, proportions, situation, and motion, either to produce its particular effect, or to form a beautiful whole.

It is evident therefore, that there is a design, a choice, a visible reason in all the works of nature, and consequently there are marks of wisdom and understanding, obvious, as it were, even to our very senses.

IX. Though there have been some philosophers, who have attributed all these phenomena to chance, yet this so ridiculous a thought, that I question whether a more extravagant chimera ever entered into the mind of man. Is it possible for any one to persuade himself seriously, that the different parts of matter, having been set in some unaccountable manner in motion, produce of themselves the heavens, the stars, the earth, the plants, and even animals and men, and whatever is most regular in the organization? A man, that would pass the like judgment on the least edifice, on a book or pictures would be looked upon, as a mad, extravagant person. How much more shocking is it to common sense to attribute to chance so vast a work, and so wonderful a composition, as this universe?

X. It would be equally frivolous to alledge the eternity of the world, in order to exclude a first intelligent cause. For, besides the marks of novelty, we meet with in the history of mankind, as the origin of nations and empires, and the invention of arts and sciences, &c. beside the assurance we have from the most general and most ancient tradition, that the world has had a beginning (a tradition, which is of great weight in regard to a matter of fact, like this,) besides I say all this, the very nature of the thing does not allow us to admit of this hypothesis any more than that of chance. For the question is still, whence comes this beautiful order, this regular structure and design, in a word, whence proceed those marks of reason and

wisdom, that are so visibly displayed in all parts of the universe? To say that it had been always so, without the intervention of an intelligent cause, does not explain the thing, but leaves us in the same embarrassment, and advances the same absurdity, as those, who awhile ago were speaking to us of chance. For this is in reality telling us, that whatever we behold throughout the universe is blindly arranged, without design, choice, cause, reason, or understanding. Hence the principal absurdity of the hypothesis of chance occurs likewise in this system; with this difference only, that, by establishing the eternity of the world, they suppose a chance, that from all eternity hit upon order; whereas those, who attribute the formation of the world to the fortuitous junction of its parts, suppose that chance did not succeed till a certain time, when it fell in at length with order, after an infinite number of trials and fruitless combinations. Both acknowledge therefore no other cause than chance, or properly speaking they acknowledge none at all; for chance is no real cause it is a word, that cannot account for a real effect, such as the arrangement of the universe.

It would not be a difficult matter to carry these proofs to much greater length, and even to increase them with an additional number. But this may suffice for a work of this kind and the little we have said intitles us methinks to establish the existence of a First Cause or of a Creator, as an incontestable truth, that may serve henceforward for the basis of all our reasonings.

X . As soon as we have acknowledged a Creator, it is evident, that he has a supreme right to lay his commands on man, to prescribe rules of conduct to him, and to subject him to law and it is no less evident, that man on his side finds himself, by his natural constitution, under an obligation of subjecting his actions to the will of this supreme Being.

We have already shown, that the true foundation of soveignty, in the person of the sovereign is power united with wisdom and goodnsss; and that, on the other hand, weakness and wants in the subjects are the natural cause of dependence. We have only therefore to see, whether all these qualities of sovereign are to be found in God; and whether men on their side, are in a state of infirmity and wants, so as to depend necessarily on him for their happiness.

XII. It is beyond doubt, that he who exists necessarily and on himself, and has created the universe, must be invested with infinite power. As he has given existence to all things by his own will, he may likewise preserve, annihilate, or change them, as he pleases.

But his wisdom is equal to his power. Having made every thing, he must know every thing, a well the causes, as the effect thence resulting. We see besides in all his work the most excellent ends, and a choice of the most proper means to attain them; in short, they all bear, as it were, the stamp of wisdom.

XIII. Reason informs us, that God is a being essentially good; a perfection, which seems to flow naturally from his wisdom an power. For how is it possible for a being, who of his nature is inifinitely wise and powerful, to have any inclination to hurt? Surely no sort of reason can ever determine him to it. Malice, cruelty, and injustice, are always a consequence of ignorance or weakness. Let man therefore consider but never so little the littleness, which surround him, and reflect on his own constitution, he will discover, both within and without himself, the benevolent hand of his Creator, who treats him like a father. It is from God we hold our life and reason; it is he, that supplies most abundantly our wants, adding the useful to the necessary, and the agreeable to the useful. Philosophers observe, that whatever contributes to our preservation, has been arrayed with some agreeable quality. Nourishment, repose, action, heat, cold, in short whatever is useful to us, pleases us in its turn, and so long as it is useful. Should it cease to be so, because things are carried to a dangerous excess, we have notice therefore by an opposite sensation. If, he allurement of pleasure invites us to use them, when they are necessary for our wants; disrelish an assitude induce us to abstain from them, when they are likely to hurt us. Such is the happy and sweet

economy of nature, which annexes a pleasure to the moderate exercise of our senses and faculties, insomuch that whatever surrounds us becomes a source of satisfaction, when we know how to use it with discretion. What can be more magnificent, for example, than this great theatre of the world, in which we live and this glittering decoration of heaven and earth, exhibiting a thousand agreeable objects to our view? What satisfaction does not the mind receive from the sciences, by which it is exercised, enlarged, and improved?

What conveniences do not we draw from human industry? What advantage do not we derive from an intercourse with our equals; what charms in their conversation! what sweetness in friendship, and the other connexions of the heart! When we avoid the excess and abuse of things, the greatest part of life abounds with agreeable sensations. And if to this we add, that the laws, which God gives us, tend, as hereafter we shall see, to perfect our nature, to prevent all kind of abuse, and to confine us to a moderate use of the good things of life, on which the preservation, excellence, and happiness, as well public as private, of man depend, what more is there wanting to convince us, that the goodness of God is not inferior either to his wisdom or power? We have therefore a superior undoubtedly invested with all the qualities necessary to find the most legitimate and most extensive authority. And since on our side experience shows us, that we are weak and subject to divers wants; and since every thing we have, we have from him, and he is able either to augment or diminish our enjoyments; it is evident, that nothing is wanting here to establish on the one side the absolute sovereignty of God, and on the other hand our unlimited dependence.

## CHAP II.

*That God, in consequence of his authority over us, has actually thought proper to prescribe to us laws or rules of conduct.*

I. To prove the existence of God, and our dependence in respect to him, is establishing the right he has of prescribing laws to man. But this is not sufficient; the question is, whether he has actually thought proper to exercise this right? He can undoubtedly impose laws on us; but has he really done it? And though we depend on him for our life, and for our physical faculties, has he not left us in a state of independence in respect to the moral use, to which we are to apply them? This is a third and capital point, we have still left to examine.

II. 1. We have made some progress already in this research, by discovering all the circumstances, necessary to establish an actual legislature. On the one side we find a superior, who by his nature is possessed in the very highest degree of all the conditions requisite to establish a legitimate authority and on the other we behold man, who is God's creature, endowed with understanding and liberty, capable of acting with knowledge and choice, sensible of pleasure and pain, susceptible of good and evil, of rewards and punishments. Such an aptitude of giving and receiving laws cannot be useless. This concurrence of relations and circumstances undoubtedly denotes an end, and must have some effect just as the particular organization of the eye shows we are destined to see the light. Why should God have made us exactly fit to receive laws, if he intended none for us? This would be creating so many idle and useless faculties. It is therefore not only possible, but very probable, that our destination in general is such, unless the contrary should appear from much stronger reasons. Now instead of there being any reason to destroy this first presumption, we shall see, that every thing tends to confirm it.

