

Approved: 3-10-97

Date

## MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 18, 1997 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Ken Peterson, Attorney  
Chuck Yunker, American Legion  
Mike Steck, Louisburg  
Ginny Honomichl, Teacher/Coach Baldwin High School  
Dick Schumacher, Assistant Principal/Athletic Director Wichita East High School  
Ted Vannocker, Superintendent, Lebo/Waverly Schools  
Klaus Kollmai, Principal, Wichita High School  
Gary Musselman, Kansas State High School Activities Association  
David Payne, Kansas Family Research Institute  
Scott Waters, Emporia State University

Others attending: See attached list

Hearings on **HB 2256 - Regulation of high school activities**, were opened.

Ken Peterson, attorney, appeared before the committee as a proponent of the bill. He told the committee about The Wichita Heat AAA Program that encourages young men to attend church and be involved in sports. The program provides scholarships to one freshman, one sophomore, and one junior. He explained that the bill would allow teachers, coaches, and parents to provide athletic instruction to children in a non-school setting. The bill would have no impact on the power of the Kansas State High School Activities Association (KSHSAA) to govern school activities and interschool extra curricular activities. (Attachment 1)

Chuck Yunker, American Legion, appeared before the committee in support of the bill. He stated that there are many school coaches that would like to coach summer sports but can't because of a rule that only three members from a school team can play on a team. (Attachment 2)

Mike Steck, Louisburg, appeared before the committee as a proponent of the bill. He explained that this bill would deregulate the involvement that high school coaches have with their student athletes during the "off season". (Attachment 3)

Klaus Kollmai, Principal, Wichita High School, appeared before the committee as an opponent of the bill. He believes that the bill would promote elitism not equality for students. It would open the door for competition year around. (Attachment 4)

Ginny Honomichl, Teacher/Coach Baldwin High School, appeared before the committee as an opponent of the bill. She stated that if this bill passes it would have a negative effect on children, in that too many activities does not allow a child to recharge their battery. (Attachment 5)

Ted Vannocker, Superintendent, Lebo/Waverly Schools, appeared before the committee as an opponent of the bill. He believes that the proposed bill would place more restrictions on kids who want to play sports and would also allow coaches to begin practices weeks in advance of the date set by the state board. (Attachment 6)

Dick Schumacher, Assistant Principal/Athletic Director Wichita East High School, appeared before the committee in opposition to the bill. He stated that there should be more concern for how students perform in the classroom than how they do in sports. (Attachment 7)

Gary Musselman, Kansas State High School Activities Association, appeared before the committee as an opponent of the bill. He explained several of the KSHSAA rules and told the committee that this bill would remove authority from the member schools of the KSHSAA and would result in many undesirable outcomes and would not be prudent for education. (Attachment 8)

Hearings on **HB 2256** were closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 18, 1997.

Hearings on **HB 2285 - School districts, curriculum, accreditation, pupil assessment, school site councils, American history documents**, were opened.

David Payne, Kansas Family Research Institute, appeared before the committee as a proponent of the bill. He believes that this bill would be a step in the right direction toward the important goals of striving for academic excellence, establishing measurable standards, and improving accountability. (Attachment 9)

Scott Waters, Emporia State University, appeared before the committee as a proponent of the bill. He explained that textbooks today sometimes do not include foundational documents, quotes, or themes that they once did. While it is true that teachers are already free to use these documents, the bill would encourage the use of primary source documents. (Attachment 10)

Hearings on **HB 2285** remained open.

The committee meeting adjourned at 5:50 p.m. The next meeting is scheduled for February 19, 1997.

# HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: February 18, 97

NAME	REPRESENTING
Ken Peterson	Proposed HB 2256
Damon CHRISTENSEN	AMERICAN LEGION
Charles M Yunker	AMERICAN LEGION
Ralph Snyder	KS. AMERICAN LEGION
David Payne	KS Family Research Inst.
Scott Waters	<del>Empire State</del> the Proponent #B2285
Mike Steuk	The Soccer Community
Diane Gjerstad	Wichita Public Schools
<del>John Hill</del>	Interac ESC
Vic <del>Jak</del>	KSHSAA
Cheryl Gleason	KSHSAA
David Cherry	KSHSAA
Carrie Greger	Kansas PTA
Don Rynn	MSD 321
Leslie M. Dietel	
Sue Chase	KNEA
Dorothy Rockefeller	LOWV
Oran <del>Summit</del>	USA 501#
WCA <del>pt</del>	USA





TESTIMONY OF KEN M. PETERSON  
TO: HOUSE EDUCATION COMMITTEE  
DATE: FEBRUARY 18, 1997

## INTRODUCTION

I appreciate the opportunity to appear before Chairman O'Neal and the members of his Committee. My presentation will address the following four areas that may be of interest to the Committee.