II. 2. When we consider the beautiful order, which the supreme wisdom has established in the physical world, it is impossible to persuade ourselves, that he has abandoned the spiritual or moral world to chance and disorder. Reason, on the contrary, tells us, that a wise being proposes to himself a reasonable end in every thing he does, and that he uses all the necessary means to attain it. The end, which God had in view

with regard to his creatures, and particularly with respect to man, cannot be any other, on the one side, than his glory; and on the other, the perfection and happiness of his creatures, so far as their nature or constitution will admit. These two views, so worthy of the Creator, are perfectly combined. For the glory of God consists in manifesting his perfections, his power, his goodness, wisdom, and justice ; and these virtues are nothing else but the love of order and of the good of the whole. Thus a being absolutely perfect and supremely happy, willing to conduct man to that state of order and happiness, which suits his nature, cannot but be willing at the same time to employ whatever is necessary for such an end; and consequently he must approve of those means, that are proper, and, disapprove of such, as are improper for attaining it. Had the constitution of man been merely physical or mechanical, God himself would have done whatever is expedient for his work; but man being a free and intelligent creature, capable of discernment and choice, the means, which the Deity uses to conduct him to his end, ought to be proportioned to his nature, that is such as man may engage in, and concur with, by his own actions.

Now, as all means are not equally fit to conduct us to a certain end, all human actions cannot therefore be indifferent. Plain it is, that every actions contrary to the ends, which God has proposed, is not agreeable to the divine Majesty and that he approves, on the contrary, those, which of themselves are proper to promote his ends. Since there is a choice to be made, who can question but our Creator is willing we should take the right road and that, instead of acting fortuitously and rashly, we should behave like rational creatures, by exercising our liberty and the other faculties he has given us, in the manner most agreeable to our state and destination, in order to promote his views, and to advance our own happiness, together with that of our fellow creatures?

IV. These considerations assume a new force, when we attend to the natural consequences of the opposite system. What would become of man and society, were every one to be so far master of his actions, as to do every thing he listed, without having any other principle of conduct than caprice or passion? Let us suppose, that God, abandoning us to ourselves, had not actually prescribed any rules of life, or subjected us to laws , most of our talents and faculties would be of no manner of use to us. To what purpose would it be for man to believe the light of reason, were he to follow only the impulse of instinct, without watching over his conduct? What would it avail him to have the power of suspending his judgment, were he to yield stupidly to the first impressions? And of what service would reflection be, were he neither to choose nor deliberate; and

[UNDER CONSTRUCTION]

# Exhibit J

## Fact Sheets: Currency & Coins

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### History of 'In God We Trust'

The motto IN GOD WE TRUST was placed on United States coins largely because of the increased religious sentiment existing during the Civil War. Secretary of the Treasury **Salmon P. Chase** received many appeals from devout persons throughout the country, urging that the United States recognize the Deity on United States coins. From Treasury Department records, it appears that the first such appeal came in a letter dated November 13, 1861. It was written to Secretary Chase by Rev. M. R. Watkinson, Minister of the Gospel from Ridleyville, Pennsylvania, and read:

*Dear Sir: You are about to submit your annual report to the Congress respecting the affairs of the national finances.*

*One fact touching our currency has hitherto been seriously overlooked. I mean the recognition of the Almighty God in some form on our coins.*

*You are probably a Christian. What if our Republic were not shattered beyond reconstruction? Would not the antiquaries of succeeding centuries rightly reason from our past that we were a heathen nation? What I propose is that instead of the goddess of liberty we shall have next inside the 13 stars a ring inscribed with the words PERPETUAL UNION; within the ring the allseeing eye, crowned with a halo; beneath this eye the American flag, bearing in its field stars equal to the number of the States united; in the folds of the bars the words GOD, LIBERTY, LAW.*

*This would make a beautiful coin, to which no possible citizen could object. This would relieve us from the ignominy of heathenism. This would place us openly under the Divine protection we have personally claimed. From my hearth I have felt our national shame in disowning God as not the least of our present national disasters.*

*To you first I address a subject that must be agitated.*

As a result, Secretary Chase instructed **James Pollock**, Director of the **Mint at Philadelphia**, to prepare a motto, in a letter dated November 20, 1861:

*Dear Sir: No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.*

*You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.*

It was found that the Act of Congress dated January 18, 1837, prescribed the mottoes and devices that should be placed upon the coins of the United States. This meant that the mint could make no changes without the enactment of additional legislation by the Congress. In December 1863, the Director of the Mint submitted designs for new **one-cent coin**, **two-cent coin**, and **three-cent coin** to Secretary Chase for approval. He proposed that upon the designs either OUR COUNTRY; OUR GOD or GOD, OUR TRUST should appear as a motto on the coins. In a letter to the Mint Director on December 9, 1863, Secretary Chase stated:

*I approve your mottoes, only suggesting that on that with the Washington obverse the motto should begin with the word OUR, so as to read OUR GOD AND OUR COUNTRY. And on that with the shield, it should be changed so as to read: IN GOD WE TRUST.*

The Congress passed the Act of April 22, 1864. This legislation changed the composition of the **one-cent coin** and authorized the minting of the **two-cent coin**. The Mint Director was directed to develop the designs for these coins for final approval of the Secretary. IN GOD WE TRUST first appeared on the 1864 **two-cent coin**.

Another Act of Congress passed on March 3, 1865. It allowed the Mint Director, with the Secretary's approval, to place the motto on all gold and silver coins that "shall admit the inscription thereon." Under the Act, the motto was placed on the **gold double-eagle coin**, the **gold eagle coin**, and the **gold half-eagle coin**. It was also placed on the **silver dollar coin**, the **half-dollar coin** and the **quarter-dollar coin**, and on the nickel **three-cent coin** beginning in 1866. Later, Congress passed the Coinage Act of February 12, 1873. It also said that the Secretary "may cause the motto IN GOD WE TRUST to be inscribed on such coins as shall admit of such motto."

The use of IN GOD WE TRUST has not been uninterrupted. The motto disappeared from the **five-cent coin** in 1883, and did not reappear until production of the Jefferson nickel began in 1938. Since 1938, all United States coins bear the inscription. Later, the motto was found missing from the new design of the **double-eagle gold coin** and the **eagle gold coin** shortly after they appeared in 1907. In response to a general demand, Congress ordered it restored, and the Act of May 18, 1908, made it mandatory on all coins upon which it had previously appeared. IN GOD WE TRUST was not mandatory on the **one-cent coin** and **five-cent coin**. It could be placed on them by the Secretary or the Mint Director with the Secretary's approval.

The motto has been in continuous use on the **one-cent coin** since 1909, and on the **ten-cent coin** since 1916. It also has appeared on all gold coins and **silver dollar coins**, **half-dollar coins**, and **quarter-dollar coins** struck since July 1, 1908.

A law passed by the 84th Congress (P.L. 84-140) and approved by the President on July 30, 1956, the President approved a Joint Resolution of the 84th Congress, declaring IN GOD WE TRUST the national motto of the United States. IN GOD WE TRUST was first used on paper money in 1957, when it appeared on the one-dollar **silver certificate**. The first paper currency bearing the motto entered circulation on October 1, 1957. The Bureau of Engraving and Printing (BEP) was converting to the dry intaglio printing process. During this conversion, it gradually included IN GOD WE TRUST in the back design of all classes and denominations of currency.

As a part of a comprehensive modernization program the BEP successfully developed and installed new high-speed rotary intaglio printing presses in 1957. These allowed BEP to print currency by the dry intaglio process, 32 notes to the sheet. One-dollar **silver certificates** were the first denomination printed on the new high-speed presses. They included IN GOD WE TRUST as part of the reverse design as BEP adopted new dies according to the law. The motto also appeared on one-dollar **silver certificates** of the 1957-A and 1957-B series.

BEP prints United States paper currency by an intaglio process from engraved plates. It was necessary, therefore, to engrave the motto into the printing plates as a part of the basic engraved design to give it the prominence it deserved.



One-dollar silver certificates series 1935, 1935-A, 1935-B, 1935-C, 1935-D, 1935-E, 1935-F, 1935-G, and 1935-H were all printed on the older flat-bed presses by the wet intaglio process. P.L. 84-140 recognized that an enormous expense would be associated with immediately replacing the costly printing plates. The law allowed BEP to gradually convert to the inclusion of IN GOD WE TRUST on the currency. Accordingly, the motto is not found on series 1935-E and 1935-F one-dollar notes. By September 1961, IN GOD WE TRUST had been added to the back design of the Series 1935-G notes. Some early printings of this series do not bear the motto. IN GOD WE TRUST appears on all series 1935-H one-dollar silver certificates.

Below is a listing by denomination of the first production and delivery dates for currency bearing IN GOD WE TRUST:

<b>DENOMINATION</b>	<b>PRODUCTION</b>	<b>DELIVERY</b>
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\$1 Federal Reserve Note	<u>February 12, 1964</u>	<u>March 11, 1964</u>
\$5 United States Note	<u>January 23, 1964</u>	<u>March 2, 1964</u>
\$5 Federal Reserve Note	<u>July 31, 1964</u>	<u>September 16, 1964</u>
\$10 Federal Reserve Note	<u>February 24, 1964</u>	<u>April 24, 1964</u>
\$20 Federal Reserve Note	<u>October 7, 1964</u>	<u>October 7, 1964</u>
\$50 Federal Reserve Note	<u>August 24, 1966</u>	<u>September 28, 1966</u>
\$100 Federal Reserve Note	<u>August 18, 1966</u>	<u>September 27, 1966</u>

# Exhibit K

# *History–Social Science Framework*

for California Public Schools  
Kindergarten Through Grade Twelve

2001 Updated Edition with Content Standards

*Developed by the*  
History–Social Science Curriculum Framework  
and Criteria Committee

*Adopted by the*  
California State Board of Education  
October 11, 2000

*Published by the*  
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The *Educational Resources Catalog* describing publications, videos, and other instructional resources available from the Department can be obtained without charge by writing to the address given above or by calling the Sales Office at (916) 445-1260.

### About the Cover Illustration

This painting by Childe Hassam is entitled *Allies Day, May 1917*. It was a gift of Ethelyn McKinney to the National Gallery of Art in memory of her brother, Glenn Ford McKinney. Painted in 1917, the original of this work was done in oils on canvas and measures 30 1/4 by 36 1/2 inches. Copyright 1996 by the Board of Trustees, National Gallery of Art, Washington, D.C.

Course  
Descriptions

Grade Five

**Historical  
Interpretation 1.**

Students summarize the key events of the era they are studying and explain the historical contexts of those events.

**Research, Evidence,  
and Point of View 1.**

Students differentiate between primary and secondary sources.

**Standard 5.1.**

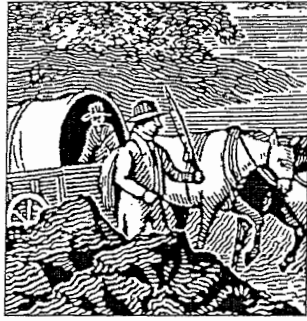
Students describe the major pre-Columbian settlements, including the cliff dwellers and pueblo people of the desert Southwest, the American Indians of the Pacific Northwest, the nomadic nations of the Great Plains, and the woodland peoples east of the Mississippi River.

**Standard 5.2.**

Students trace the routes of early explorers and describe the early explorations of the Americas.

**Standard 5.4.**

Students understand the political, religious, social, and economic institutions that evolved in the colonial era.



**Grade Five—  
United States History and Geography:  
Making a New Nation**

This course for grade five presents the story of the development of the nation, with emphasis on the period up to 1850. This course focuses on one of the most remarkable stories in history: the

creation of a new nation, peopled by immigrants from all parts of the globe and governed by institutions founded on the Judeo-Christian heritage, the ideals of the Enlightenment, and English traditions of self-government. This experiment was inspired by the innovative dream of building a new society, a new order for the ages, in which the promises of the Declaration of Independence would be realized.

Wherever possible, events should be seen through the eyes of participants such as explorers, American Indians, colonists, free blacks and slaves, children, or pioneers. The narrative for the year must reflect the experiences of different racial, religious, and ethnic groups.

**The Land and People Before Columbus**

In this unit students examine major pre-Columbian settlements: the cliff dwellers and pueblo people of the desert Southwest; the American Indians of the Pacific Northwest; the nomadic tribes of the Great Plains; and the woodland peoples east of the Mississippi. Students should learn how these people adjusted to their natural environment; developed an economy and system of government; and expressed their culture in art, music, and dance. Students should be introduced to the rich mythology and literature of American Indian cultures.

**Age of Exploration**

In this unit students will concentrate on European explorers who sought trade routes, economic gain, adventure, national glory, and “the greater glory of God.” Tracing the routes of these explorers on the globe should encourage discussion of Europe’s innovative use of technological developments that were invented by other civilizations that made this age of exploration possible: the compass, the astrolabe, and seaworthy ships. Students might imagine how these explorers and their crews might have felt when they left chartered seas to explore the unknown. What happened when they encountered indigenous people? How were they received when they returned home not with exotic spices and silk, but with native people, animals, plants, and even gold?

**Settling the Colonies**

A brief survey should be made of French, Portuguese, and Spanish colonization in the New World. Major emphasis should then be placed on the

English colonies, where the political values and institutions of the new nation were shaped.

***The Virginia Settlement.*** In light of the failure of its predecessors, the settlement of Jamestown was a risky venture. The struggle to survive was led by Captain John Smith, who refused food to laggards. He directed the digging of wells, the planting of crops, and the construction of shelter. The economy at Jamestown was perilous until John Rolfe introduced West Indian tobacco, which became the foundation of the plantation economy. Students can explore the implications of this event. Why was tobacco grown on large plantations? What type of work force was required? What was an indentured servant? What was the social life of the plantation?

Students will learn of the first Africans who were brought to the colony in 1619. During the seventeenth century some Africans were indentured, some were enslaved, and some were free. Changing economic conditions increasingly caused tobacco planters to turn to slavery as a major source of reliable though costly labor. Map study will clarify the eighteenth-century Atlantic trade that linked Africa, the West Indies, the British colonies, and Europe. Students should use their growing sense of historical empathy to imagine how these young men and women from Africa felt, having been stolen from their families, carried across the ocean in a brutal voyage to a strange land, and then sold into bondage. This is an appropriate time to reflect on the meaning of slavery both as a legal institution and as an extreme violation of human rights. Original documents such as brief excerpts from slave narratives and from southern statutes and laws concerning the treatment of slaves should be used.

In their study of Virginia, students should understand the importance of the House of Burgesses as the first representative assembly in the colonies. Who was allowed to vote? Who was excluded? They also should learn the meaning of the *established church*.

***Life in New England.*** New England provided a dramatic contrast with the southern colonies. This was a region settled by two groups of Puritans who sought a life based on their religious beliefs: the separatist Pilgrims who broke with the Church of England and the Puritans who sought to reform the church from within.

The story of the Pilgrims begins with their flight from England in search of religious freedom, their temporary haven in the Netherlands, and their voyage to the New World aboard the Mayflower. The Pilgrims' religious beliefs and their persecution by the Church of England should be fully discussed. After an arduous trip, they joined in signing the Mayflower Compact, a first step toward self-government. In keeping with the times, women were not asked to sign. Why not? This is an opportunity to discuss what self-government means and to reflect on the importance of the right to vote.

Life in the new land was hard, and at first the Indians aided the settlers. In time the Pilgrim colonies became well established despite bloody conflicts with

Course  
Descriptions

Grade Five

**Historical  
Interpretation 2.**

Students identify the human and physical characteristics of the places they are studying and explain how those features form the unique character of those places.

**Standard 5.4.6.**

Describe the introduction of slavery into America, the responses of slave families to their condition, the ongoing struggle between proponents and opponents of slavery, and the gradual institutionalization of slavery in the South.

**Research, Evidence,  
and Point of View 2.**

Students pose relevant questions about events they encounter in historical documents, eyewitness accounts, oral histories, letters, diaries, artifacts, photographs, maps, artworks, and architecture.