### 1. Reason For My Interest

Several years ago I became concerned about the need for strong male role models in the Wichita African American community. I also was concerned about the deteriorating status of race relations among our teenagers. As a result of these concerns, I combined with well-respected community Black leaders to determine whether we could have a positive impact for youth in our community. We developed what is now known as The Wichita Heat AAA Program. (See Exhibit A.) One of the major Black churches in the Northeast community, Tabernacle Baptist Church, has endorsed our efforts and contributes to our program through its Benevolence Fund. Attached as Exhibit B is a letter from Leonard Pitts, a sophomore at Wichita West High School. Leonard carries a 3.7 GPA and typifies the type of youngsters we seek to develop.

The "carrot" we use to focus on Accountability and Academics is basketball. Basketball was chosen because it is the sport of choice among most African American youth in our community. Our program has definitely helped many troubled youngsters. Unfortunately, one of the major impediments to our success has been rules of the KSHSAA regarding outside play. We have been forced to make a choice between discontinuing activities designed to attract the youngsters or arbitrarily "cutting" youngsters because of the outside play rules. We have, at varying times, tried both options. Neither option has proven acceptable. If we completely discontinue an outside play activity (to avoid singling out youngsters to be "cut"), we lose the "carrot" that is so effective.

If we "cut" an individual, he becomes discouraged and our credibility is adversely affected. A most recent example is Damien May, a freshman at Heights High School. Although Damien has met the strict requirements to be in our organization, he has been told he cannot play with us because the KSHSAA prohibits more than three players from a squad being on an outside team before June 1. Since most of the major events we participate in originate before June 1, Damien cannot participate with us. I, Damien's mother, Damien and his teammates all want him to participate in these events.

Damien is just one of many examples where we have had to deny opportunities to youngsters simply because of an outside play rule that has nothing to do with the school.

Because of KSHSAA outside play rules our 7th and 8th grade youth have been prevented from being on a weekend YMCA or Salvation Army team. Our youngsters have not been able to attend free clinics which former NBA players would have presented but for the KSHSAA outside play rules. The outside play rules are so restrictive, a guardian, parent or coach cannot even provide backyard instruction to two players from the same team (even though one or both are his children) during the season of sport for fear of losing eligibility.

Unfortunately the KSHSAA is structured so that those most directly affected by its rules (the players and their families) have limited rights. The realities are that the forum you have provided today is not available with the KSHSAA. Families have no right to vote on rules, propose rules or have any voice in the decision-making process. I did participate in a lawsuit against the KSHSAA which I believe resulted in a partial change of one rule. The only realistic way parental rights can be restored is through this body.

## **2. Positive Features of KSHSAA**

The Kansas State High School Activities Association (KSHSAA) has many positive features. I am convinced its leadership sincerely intends to act in the best interest of youth. The most recent modification of the three players to a squad rule was certainly a positive step. Kansas needs the KSHSAA. The current bill is not a radical change. It is designed to completely leave in tact all powers of the Association to govern school activities and interschool extra curricular activities.

## **3. The Impact of H.B. 2256**

The current bill is not simply a "basketball" bill to promote "super jocks." It is designed to return to parents the decision making regarding all non-school activities, including music, forensics, dramatics and athletic contests. It is designed to permit teachers and coaches (if they are so inclined) to provide instruction to youngsters (if they are so inclined) in a non-school setting.

H.B. 2256 has no impact on the power of the KSHSAA to govern school activities and interschool extra curricular activities.

The purpose of the current bill is to "carve out" the non-school activities of youngsters from the governing power of KSHSAA. With this change, parents will have the opportunity to determine what non-school activities are best suited for their children. H.B. 2256 is more closely aligned with what our neighboring states are doing. The current bill permits parents and the KSHSAA to function as partners in determining what is best for our youngsters. I have studied the rules of over forty activities associations in the United States. The KSHSAA is at least 10 years behind 90% of the other associations.

Over the past two years I have received no less than 100 unsolicited calls from parents throughout our state. These calls involved baseball, soccer, music, football and forensics

issues. The recurring question in nearly every call was "what right does the KSHSAA have to govern what my child does outside the school?"

#### 4. Typical KSHSAA Positions

<u>KSHSAA Position</u>	<u>Response</u>
The outside play rules are designed to create an "equal playing field" for youngsters throughout Kansas. Otherwise urban youngsters will have more opportunities than those in rural areas.	By denying opportunities to urban youth the rules result in mediocrity being the equal playing field. Also the assumption that no opportunity exists in less populated areas is false.
Youngsters will face "pressure" to "specialize" in the absence of outside play rules.	The term "specialization" in this context really means dedication to excelling. There is nothing wrong with a youngster working hard to excel in music, forensics or athletics. Parents are best suited to monitor whether undue "pressure" to excel is placed upon their child.
Coaches will be unable to control players who play on another outside team during the season of sport.	This has not been the high school experience in other states. As a practical matter, high school players can only play on one team at a time due to time constraints. At the junior high level, players would probably play on a YMCA-type team. This type of team is recreational and should not create difficulties. If conflicts arise, they should be jointly resolved by the coach and the family.
The Association does not regulate non-school play. Players are free to engage in activities of their choice.	Regulation occurs under the guise of eligibility. Although a player technically has the freedom to violate an outside play rule, it will result in the loss of eligibility.
The real purpose of H.B. 2256 is to create "super jocks."	The real purpose of H.B. 2256 is to give families the right to decide which non-school activities their children engage in. The KSHSAA should not micro-manage the affairs of the family in a non-school setting.

# THE WICHITA HEAT AAA PROGRAM

1. **ACCOUNTABILITY to family, church and team.**
2. **ACADEMIC ACHIEVEMENT commensurate with ability.**
3. **ATHLETIC ACHIEVEMENT commensurate with ability.**

Ken Peterson (attorney), Brook Robinson (KG&E lineman), and Alex Robinson (policeman), lead the organization which is committed to the above goals. We encourage our young men to attend the church of their choice.. Both players and parents understand players must conduct themselves as gentlemen at all times. We have not and do not tolerate deviance from this standard. We work closely with players and parents to provide academic assistance whenever possible. Since basketball scholarships are an avenue to success, our spring and summer program is geared to provide the best opportunities available to our players. Our financial needs for next season are \$80,000. This will provide three teams (Freshman, Sophomore, and Junior) the opportunity to compete on a national basis. Most national teams spend substantially more than this. Our players are capable of successfully competing at the next level. Another goal we have is to promote better race relations. This opportunity is frequently available in this type of program. Children's Mercy Hospital (CMH) from Kansas City has developed a nationally recognized basketball program and several of its players have received college scholarships.

To whom it may concern:

My name is Donald Pitto and I am a player on the Heat Basketball team. I am writing to tell you of the other qualities this team has to offer.

In my opinion the Heat basketball team is more than just some organization, it is like a family dedicated to the guidance and supervision of one another. The things we learn aren't based entirely on Basketball, we learn things that could help us in the near future and later on in society. Me personally, it has kept me away from the wrong crowds such as gangs and drugs. It has made me focus more on my studies and also pushed me to being active in school activities. My involvement in this team has opened my eyes to things I've never even thought about doing, such as wanting to participate in church and making honor roll each grading term. This team allows more opportunities for the players to think about what they want to do when they're of age, and gives insight about what is expected in college and in life. Overall it has been one of the most incredible



experiences of my life, and I hope  
to continue to be involved with this  
talented group of individuals.

Sincerely,  
Leonard Pitts

THE AMERICAN LEGION, DEPARTMENT OF KANSAS  
TESTIMONY IN FAVOR OF HOUSE BILL 2256  
PRESENTED TO  
HOUSE COMMITTEE ON EDUCATION

Thank you for allowing The American Legion this opportunity to testify in favor of House Bill 2256. The American Legion Baseball Code of Sportsmanship is as follows:

"I will: Keep the Rules  
Keep faith with my teammates  
Keep my temper  
Keep myself fit  
Keep a stout heart in defeat  
Keep my pride under in victory  
Keep a sound soul, a clean mind, and a healthy body."

For the past seventy years young athletes, mostly male but occasionally female, have stood along the foul lines of baseball diamonds throughout our nation and Puerto Rico, raised their right hand and recited our Sportsmanship Code before every American Legion Baseball game. In 1926 Kansas fielded less than a dozen teams; in 1996 we certified 131 teams for competition with over 2100 players from 178 Kansas communities.

Prior to the Kansas High School Activities Association's recent rule change which prohibits High School Coaches from serving as summer league coaches, we fully expected --based upon verbal commitments already received -- at least a 10% growth in American Legion Baseball teams during the 1997 season which translates into approximately 195 more young Kansans' participation. However several of these new teams, and many of our historical teams, are now in jeopardy.

Granted there is a small 'window' in the Kansas High School Activities Association rule which enables a High School Coach to also coach American Legion Baseball, or some other summer program. But in the example of baseball teams; that 'window' is restricted to no more than 5 underclassmen from that coach's High School team. Please bear in mind a team must field a minimum of 9 players to play a game, not counting a particular game's non-starters, normal pitching rotation, designated hitters, relief pitchers, etc. all essential to fielding a competitive team during a 50 to 60 game season.

The question begs to be asked; what right does the Kansas High School Activities Association have to place players in such a position that they must choose to either play a short spring season for their High School, or a longer summer season with the opportunity to represent their city and state in The American Legion World Series? If players are forced to make that choice I can tell you who the loser will be; High School Baseball in the State of Kansas, and ultimately the players because those in other states which do not have to contend with such authoritarian rules will have played spring baseball thus

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their skills will be honed to a higher degree. Why will players choose to play summer baseball for The American Legion and other programs? Because we offer a more extensive season which provides players a summer long activity without school related distractions, and our teams are more frequently scouted by representatives of both professional and college teams.