**Standard 5.4.3.**

Describe the religious aspects of the earliest colonies (e.g., Puritanism in Massachusetts, Anglicanism in Virginia, Catholicism in Maryland, Quakerism in Pennsylvania).

Course  
Descriptions

## Grade Five

**Standard 5.4.2.**

Identify the major individuals and groups responsible for the founding of the various colonies and the reasons for their founding (e.g., John Smith, Virginia; Roger Williams, Rhode Island; William Penn, Pennsylvania; Lord Baltimore, Maryland; William Bradford, Plymouth; John Winthrop, Massachusetts).

**Standard 5.3.**

Students describe the cooperation and conflict that existed among the American Indians and between the Indian nations and the new settlers.

the indigenous people. Students should learn about the political, religious, economic, and social life of the colonies. They should be helped to envision the simple homes and the rigors of each day. They should analyze the work of men, women, and children and see how butter was churned, cloth was dyed, and soap and candles were made; they should see the hornbooks from which children learned their ABCs. By dramatizing a day in a colonial school, students will gain an understanding of the children's lives in this period, the way they learned, and disciplinary practices of that time.

The story of the Puritans is equally important in light of their enduring influence on American literature, education, and attitudes toward life and work. Inspired by their religious zeal, Puritans sought to establish a new Zion, "a city upon a hill," where they might live out their religious ideals. Led by John Winthrop, they founded the city of Boston and within ten years had opened Harvard College and the first common school in Massachusetts. They valued hard work, social obligation, simple living, and self-governing congregations. Their religious views shaped their way of life, their clothing, their laws, their forms of punishment, their education practices, and their institutions of self-government. While they came in pursuit of freedom of religion, however, the Puritans were intolerant of dissent. The stories of Anne Hutchinson and Roger Williams are milestones in the development of religious freedom in Connecticut and Rhode Island.

**The Middle Colonies.** The colonies of New Amsterdam, New Jersey, Pennsylvania, Maryland, and Delaware provided havens for a wide variety of ethnic, linguistic, and religious groups, including English, Dutch, Swedish, German, Irish, Scottish, Catholic, and Jewish settlers. Special attention should be paid to Pennsylvania, where William Penn founded a Quaker colony that practiced religious freedom and representative government. Industrious farmers, fur traders, skilled craftspersons, merchants, bankers, shipbuilders, and overseas traders made the colony prosperous.

Geographic factors enabled the middle colonies to thrive and contributed to the development of New York and Philadelphia as busy seaports. Excerpts from Benjamin Franklin's *Autobiography*, his annual *Poor Richard's Almanac*, and his story "The Whistle" as well as Margaret Cousins's *Ben Franklin of Old Philadelphia* should give students a sense of these times.

### Settling the Trans-Appalachian West

Biographies of Daniel Boone will introduce children to English forays into the French territory west of the Appalachian Mountains and to the French and Indian War, in which Boone served. Students should learn about the importance of the war, in shattering French power in North America. The English attempt to reserve the land west of the Appalachians for the inland Indian nations failed. Students should follow the exploits of pathfinders such as Daniel Boone and read about the settlers who followed his trail over the

Cumberland Gap into Kentucky. They should consider the viewpoint of the American Indians who occupied these same lands and read about the conflicts between the Indians and Kentucky settlers that followed the outbreak of the Revolutionary War. This frontier period is rich in biographies, tall tales, legends, songs, and handicrafts that help to make this period vivid for students.

### The War for Independence

Events leading to the Revolutionary War should be presented as a dramatic story. Each effort by the British to impose their will on the colonies resulted in a strong counterreaction and a growing spirit of independence. Students should become familiar with the Stamp Act of 1765 and the outraged colonial reaction to it; the Townshend Acts that again stirred protest and led to the Boston Massacre; and the tax on tea that provoked the Boston Tea Party. Parliament's efforts to repress dissent led to the first Continental Congress of 1774 and the Committees of Correspondence that established communication among the colonies and developed a national consciousness.

In discussing the conflict, students should read excerpts from speeches in the Parliament by William Pitt and Edmund Burke, whose pleas for moderation were ignored. Students should realize that some colonists remained loyal to King George III. Major events in the Revolution should be vividly described, including the battles of Bunker Hill, Lexington, and Concord; the selection of George Washington to command the army; and Patrick Henry's famous appeal to his fellow legislators to support the fight. The role of free blacks in the battles of the American Revolution should be considered. Students should learn about Abigail Adams, Molly Pitcher, Nathan Hale, and Benedict Arnold; and they should understand the significance of the events at Valley Forge, the alliance with France, and the final battle at Yorktown.

As the war began, young Thomas Jefferson drafted the Declaration of Independence with its idealistic statements that all men are created equal and that governments derive their just power from the consent of the governed. Students should understand the courage required of those who signed this document because they risked their lives and property. Many Americans realized for the first time the contradiction between these ideals and slavery. After the war the northeastern and middle Atlantic states abolished slavery, and the Northwest Ordinance of 1787 banned slavery from the new territories north of the Ohio River. The antislavery movement did not, however, significantly affect the South, where nine out of ten American slaves lived.

To deepen their understanding of this period, students should read biographies of leaders such as George Washington, Thomas Jefferson, and Benjamin Franklin; they should also read Ralph Waldo Emerson's "Concord Hymn," Henry Wadsworth Longfellow's "Paul Revere's Ride," and fine historical fiction such as Esther Forbes's *Johnny Tremain*, Patricia Clapp's *I'm Deborah Sampson: A Soldier in the War of the Revolution*, and James L. Collier's *My Brother Sam Is Dead*.

Course  
Descriptions

Grade Five

#### Standard 5.5.

Students explain the causes of the American Revolution.

#### Historical Interpretation 3.

Students identify and interpret the multiple causes and effects of historical events.

#### Standard 5.6.

Students understand the course and consequences of the American Revolution.

#### Research, Evidence, and Point of View 3.

Students distinguish fact from fiction by comparing documentary sources on historical figures and events with fictionalized characters and events.



Course  
Descriptions

Grade Five

**Standard 5.7.**

Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic.

**Standard 5.3.4.**

Discuss the role of broken treaties and massacres and the factors that led to the Indians' defeat, including the resistance of Indian nations to encroachments and assimilation (e.g., the story of the Trail of Tears).

**Standard 5.8.**

Students trace the colonization, immigration, and settlement patterns of the American people from 1789 to the mid-1800s, with emphasis on the role of economic incentives, effects of the physical and political geography, and transportation systems

## Life in the Young Republic

In this unit students examine the daily lives of those who built the young republic under the new Constitution. Between 1789 and 1850, new waves of immigrants arrived from Europe, especially English, Scots-Irish, Irish, and Germans. Traveling by overland wagons, canals, flatboats, and steamboats, these newcomers advanced into the fertile Ohio and Mississippi valleys and through the Cumberland Gap to the South. Students should sing the songs of the boatmen and pioneers and read the tall tales of legendary figures such as Mike Fink and Paul Bunyan. They should read Ingri and Edgar D'Aulaire's *Abraham Lincoln*, which describes his boyhood in Illinois during this period, and books such as Enid Meadowcroft's *By Wagon and Flatboat*. They should learn about the Louisiana Purchase and the expeditions of Lewis and Clark and of John C. Fremont.

Students should learn about the resistance of American Indian tribes to encroachments by settlers and about the government's policy of Indian removal to lands west of the Mississippi. Students can study these events by reading the biographies of leaders such as Chief Tecumseh of the Shawnee, Chief John Ross of the Cherokee tribe, and Chief Osceola of the Seminole tribe, as well as the tragic story of the Cherokees' "Trail of Tears."

## The New Nation's Westward Expansion

In this unit students examine the advance of pioneer settlements beyond the Mississippi. The flow of migration westward included grizzled fur traders and mountain men, settlers heading for Texas, Mormon families on their way to the new Zion in Utah, midwestern farmers moving to western Oregon's fertile valleys, and forty-niners bound for the Mother Lode region of California. Not to be forgotten are the whalers, New England sailors engaged in the hide and tallow trade with California, and sea traders in furs (sea otter and seal) who plied their clipper ships around Cape Horn and westward to the Pacific.