Who gave the Kansas High School Activities Association the right to force coaches from the side lines in the summer, and/or to place coaches in the position of having to choose only five of their High School players for a summer program? Where is that coach supposed to recruit the remainder of his American Legion team? Again if the High School Activities Association Rule is allowed to stand someone or thing will lose; in this case it will be American Legion and other summer baseball programs as well as many fine coaches even though most are not even under contract with their schools during the summer months. How would you feel towards your service in the Legislature if you were prevented from engaging in your private pursuits even on weekends while the Legislature was in session? We contend that is a comparable example of what the Kansas High School Activities Association has inflicted upon High School Coaches in all sports. We have been told by several High School/American Legion coaches they will quit coaching high school baseball in order to continue with our program.

You might ask yourself why would a coach choose American Legion Baseball over High School Baseball? Perhaps the same question could be asked of umpires who must attend our instructional school at their own expense in order to be certified to officiate American Legion Baseball games at a fraction of the fee they receive for umpiring high school baseball games. Believe it or not the answer is as simple as their love for the game of baseball and the opportunity to interact with youngsters in a positive atmosphere.

These same adults understand and appreciate the fact that in American Legion Baseball they can be banned for life from coaching or officiating if their actions bring discredit to our program. They also know we will admit our rules are not always perfect but we are always willing to amend those rules for the benefit of the players whose welfare and personal growth are at the forefront of our program.

When the Kansas Legislature authorized the establishment of the Kansas High School Activities Association we do not believe it was legislative intent to grant the Association the power to dictate what non-professional activities students and coaches engage in during periods when school is not in session. Yet over the years the Association has grown in its self-serving arrogance and encroachments in both the athletic and academic fields. Please allow me to tell you about two examples:

In either 1981 or 1982 after citing the number of American Legion

Baseball players who had earned college scholarships I was bluntly told by a Kansas High School Activities Association Board member, during one of their Board meetings, they were not in the business of helping students gain scholarships. Quite a revelation, at least it was to me.

In 1984 or 1985 our State Headquarters received a telephone call from the Association complimenting us on a fine article which appeared in the Topeka Capital-Journal about a Topeka High School student who had just won our organization's State High School Oratorical contest and a \$1000.00 scholarship. In almost the same breath the caller told us we were not authorized to inform the public that the youngster was a senior at Topeka High School. We verified that the call did come from the Kansas High School Activities Association and after the student advanced to 3rd place in our contest's National Finals where he won a \$12,000 scholarship we refrained from mentioning Topeka High School in our news release least we offend the Association by using the name of a tax supported public institution.

A few moments ago I referred to the High School Association as being arrogant; to me that is a rather strong word to use and I do not wish to go to war with the Kansas High School Association. However I do not know of a more appropriate description to define an organization whose Executive Director has told a High School Coach that not only can he not coach his own son in American Legion Baseball, but he can not help schedule games for The American Legion team in his community and he can not help raise funds for his son's American Legion team! I would suggest the Executive Director recall the last ten words of the Star Spangled Banner before he makes such statements.

I could go on and on with a list of notable Kansans who have played American Legion Baseball; people whose careers led them to the major leagues as players, coaches and general managers. Others established very notable careers in professional football while most have gone on to college and successful careers in non-athletic fields including at least two members of the Kansas House of Representatives.

The American Legion wishes to commend Representatives Helgerson and Vickrey for introducing HB 2256; our organization intended to seek the exact legislative relief this year but these two gentlemen had already recognized the need to correct an error in judgement by a legislative created entity. I would remind you that summer baseball is not the only sport effected by the High School Activities Association's rash decision, and I hope you will hear from representatives of those sports.

In closing I would like to say American Legion Baseball was created as a means to provide and instill a sense of fair play, sportsmanship, comradery, citizenship and patriotism while developing leadership skills and enhancing educational opportunities for America's youth. Those ideals continue today as the basics of our baseball and other youth programs.

Therefore I urge your vote for approval of HB 2256. Ladies and gentlemen you have the opportunity to insure thousands of youngsters receive athletic coaching from some of the most qualified and skillful adults available. Please support HB 2256 in its present form.

Respectfully submitted by.

A handwritten signature in cursive script, appearing to read "Charles M. Yunker".

Charles M. Yunker, Adjutant  
The Kansas American Legion



My name is Mike Steck

I'm not sure how much information you need about me, so I'll just fill in some highlights. I was born a long time ago, and orphaned a day later. I went to several foster homes and was adopted two times. I had a pretty good childhood and went to school on a regular basis. I enlisted in the Navy and spent four years there, one of which was in Vietnam. I came home alive, and settled down and raised a family. I have been involved in youth sports programs since 1976. My family and I moved to the country about twenty years ago. I don't care much about politics, even though I was on our local School Board for one term.

My favorite sport is Soccer, and I spend a lot of time working with our local program. The recent decision of the Kansas State High School Activities Association to limit the number of players to six has sounded the death knell for our children who want to have High School Soccer and a recreation program at the same time. We only have an enrollment of nearly 1200 children in our school district. Since we live in rural Kansas, and make sure that every child that wants to play is embraced in the program, we will still get only about 15-18 girls and about 22-25 boys in our whole town who want to play. What that means is that with the current rule of six high school players on a recreation team, and since we only have one team, **our town can never have High School Soccer!** When a group legislates against children, and especially against rural Kansas children, then it is time to wonder whose interests are put first in our School System. It would seem that the children and their parents are not the primary focus of the Kansas State High School Activities Association.

This bill also deregulates the involvement that High School Coaches have with their student athletes during the 'off season'. I have long held the belief that High School Coaches have a tendency to exploit children to further their own needs, reputation, win-loss record etc... If there is any problem - it is because we cannot seem to force adults to be men of honor. The logic, or lack of it, seems to be that since we cannot make honorable men out of adults then we need to legislate against children. I don't favor that concept.

I would also like to see the wording of the bill changed to '*allow* schools to charge a reasonable fee' rather than '*they shall* charge .....

I don't think that the KSHSAA is malicious in their efforts to affect children. After all they probably have children too. This is just a misunderstanding that needs to be worked out.

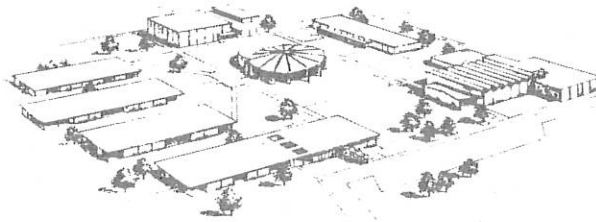
Thank You for Your Time.

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Attachment 3

# Haysville Campus High School

USD 261

Klaus Kollmai, Principal  
Paul Schuler, Asst. Principal  
Louise Herrington, Asst. Principal



2100 W. 55th St. So.  
Wichita, Kansas 67217  
Phone (316) 554-2236  
FAX (316) 554-2241

February 18, 1997

**Klaus Kollmai, Principal, Haysville Campus High School, testifying on behalf of the Kansas State High School Activities Association as opponent of HB2256.**

As an educator for the last 26 years, HB2256 if passed in its current form, would be detrimental to students participating in activities. I have worked in rural, suburban and urban school districts, both public and private, and it is from this diversity of experience that I can honestly say that this bill is not in the best interest of all students participating in activities.

\*First of all, it has been proven by other states around the nation that have had their ability to govern activities legislatively altered, that instructional time for students has been compromised. HB2256 opens the door for competition to occur year-round with simultaneous participation on multiple teams possible.

\*The purpose of high school activities is to aid in the well-rounded development of all students. HB2256 has the potential to destroy this through the external exertion of undue pressure in students to play and perform at a much higher than amateur status.

\*HB2256 promotes elitism not equity for students. Participation in high school activities sanctioned through the KSHSAA allows all students the opportunity to be involved. HB2256, which also permits participation in non-school supported athletics and activities, creates a slanted opportunity for students with the financial means and ability to have additional experience which benefit only them. This creates a widening chasm between the "haves" and the "have nots".

\*In addition, the creation of esprit de corps and the benefit of teamwork is diminished. Sportsmanship is compromised and each player playing only for him/herself becomes the driving force.

\*HB2256 can put a financial burden on parents to find the means to pay their child's team fees for participation on exclusive private teams.

As a high school principal, state soccer official, and former coach, I ask that you turn your consideration and time from this legislation to other legislation that enhances educational rather than athletic and activity opportunities for students.

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Attachment 7

TO: Kansas House Education Committee

FROM: Ginny Honomichl - Baldwin High School, Baldwin City, KS.  
KSHSAA Board of Director Kansas Coaches Association Representative  
KSHSAA Executive Board Vice President - Class 4A Representative  
Baldwin High School Science Teacher and Coach

DATE: February 17, 1997

SUBJECT: Kansas House of Representatives Bill #2256

Thank you for the opportunity to speak as an opponent to the proposed revisions concerning the Kansas State High School Activities Association's regulation of school activities and the defining of non-school activities. I have been a classroom teacher and coach in Kansas public schools for 27 years and I've witnessed the KSHSAA's efforts to do that which is best for our youth over those years.

The Kansas State High School Activities Association regulates offerings to our school youth, grades 7 - 12, that are an extension to the academic school day. Participation in these KSHSAA offerings is not mandatory; therefore, these programs are a privilege not a right. Along with this privilege of participation are some expectations to become/remain eligible. Several that come quickly to mind are academic eligibility, minimal loss of instructional time, number of contests, retaining amateur status and avoiding undue outside influence. To maintain a proper relationship between the academic purposes of schools and their activities programs, the KSHSAA member schools have developed rules to achieve this relationship.

I find this proposed definition of "non-school" activities to be very vague and I am fearful of its applications to our youth. Are we opening our school doors to those who may choose to exploit our youth for self-serving reasons? Will we have students becoming "teenage" specialists and not caring about the entire school program rather than being involved in many facets of our schools? Will Baldwin High School not be good enough for them? When do kids get to be kids? Maybe when adults do less choosing for them!