This is a period rich with folk songs and sea chanteys, folklore, tall tales, and the journals and diaries that bring this period to life. Students might dramatize the experience of moving west to Oregon by wagon train. Excerpts from Francis Parkman's *The Oregon Trail* and from children's literature will help the children understand how the expeditions were organized, how a trail was scouted, where the trail ran, and what physical dangers the pioneers faced: raging rivers, parched deserts, sandstorms and snowstorms, and lack of water or medicine. Students should understand the resistance of American Indians to encroachments by other people, and internecine Indian conflicts, including the competing claims for control of lands.

Students should compare this trail with the California overland trail, the trail to Santa Fe, and the trail to Texas, comparing each time the purpose of the journey; where the trail ran; the influence of geographic terrain, rivers,

vegetation, and climate; and life in the territories at the end of these trails. Students should compare these westward migrations with the continuing northward migrations of Mexican settlers into these great Mexican territories of the West and the South-west. While learning about life on the trail, students should discuss the reactions of the American Indians to the increasing migration and the reasons for their growing concern.

Pioneer women played varied roles in coping with the rigors of daily life on the frontier. Biographies, journals, and diaries disclose the strength and resourcefulness of pioneer women who helped to farm the land and worked as missionaries, teachers, and entrepreneurs. Many slave women gained their freedom in the West. In recognition of the new status that western women achieved, Wyoming in 1869 became the first state to grant suffrage to women.

Maps should be used to explain how and when California, Texas, and other western lands became part of the United States. Settlement was followed by battles for independence. The war with Mexico led to cession of these territories, which then became states. These events provide important opportunities to focus on the Hispanic people of California and the Southwest, on the effects of these events on their lives, and on their distinctive contributions to American culture. Students should also learn how the Oregon boundary conflict was settled by negotiation with England and how that territory became a state.

### **Linking Past to Present: The American People, Then and Now**

In this unit students examine the contributions of the different groups that built the American nation and, in the process, became a new people. Students should understand that we are a people of many races, many religions, and many different national origins and that we live under a common governmental system. While this unit does not include a formal study of the Civil War, students should realize how and when slavery was brought to an end in the United States. They should also learn about the significant contributions that black men and women made to the economic, political, and cultural development of the nation, including its music, literature, art, science, medicine, technology, and scholarship.

Students should learn about the successive waves of new immigration over the years from 1850 until today. Each wave brought new people, new skills, and new cultural contributions to the development of the nation. Immigrants came from Ireland, Germany, Sweden, Norway, Italy, Russia, Poland, Hungary, China, Japan, the Philippines, the West Indies, Mexico, Greece, India, Cuba, and eventually from every direction around the globe. Immigrants farmed the plains, introduced new arts and crafts, built the railroads, developed the great southwestern mines, manned the construction industry and the steel industry, fueled the nation's industrial growth, wrote great literature and music, produced brilliant scientists, created the entertainment industry, and provided

#### **Course Descriptions**

#### **Grade Five**

#### **Chronological and Spatial Thinking 5.**

Students judge the significance of the relative location of a place (e.g., proximity to a harbor, on trade routes) and analyze how relative advantages or disadvantages can change over time.

#### **Chronological and Spatial Thinking 1.**

Students place key events and people of the historical era they are studying in a chronological sequence and within a spatial context; they interpret time lines.

#### **Chronological and Spatial Thinking 3.**

Students explain how the present is connected to the past, identifying both similarities and differences between the two, and how some things change over time and some things stay the same.

#### **Standard 5.8.1.**

Discuss the waves of immigrants from Europe between 1789 and 1850 and their modes of transportation into the Ohio and Mississippi Valleys and through the Cumberland Gap (e.g., overland wagons, canals, flatboats, steamboats).

Course  
Descriptions

Grade Five

**Historical  
Interpretation 4.**

Students conduct cost-benefit analyses of historical and current events.

**Standard 5.7.5.**

Discuss the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the rule of law, and to preserve the Constitution.

human resources to transform the nation's economic, cultural, and social life. Students should identify the immigrants' countries of origin and locate the regions of the nation where they settled.

To understand the human side of the great drama of migration, students should read literature such as Russell Freedman's *Immigrant Kids*, Marietta Moskin's *Waiting for Mama*, Marilyn Sachs's *Call Me Ruth*, Karen Branson's *Streets of Gold*, Leonard Fisher's *Across the Sea from Galway*, and Charlene Talbot's *An Orphan for Nebraska*. They should see similar dramas re-created in the lives of recent immigrants, including Ann N. Clark's *To Stand Against the Wind*, the story of Vietnamese immigrants to America.

The newcomers often encountered discrimination because of their race, religion, or cultural traditions. They often faced hardships as they learned the new language and adjusted to a new way of life; but even more often they found the opportunity to make a new life in a land where ability and hard work enabled them to get ahead.

To understand the continuing attraction of immigrants to the United States, students should become familiar with the tenets of the American creed by discussing the meaning of key phrases in the Declaration of Independence, the Constitution, and the Bill of Rights. Students should read Emma Lazarus's poem, "The New Colossus," which is attached to the Statue of Liberty, and consider the meaning of symbols such as that statue and the phrase *e pluribus unum*.

After a year of studying American history, students should be able to reflect on the ethical content of the nation's principles and on America's promise to its citizens—the promise of a democratic government in which the rights of the individual are protected by the government, by a free press, and by an informed public. America's ideals are closely related to the nature of American Society. We are strong because we are united in a pluralistic society of many races, cultures, and ethnic groups; we have built a great nation because we have learned to live in peace with each other, respecting each other's right to be different and supporting each other as members of a common community.

Students should understand that the American creed calls on them to safeguard their freedoms and those of their neighbors, to value the nation's diversity, to work for change within the framework of law, and to do their part as citizens in contributing to the welfare of their community. To gain these understandings, students might interview elected public officials, invite volunteers from community organizations to talk about the work they do, and develop projects that can be helpful to others in their school and community. Such projects might include visits to senior citizens' centers and working on school and community beautification projects.

Throughout these activities, students should reflect on the importance of living up to the nation's ideals and of participating in the unfinished struggle to make these principles and ideals a reality for all.

## History–Social Science Standards

**Grade Five****United States History and Geography:****Making a New Nation**Course  
DescriptionsGrade Five  
Content  
Standards

**5.1 Students describe the major pre-Columbian settlements, including the cliff dwellers and pueblo people of the desert Southwest, the American Indians of the Pacific Northwest, the nomadic nations of the Great Plains, and the woodland peoples east of the Mississippi River.**

1. Describe how geography and climate influenced the way various nations lived and adjusted to the natural environment, including locations of villages, the distinct structures that they built, and how they obtained food, clothing, tools, and utensils.
2. Describe their varied customs and folklore traditions.
3. Explain their varied economies and systems of government.

**5.2 Students trace the routes of early explorers and describe the early explorations of the Americas.**

1. Describe the entrepreneurial characteristics of early explorers (e.g., Christopher Columbus, Francisco Vázquez de Coronado) and the technological developments that made sea exploration by latitude and longitude possible (e.g., compass, sextant, astrolabe, seaworthy ships, chronometers, gunpowder).
2. Explain the aims, obstacles, and accomplishments of the explorers, sponsors, and leaders of key European expeditions and the reasons Europeans chose to explore and colonize the world (e.g., the Spanish Reconquista, the Protestant Reformation, the Counter Reformation).
3. Trace the routes of the major land explorers of the United States, the distances traveled by explorers, and the Atlantic trade routes that linked Africa, the West Indies, the British colonies, and Europe.
4. Locate on maps of North and South America land claimed by Spain, France, England, Portugal, the Netherlands, Sweden, and Russia.