From a veteran coach's point of view, I know coaches already have enough pressure throughout a regular season of competition. With this proposed change coaches would be given the "opportunity" to experience pressure year around. What about their families, their personal and professional pursuits and their need to be outstanding educators first and then outstanding coaches? How much energy and how many hours would this take? Who might be cheated - the students in the academic classroom, the spouse, the offspring?

Call me "old fashion" if you desire. The KSHSAA provides an educational sound foundation for our youth school activities programs. Our youth have equitable opportunities to gain experiences through these programs that blend well with their academic experiences. Efforts like this HB #2256 are a modern trend that runs contrary to how and why I've committed by professional life to serve.

Please come visit Baldwin High School anytime - for that matter, visit any school. Get to know our greatest resources, our youth. Find out what they want. We all need to do a better job of that. Thank you for your time.

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Ted Vannocker, Superintendent

Lebo - Waverly School District No. 243  
P.O. Box 457 Waverly, Kansas 66871Phone 913 733 2651  
Fax 913-733-2707

February 17, 1997

TO: House Education Committee Members

FROM: Ted Vannocker, Educator

Thank you for taking the time to look over the reasons I'm opposed to HB #2256. I consider the ramifications of HB #2256 to be detrimental to young people.

I have two main concerns with this bill. In reality, HB #2256 will become more restrictive for our kids. As a former basketball coach at a high school (6A in size) in Colorado, I coached where there were no limitations on summer athletic teams. My fellow coaches and I completely controlled our athletes' time throughout the entire summer. We 'required' them to play on a team with our other selected players from our high school. They were 'required' to play in a summer league of our choosing. We would transport them to the games all summer long and chart their progress. That was restrictive. Why did we do it? Everyone else was, so we had to keep pace. That same pattern will develop in Kansas when you remove the reasonable limitations placed on summer participation as set by the member schools.

My other concern deals with the proposed bill allowing coaches to begin practice weeks in advance of the date set by the member schools, or use the entire summer for different athletic endeavors. As an example, the starting date for practice of football, volleyball and cross-country for the 1997-98 school year is August 18. If HB #2256 was in existence, what would prevent a football coach or volleyball coach from starting a 3-week 'clinic' on July 28 for those athletes that would want to play for their school in the Fall? The pressure will be applied. It will happen.

Currently our kids can attend as many camps as they and their parents so desire. It's great for the kids from our schools to play in summer leagues, on teams with students from other schools. I hope that bills like HB #2256 will not change the current policy, a policy that is based upon what is best for kids.

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Attachment 6



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**Dick Schumacher, Activities Director, Wichita High School East,  
testifying on behalf of the Kansas State High School Activities  
Association as opponent of HB2256.**

Every year Superintendents and local Boards of Education are stressing higher academic standards for our students in both public and private schools. Almost all of these Kansas schools fall under the jurisdiction of the Kansas State High School Activities Association which has guidelines for the protection of the students. As an Activities Director of a large high school, I am opposed to HB2256 for the following reasons:

- I believe in the concept of student/athlete, with the emphasis on student.
- This bill would allow students to play on their high school team and also play on an outside team/teams during the same season (i.e. high school practice daily from 3:15 to 5:30 p.m., AAU practice from 6:30 - 8:30 p.m., high school games on Tuesdays and Fridays, AAU games on the weekends). When does the student find time for homework? Where is the emphasis on student?
- We as educators should be more concerned about increasing students' academic performance, by increasing their GPA, PSAT scores, ACT scores, by further preparing the students for post high school education and becoming an asset to themselves and their community.
- Some parents believe that the best way to get their child's college education paid for is through their child's performance on the field. If this is to occur they have to understand the NCAA is also increasing academic standards for incoming freshmen. At the present time, the minimum standard for a high school senior to be recruited and receive a scholarship to a Division I or II school is to have a 2.5 GPA plus a minimum of 68 on the ACT. At my school several high profile athletes are finding this very difficult. Students and parents alike must realize that playing on multiple teams during the same sport season would certainly be a detriment to the academic achievement of many student/athletes.
- HB2256 also would allow coaches to coach their players at any time during the calendar year. The present rule does not allow coaches to coach any player who would be in their program the following year outside their season of sport with the exception of the one-week summer camp rule.

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House Education  
2-18-97  
Attachment 7



February 17, 1997

Page 2

Opponent of HB2256

- In a poll conducted by myself of coaches in the Greater Wichita Athletic League, of the 152 coaches polled 26 were in favor of being allowed to coach outside their season of sport while 126 coaches were in favor of the rule as it is now.
- If HB2256 is passed, pressure would be felt by coaches to coach year round and subsequently families and players would feel the pressure from coaches for athletes to play year round. Summer should be a time for families, vacations, and less competitive summer sports.
- I feel that my job as an Activities Director is to get as many kids involved in as many activities as possible. If coaches were allowed to coach their athletes at any time there is no doubt this would lead to early specialization ( i.e. an overzealous basketball coach wanting to have all their players on an AAU team in the Fall and in the Spring, basically preventing these students from participation in any Fall or Spring sports).
- If all coaches are permitted to coach year round, it would pressure multiple sport athletes to please the coach of each sport. This would certainly cause dissension in the coaching staff and a less than harmonious situation at most schools.
- The feeling by most Activities/Athletic Directors is that all students should have the freedom to participate in as many different activities as possible and not be coerced into choosing one sport to specialize in until their Senior year and better yet college.



February 18, 1997

To: Kansas House of Representatives - Education Committee

From: Gary Musselman, Executive Director - Kansas State High School Activities Association

**Re: House Bill #2256**

I wish to thank Chairman, O'Neal and the members of the committee for this opportunity to testify on the bill.

**My testimony is in opposition to the bill.**

#### **Origin of House Bill #2256**

In May of 1996, the Kansas Supreme Court held unanimously that the KSHSAA, as a voluntary, non-profit organization of member schools, was operating within its' statutory authority. As such, its' seventy-six member legislative body (Board of Directors) was revising rules and policies in accordance with the wishes of the membership. Plaintiff's counsel was unsuccessful in having the Outside Competition rule overturned, and subsequently has requested that this bill be filed.

#### **How does the KSHSAA assemble its' legislative body? (See Bylaw IV) (KSHSAA Handbook 1996-97)**

All member schools are represented through their league affiliation on the Board of Directors. Independent schools, combine to elect a representative. Leagues serving more than four thousand students receive a second representative who must be a female or minority. These governance bylaws were modified and adopted in 1993 by the KSHSAA Board of Directors, the Kansas State Board of Education and the Kansas Legislature. Local boards of education are represented with two members from each of the four congressional districts. Additionally, the State Board of Education has two members who serve on the KSHSAA Board of Directors and appoints four additional at large members to increase representation for under represented groups. Finally, five affiliate organizations representing music, speech & debate, scholars' bowl, athletic directors and athletic coaches have voting membership on the Board.

## **How does the KSHSAA change rules and policies?**

*(Attachments: Synopsis of Change 1995-96 & Regional Meetings agenda and votes)*

As is true in legislative affairs, the rules of the KSHSAA member schools are in a constant state of change. The attached Synopsis of Changes 1995-96 contains four pages of rule and policy changes adopted in a single year. This is the norm. Additionally, you will note with interest that each October, the Association conducts six regional meetings to facilitate discussion and gather grass roots input and advisory votes on significant issues either on board agendas or under consideration for placement there. **The issues pertaining to student participation on non-school teams and coaching outside the season have appeared on these regional meeting and Board of Director agendas frequently in recent years.** Our feeling is that to effectively administer the Association in a responsible way, these meetings and **the ability for any member school to place a proposed rule change on the Board's agenda** are vital. The rule making process of the KSHSAA is from the bottom up. We work hard with our member schools to facilitate their active involvement in the rule writing process. This is not a spectator sport. Our member schools support what they help create.

## **How can administrators know what is in the best interest of students?**

Kansas law requires teaching experience before one may become certified as a school administrator. Superintendents, principals and activity/athletic directors have all been classroom teachers prior to assuming their present duties. In many cases, many serve in dual capacities as teachers/administrators. In many smaller KSHSAA member schools, it is not uncommon for administrators to not only teach, but coach as well.

## **"More than just an Executive Director's perspective."**

On a personal level, I understand the many different views of KSHSAA rules as I have served as a teacher/coach and principal in Kansas schools for thirteen years before joining the KSHSAA staff nine years ago. With sons in the eighth and fifth grades, who are involved in athletics and activities twelve months a year, I live the parent perspective on a daily basis. As a coach of many youth league athletic teams, and with a wife who not only teaches elementary students but also serves as a Webelo scout den leader, I guess you could say that the Musselman family is *"involved!"* I empathize with all the implications of the rules adopted by the KSHSAA as they touch the lives of children, families and educators. I respect and appreciate the need for structure, order and a buffer against unceasing demands for the family to sacrifice more time to sports and children's activities. In our attempt to teach our sons time management and handling their responsibilities, we must not forget to protect some of their time to simply be children so they may learn and grow the way children always have.

## **What do current KSHSAA rules allow?**

### **For Students:**

**During the school year in the season of activity**, students may not be members of a non-school squad in the same sport. They may participate on a non-school team in a different sport/activity.

**During the school year, before or after the season**, a student may be on a non-school team with a limited number of his/her school teammates from the previous season's school squad. This rule applies in team activities only and teammate numbers are equivalent to approximately 50% of a team (e.g. 3 basketball, 4 volleyball, 6 soccer, 6 football 11-man, 5 baseball & softball etc.)