**5.3 Students describe the cooperation and conflict that existed among the American Indians and between the Indian nations and the new settlers.**

1. Describe the competition among the English, French, Spanish, Dutch, and Indian nations for control of North America.
2. Describe the cooperation that existed between the colonists and Indians during the 1600s and 1700s (e.g., in agriculture, the fur trade, military alliances, treaties, cultural interchanges).
3. Examine the conflicts before the Revolutionary War (e.g., the Pequot and King Philip's Wars in New England, the Powhatan Wars in Virginia, the French and Indian War).

4. Discuss the role of broken treaties and massacres and the factors that led to the Indians' defeat, including the resistance of Indian nations to encroachments and assimilation (e.g., the story of the Trail of Tears).
5. Describe the internecine Indian conflicts, including the competing claims for control of lands (e.g., actions of the Iroquois, Huron, Lakota [Sioux]).
6. Explain the influence and achievements of significant leaders of the time (e.g., John Marshall, Andrew Jackson, Chief Tecumseh, Chief Logan, Chief John Ross, Sequoyah).

#### **5.4 Students understand the political, religious, social, and economic institutions that evolved in the colonial era.**

1. Understand the influence of location and physical setting on the founding of the original 13 colonies, and identify on a map the locations of the colonies and of the American Indian nations already inhabiting these areas.
2. Identify the major individuals and groups responsible for the founding of the various colonies and the reasons for their founding (e.g., John Smith, Virginia; Roger Williams, Rhode Island; William Penn, Pennsylvania; Lord Baltimore, Maryland; William Bradford, Plymouth; John Winthrop, Massachusetts).
3. Describe the religious aspects of the earliest colonies (e.g., Puritanism in Massachusetts, Anglicanism in Virginia, Catholicism in Maryland, Quakerism in Pennsylvania).
4. Identify the significance and leaders of the First Great Awakening, which marked a shift in religious ideas, practices, and allegiances in the colonial period, the growth of religious toleration, and free exercise of religion.
5. Understand how the British colonial period created the basis for the development of political self-government and a free-market economic system and the differences between the British, Spanish, and French colonial systems.
6. Describe the introduction of slavery into America, the responses of slave families to their condition, the ongoing struggle between proponents and opponents of slavery, and the gradual institutionalization of slavery in the South.
7. Explain the early democratic ideas and practices that emerged during the colonial period, including the significance of representative assemblies and town meetings.

#### **5.5 Students explain the causes of the American Revolution.**

1. Understand how political, religious, and economic ideas and interests brought about the Revolution (e.g., resistance to imperial policy, the Stamp Act, the Townshend Acts, taxes on tea, Coercive Acts).

2. Know the significance of the first and second Continental Congresses and of the Committees of Correspondence.
3. Understand the people and events associated with the drafting and signing of the Declaration of Independence and the document's significance, including the key political concepts it embodies, the origins of those concepts, and its role in severing ties with Great Britain.
4. Describe the views, lives, and impact of key individuals during this period (e.g., King George III, Patrick Henry, Thomas Jefferson, George Washington, Benjamin Franklin, John Adams).

**5.6 Students understand the course and consequences of the American Revolution.**

1. Identify and map the major military battles, campaigns, and turning points of the Revolutionary War, the roles of the American and British leaders, and the Indian leaders' alliances on both sides.
2. Describe the contributions of France and other nations and of individuals to the outcome of the Revolution (e.g., Benjamin Franklin's negotiations with the French, the French navy, the Treaty of Paris, The Netherlands, Russia, the Marquis Marie Joseph de Lafayette, Tadeusz Kósciuszko, Baron Friedrich Wilhelm von Steuben).
3. Identify the different roles women played during the Revolution (e.g., Abigail Adams, Martha Washington, Molly Pitcher, Phillis Wheatley, Mercy Otis Warren).
4. Understand the personal impact and economic hardship of the war on families, problems of financing the war, wartime inflation, and laws against hoarding goods and materials and profiteering.
5. Explain how state constitutions that were established after 1776 embodied the ideals of the American Revolution and helped serve as models for the U.S. Constitution.
6. Demonstrate knowledge of the significance of land policies developed under the Continental Congress (e.g., sale of western lands, the Northwest Ordinance of 1787) and those policies' impact on American Indians' land.
7. Understand how the ideals set forth in the Declaration of Independence changed the way people viewed slavery.

**5.7 Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic.**

1. List the shortcomings of the Articles of Confederation as set forth by their critics.
2. Explain the significance of the new Constitution of 1787, including the struggles over its ratification and the reasons for the addition of the Bill of Rights.

3. Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people and the primacy of individual liberty.
  4. Understand how the Constitution is designed to secure our liberty by both empowering and limiting central government and compare the powers granted to citizens, Congress, the president, and the Supreme Court with those reserved to the states.
  5. Discuss the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the rule of law, and to preserve the Constitution.
  6. Know the songs that express American ideals (e.g., "America the Beautiful," "The Star Spangled Banner").
- 5.8 Students trace the colonization, immigration, and settlement patterns of the American people from 1789 to the mid-1800s, with emphasis on the role of economic incentives, effects of the physical and political geography, and transportation systems.**
1. Discuss the waves of immigrants from Europe between 1789 and 1850 and their modes of transportation into the Ohio and Mississippi Valleys and through the Cumberland Gap (e.g., overland wagons, canals, flatboats, steamboats).
  2. Name the states and territories that existed in 1850 and identify their locations and major geographical features (e.g., mountain ranges, principal rivers, dominant plant regions).
  3. Demonstrate knowledge of the explorations of the trans-Mississippi West following the Louisiana Purchase (e.g., Meriwether Lewis and William Clark, Zebulon Pike, John Fremont).
  4. Discuss the experiences of settlers on the overland trails to the West (e.g., location of the routes; purpose of the journeys; the influence of the terrain, rivers, vegetation, and climate; life in the territories at the end of these trails).
  5. Describe the continued migration of Mexican settlers into Mexican territories of the West and Southwest.
  6. Relate how and when California, Texas, Oregon, and other western lands became part of the United States, including the significance of the Texas War for Independence and the Mexican-American War.
- 5.9 Students know the location of the current 50 states and the names of their capitals.**

## Kindergarten Through Grade Five Historical and Social Sciences Analysis Skills

Course  
Descriptions

Kindergarten  
Through  
Grade Five  
Historical  
and Social Science  
Analysis Skills

The intellectual skills noted below are to be learned through, and applied to, the content standards for kindergarten through grade five. They are to be assessed *only in conjunction with* the content standards in kindergarten through grade five.

*In addition to the standards for kindergarten through grade five, students demonstrate the following intellectual, reasoning, reflection, and research skills:*

### Chronological and Spatial Thinking

1. Students place key events and people of the historical era they are studying in a chronological sequence and within a spatial context; they interpret time lines.
2. Students correctly apply terms related to time, including *past, present, future, decade, century, and generation*.
3. Students explain how the present is connected to the past, identifying both similarities and differences between the two, and how some things change over time and some things stay the same.
4. Students use map and globe skills to determine the absolute locations of places and interpret information available through a map's or globe's legend, scale, and symbolic representations.
5. Students judge the significance of the relative location of a place (e.g., proximity to a harbor, on trade routes) and analyze how relative advantages or disadvantages can change over time.

### Research, Evidence, and Point of View

1. Students differentiate between primary and secondary sources.
2. Students pose relevant questions about events they encounter in historical documents, eyewitness accounts, oral histories, letters, diaries, artifacts, photographs, maps, artworks, and architecture.
3. Students distinguish fact from fiction by comparing documentary sources on historical figures and events with fictionalized characters and events.

### Historical Interpretation

1. Students summarize the key events of the era they are studying and explain the historical contexts of those events.
2. Students identify the human and physical characteristics of the places they are studying and explain how those features form the unique character of those places.
3. Students identify and interpret the multiple causes and effects of historical events.
4. Students conduct cost-benefit analyses of historical and current events.



## Appendix C

# Religion and the Teaching of History—Social Science

Few issues have stirred greater controversy in Americans' attitudes toward public education than the role of religion and values in public schools. In California the official response to this controversy is expressed in this framework.

On pages 5-6, this framework "supports the frequent study and discussion of the fundamental principles embodied in the United States Constitution and the Bill of Rights . . . including the right to freedom of religion." On page 7, this framework asserts the importance of religion in human history: "When studying world history, students must become familiar with the basic ideas of the major religions and the ethical traditions of each time and place. Students are expected to learn about the role of religion in the founding of this country."

This appendix is intended to assist educators as they implement the framework and as they respond to community concerns. To this end, "Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles" and "Guidelines for Teaching About Religion" are printed below to help educators address issues of religious liberty and public education.\*

"Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles" was released by the Freedom Forum's First Amendment Center in March 1995. Using the civic principles of rights, responsibilities, and respect (three Rs) to guide them, members of 20 other national organizations and religious bodies, representing different points of view, formulated the statement. In that statement Americans are called upon to recognize, affirm, and guarantee every citizen's right to religious freedom and to treat each other with respect and dignity as they seek to live together amid their deeply held differences.

Understanding the role of religion in public schools also requires the discernment between the teaching of religion (religious education) and teaching *about* religion. In 1988 a broad coalition of 17 religious and educational organizations published "Guidelines for Teaching About Religion," in *Religion in the Public School Curriculum: Questions and Answers*. These guidelines distinguish between instruction about religion and religious indoctrination. The guidelines' significant statements are excellent resources for all individuals and groups to use in their work to bring people together, ensure the survival of democracy in our nation, and teach about religion in an academic way that is constitutionally permissible and educationally sound. The guidelines also demonstrate

\*"Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles" can be found at <http://www.fac.org/publicat/principles/ambles1.htm>. Both of these documents are reprinted in *Finding Common Ground: A First Amendment Guide to Religion and Public Education* (Third edition). Edited by Charles C. Haynes and Oliver Thomas, Legal Editor. Nashville, Tenn.: The Freedom Forum First Amendment Center, 1998. Copies are available from The Freedom Forum First Amendment Center, 1207 18<sup>th</sup> Ave., South, Nashville, TN 37212, or by telephone at 800-830-3733 or at their Web site at <http://www.freedomforum.org/>.

how the three Rs can enable persons of differing persuasions to work together peaceably for the common good.

## **Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles**

... The rights and responsibilities of the Religious Liberty clauses [of the First Amendment] provide the civic framework within which we are able to debate our differences, to understand one another, and to forge public policies that serve the common good in public education.

Today, many American communities are divided over educational philosophy, school reform, and the role of religion and values in our public schools. Conflict and debate are vital to democracy. Yet, if controversies about public education are to advance the best interests of the nation, then *how* we debate, and not only *what* we debate, is critical.

In the spirit of the First Amendment, we propose the following principles as civic ground rules for addressing conflicts in public education:

### **I. Religious Liberty for All**

*Religious liberty is an inalienable right of every person.*

As Americans, we all share the responsibility to guard that right for every citizen. The Constitution of the United States with its Bill of Rights provides a civic framework of rights and responsibilities that enables Americans to work together for the common good in public education.

### **II. The Meaning of Citizenship**

*Citizenship in a diverse society means living with our deepest differences and committing ourselves to work for public policies that are in the best interest of all individuals, families, communities, and our nation.*

The framers of our Constitution referred to this concept of moral responsibility as civic virtue.

### **III. Public Schools Belong to All Citizens**

*Public schools must model the democratic process and constitutional principles in the development of policies and curricula.*

Policy decisions by officials or governing bodies should be made only after appropriate involvement of those affected by the decision and with due consideration for the rights of those holding dissenting views.

### **IV. Religious Liberty and Public Schools**

*Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect.*

Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure that the curriculum includes study about religion, where appropriate, as an important part of a complete education.

## V. The Relationship Between Parents and Schools

*Parents are recognized as having the primary responsibility for the upbringing of their children, including education.*

Parents who send their children to public schools delegate to public school educators some of the responsibility for their children's education. In so doing, parents acknowledge the crucial role of educators without abdicating their parental duty. Parents may also choose not to send their children to public schools and have their children educated at home or in private schools.

However, private citizens, including business leaders and others, also have the right to expect public education to give students tools for living in a productive democratic society. All citizens must have a shared commitment to offer students the best possible education. Parents have a special responsibility to participate in the activity of their children's schools. Children and schools benefit greatly when parents and educators work closely together to shape school policies and practices and to ensure that public education supports the societal values of their community without undermining family values and convictions.

## VI. Conduct of Public Disputes

*Civil debate, the cornerstone of a true democracy, is vital to the success of any effort to improve and reform America's public schools.*

Personal attacks, name-calling, ridicule, and similar tactics destroy the fabric of our society and undermine the educational mission of our schools. Even when our differences are deep, all engaged in public disputes should treat one another with civility and respect, and should strive to be accurate and fair. Through constructive dialogue we have much to learn from one another.

The Statement of Principles is not an attempt to ignore or minimize differences that are important and abiding, but rather a reaffirmation of what we share as American citizens across our differences. Democratic citizenship does not require a compromise of our deepest convictions. We invite all men and women of good will to join us in affirming these principles and putting them into action. The time has come for us to work together for academic excellence, fairness, and shared civic values in our nation's schools.

"A Statement of Principles" is sponsored jointly by the following entities:

- American Association of School Administrators
- American Center for Law and Justice
- American Federation of Teachers
- Anti-Defamation League
- Association for Supervision and Curriculum Development
- Carnegie Foundation for the Advancement of Teaching
- Catholic League for Religious and Civil Rights
- Central Conference of American Rabbis
- Christian Coalition
- Christian Educators Association International
- Christian Legal Society
- Citizens for Excellence in Education

Appendixes

Appendix C

## Appendixes

## Appendix C

Council on Islamic Education  
 The Freedom Forum First Amendment Center  
 National Association of Elementary School Principals  
 National Association of Evangelicals  
 National Association of Secondary School Principals  
 National Congress of Parents and Teachers  
 National Council of Churches of Christ in the U.S.A.  
 National Education Association  
 National School Boards Association  
 People for the American Way  
 Phi Delta Kappa  
 Union of American Hebrew Congregations

### Guidelines for Teaching About Religion

In 1988 a broad coalition of 17 religious and education organizations endorsed *Religion in the Public School Curriculum: Questions and Answers*, which contains "Guidelines for Teaching About Religion." These guidelines distinguish between teaching about religion and indoctrinating or advocating religion.

1. The school's approach to religion is academic, not devotional.
2. The school may strive for student awareness of religions, but should not press for student acceptance of any one religion.
3. The school may sponsor study about religion, but may not sponsor the practice of religion.
4. The school may expose students to a diversity of religious views, but may not impose any particular view.
5. The school may educate about all religions, but may not promote or denigrate any religion.
6. The school may inform students about various beliefs, but should not seek to conform students to any particular belief.

The "Guidelines for Teaching About Religion" are sponsored jointly by the following entities:

American Academy of Religion  
 American Association of School Administrators  
 American Federation of Teachers  
 American Jewish Congress  
 Americans United (formerly Americans United Research Foundation)  
 Association for Supervision and Curriculum Development  
 Baptist Joint Committee on Public Affairs  
 Christian Legal Society  
 The Church of Jesus Christ of Latter-day Saints  
 The Islamic Society of North America  
 National Association of Evangelicals  
 National Conference for Community and Justice (formerly National Conference of Christians and Jews)  
 National Council for the Social Studies  
 National Council of Churches of Christ in the U.S.A.

National Council on Religion and Public Education  
 National Education Association  
 National School Boards Association

Appendixes

Appendix C

## Legal Basis for Religious Liberty and Teaching About Religion

### U.S. Constitution

First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

### California Constitution

#### Article 1 Declaration of Rights

Section 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion. . . .

#### Article 9 Education

Section 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

### *Education Code*

51500. No teacher shall give instruction nor shall a school district sponsor any activity which reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

51501. No textbook, or other instructional materials shall be adopted by the state board or by any governing board for use in the public schools which contains any matter reflecting adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

51511. Nothing in this code shall be construed to prevent, or exclude from the public schools, references to religion or references to or the use of religious literature, art, or music or other things having a religious significance when such references or uses do not constitute instruction in religious principles or aid to any religious sect, church, creed, or sectarian purpose and when such references or uses are incidental to or illustrative of matters properly included in the course of study.

51513. No test, questionnaire, survey, or examination containing any questions about the pupil's personal beliefs or practices in sex, family life, morality, and religion, or any questions about the pupil's parents' or guardians' beliefs and practices in sex, family life, morality, and religion, shall be administered to any pupil in kindergarten or grades 1 to 12, inclusive, unless the parent or guardian of the pupil is notified in writing that this test, questionnaire, survey, or examination is to be administered and the parent or guardian of the pupil gives written permission for the pupil to take this test, questionnaire, survey, or examination.

## Appendix F

# Using Primary Sources in the Study of History

### Introduction

Teachers of history at all grade levels have recently begun to encourage their students not just to study history but to investigate it, in much the same way that professional historians engage in research into the past. Teachers attest that this is one of the best ways to make history exciting for their students, and also to increase students' retention and understanding of the material.

Fundamental to this process are primary sources, which lie as much at the heart of history as experiments lie at the heart of science. Students of history should be given opportunities to read and analyze primary sources, to wrestle with their meanings, and to attempt to interpret them and place them in context. They need to see that observers of events in the past often disagreed with one another, and that a single primary source from a period provides only part of a picture. They need to become critical, to wonder if an account was written by an eyewitness or as hearsay, to look for clues to the author's particular intent in writing a certain way.

To begin to deal with primary sources, students need to develop an understanding of what they are, and how to read them. Primary sources include written documents, images, and artifacts from the period being studied; secondary sources, on the other hand, are interpretations and syntheses of primary sources, such as textbooks.

The distinction between a primary source and a secondary source is not always clear-cut, and sometimes a single document might be both. Not all documents written long ago are primary sources; they may be syntheses based on yet earlier material. For example, Edward Gibbons's *Decline and Fall of the Roman Empire*, written around the time of the American Revolution, is a secondary source for understanding ancient history, but a primary source for understanding intellectual movements of the eighteenth century.

Historians tend to begin their research by finding and reading up-to-date secondary sources, both books and articles, on their chosen topic. In this way they learn what has already been discovered, what the main schools of thought are about their topic, and what has yet to be investigated. They decide which arguments are compelling and which seem grounded on weak evidence, and in so doing, they refine their research topics and begin to identify the primary sources they will need to consult.

Most primary sources are unpublished. They are found in archives, or in special collections at libraries or historical societies. A historian working from a specific group of sources such as these works like a detective, piecing together strands of evidence to understand what happened and why it happened. The historian's conclusions are written up as a book or article that is very specific in terms of the time period, region,

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This appendix was written by Amanda Podany, former executive director of the California History-Social Science Project and an associate professor of history at California State Polytechnic University, Pomona.

and subject matter covered. This type of work is called a monograph. The author of a textbook synthesizes the findings from many monographs to create a narrative covering a longer period of time.

### Types of Primary Sources

Documents make up most, but not all, of the primary source materials used by historians. These fall into a number of categories. Public documents include such items as congressional records, royal inscriptions, peace treaties, censuses, codes of law, and diplomatic correspondence. These documents can be found in state archives and help to shed light on, for example, politics, the government, and international relations. Private documents include personal letters, diaries, and other personal records. Personal documents from “average citizens” can tell us a great deal about society, giving us insights into matters such as family structure, relations between men and women, possibilities for social mobility, and daily life.

Works of literature can also be seen in some cases as primary sources for the period in which they were written, if they are set in the author’s own time and place. The characters in a novel may be the author’s own creations, but he or she is likely to have cast them in a social, economic, political, religious, and physical environment that was true to life.

One needs to be cautious, however, in using works of literature to illuminate historical periods. If the work is modern and purports to describe life long ago, there is a good chance that the author has recreated a past that suits the story, rather than portraying the past as a historian would see it. Works such as these are clearly not primary sources. They may be wonderful stories, but they cannot be analyzed for insights into history.

Religious writings also enrich our understanding about the past. Parts of the Bible can be considered to be a primary source for the history of the ancient Israelites, and they give us particular insights into the religious views of men and women of that civilization. In the same way the Analects of Confucius and the Koran are primary sources for understanding Confucianism and Islam. Hymns, myths, and legends tell us about the beliefs of the people for whom they were sacred literature.

Nonwritten sources are also vital for the reconstruction of history. These include buildings, objects, and works of art that have remained in use or continued to be appreciated since they were made, along with those that have fallen into disuse and been rediscovered (sometimes through archaeological excavation). For the history of the last century, photographs, films, and videos can all be analyzed as primary sources. All aspects of the material environment tell us something about the history of the time that produced them.

### Historical Critique of Sources

Each primary source consulted must be subjected to criticism to assess its value for the reconstruction of the history of its period. One needs to ask a number of probing questions: Is the document or image authentic? For whom was it written or produced and why? Did the author create it as propaganda for a particular cause? Was it written by an eyewitness? Has the document been translated, and has the format been changed

in translation (from poetry into prose, for example)? Most primary sources reflect their author's particular point of view; this does not make them less valuable. The reader simply needs to be aware of the author's perspective and to avoid taking the source at face value.

### Problems of Translation

Historical documents that were written in English tend to be published in their original form. This practice can create problems of interpretation for early documents because the language has changed significantly over the centuries. Any type of paraphrase or attempt to render the document in modern English is an interpretation and compromises the authenticity of the document. However, students can often learn to develop their own paraphrasing so that they may understand the meaning of text.

Some primary sources from other cultures have been translated into English so that students and other general readers can understand them. The translated document is not a carbon copy of the original; it is an interpretation by the translator so that it makes sense to an English-speaking audience.

Poetry is singularly difficult to translate, because the effectiveness of the original depends so much on the sounds and rhythms of the language in which it was written. Sometimes a translation will also be in a poetic form, but it often contains subtle changes in meaning that are required to adapt the forms of English to the original poetic structure. On the other hand, it may be translated into prose, with less change in meaning but with a complete loss of the poetic structure.

Finally, translation can be misleading in its style. A classic example is the King James Version of the New Testament. This work includes some of the most eloquent literature available in English. The Greek original, however, was written in *koine*, the dialect of the streets. A translation that reflected the style of the original would have to include colloquialisms that one would never suspect from reading the King James Version.

### Conclusion

Interpreting primary sources can be an excellent way to increase historical understanding in the classroom. After gaining a general sense of the historical background of a particular period or event, students can look at several primary sources, both written and visual, from the same time period, to understand the era in greater depth.

Understanding a primary source depends on asking the right questions of the text and analyzing it more deeply than simply summarizing the contents. Interpretation first involves criticism of the document. Following this initial step, students can ask what the document tells us about the time in which it was written. Similar questions can be asked about an object or image. In such a process, details that may not initially seem informative may yield interesting insights when analyzed. After consulting one source, students should look at others to see if the original analyses are confirmed, and, if not, what areas may need to be investigated further.

The type of analysis described above can be done on any primary source, ancient or modern. Such an exercise allows students to work as historians; it prevents them



from simply relying on the narrative history presented in the textbook. Students begin to question their assumptions about the past. They also observe that many possible interpretations can be made of a group of documents, and hence of a historical event or era; and that no single, final, and true interpretation preempts all others. In working with primary sources, students can formulate their own interpretations of the past, supported by sound historical evidence.

Appendixes

Appendix F