**During the summer (Friday before Memorial Day to Tuesday after Labor Day)**, a student may be on a non-school team with an unlimited number of teammates from his/her school squad from the previous school season.

### **For School Employed Coaches:**

**During the school year**, a school employed coach may only coach his/her athletes during the school season of sport/activity.

**During the summer**, a school employed coach may have a one week athletic camp for his/her team members, provided it occurs between June 1 and the first Sunday of August. A coach may serve on staff or serve as a clinician at a summer camp where his or her athletes comprise 10% or less of the camp enrollment. A coach may not coach his/her squad in a team setting in summer camps, although athletes may attend as teams or groups in an unlimited number. A coach may not coach, organize or administer a team or league where his/her athletes from the school squad would be involved. A coach may always coach his/her own child one to one or in a team setting provided the child's teammates are not from the coach's school program.

## **Is Kansas alone in having rules of this type?**

No. Nearly all state Associations have them in some form. Court cases in Ohio (1989), Colorado (1987), New York (1985), and Texas (1976) have all resulted in rulings supporting the right of state activity/athletic associations to adopt rules governing the involvement of student participants in non-school activities. **Commonly known as "outside competition rules"**, the courts in each of these cases cited the same rationale as KSHSAA member schools have used in formulating similar rules for their students. The primary purposes of such rules throughout the nation include:

- 1. Participation in school activities is a privilege** not a constitutionally protected right.
- 2. Students are free to associate** with school teams or non-school teams, as they choose.



3. Great importance is attached to the concern **that students not physically and emotionally overextend themselves.**
4. Educators have long emphasized **moderation in activities involvements to minimize the loss of school time by students and time available for homework preparation.** This concern relates to students as well as the teachers who also coach.
5. Educators have long opposed policies which **force students to specialize in a single activity** and forgo the variety of opportunities a comprehensive activities program is designed to offer.
6. **Development of "select" "power squads"** is contrary to the best interest of the greatest number of students and creates inequality of competition among schools.
7. All communities do not have the resources or **economic means to offer equitable programs** if limits are not imposed.
8. Concerns for **students who lack the financial resources to participate** in non-school programs. School programs are only available programs and without participating on the non-school teams, students perceive they won't make the school squad. Result is less participation among lower socio-economic groups.
9. **Concerns for coaches include:**
  - Increased parental and community expectations** to coach off season and year around
  - Burnout factor among coaches** is greatly increased (coaching longevity is already a concern)
  - Conflicts** with family responsibilities, continuing education/professional development, other employment opportunities and need for a break in the constant contact with athletes.

**What have we learned from the experiences of other states?**

Texas, Senate Bill #1 passed in June, 1995. From information received from the University Interscholastic League, *"school programs have suffered."* Coaches are feeling very frustrated by a **12 - 7 - 4 syndrome.** *"Twelve months a year, seven days a week and four hours a day."* Even if coaches are restricted from coaching, they feel parental pressure to be present to watch and evaluate their athletes.

Loyalty to school teams and community pride is negatively affected. Players and parents are developing a *"free agent mentality."* Significant increases in class time missed by students are being reported. Disruption of the school team morale and teamwork are cited as concerns by numerous coaches. School teams are giving way to select all star teams which no focus on a balanced activity experience as a supplement to the primary purpose, to obtain an education. Schools have no ability and parents lack the will to regulate the number of competitions per week in which children participate.



## Summary

**The language of House Bill #2256 is so broad as to render numerous KSHSAA rules meaningless.** The definition of "*non-school activities*" and, activities, "*which do not directly impact the school*" are very broad statements which leave much room for disagreement and potential litigation.

**If this bill becomes law, the KSHSAA would no longer have enforceable rules governing:**

- Outside Competition**
- Olympic Development Programs**
- Seasons of Activities**
- Undue Influence/Recruitment**
- Amateur Status**
- Awards for non-school participation**
- All Star Contests**
- Anti-Tryout & Private Instruction**

**A democratic process is in place** for the member schools to effect changes when a majority supports doing so.

**Removing this authority from the member schools of the KSHSAA, will result in many undesirable outcomes and is not prudent educational policy.** Local boards of education will be forced to develop similar policies and to defend them at considerable cost of time and money. The difficulty they will face is that there will no longer be a consistent, state wide policy.

I would encourage you to seek the opinions of educators in your districts.

**I would strongly urge you to not report this bill out of committee.**

**Thank you.**

Kansas State High School Activities Association



# Minutes

Executive Board Meeting  
 KSHSAA Board Room  
 Wednesday, November 20, 1996  
 Thursday, November 21, 1996

## 1996 FALL REGIONAL ADMINISTRATOR AND BOARD OF EDUCATION MEETINGS

The Executive Director reported 320 middle/junior and senior high schools were represented by 404 people who attended the six KSHSAA Regional Administrator and Board of Education Meetings.

**The attendance figures were as follows:**

Tuesday, October 22	DeSoto HS	98
Wednesday, October 23	Chanute HS	46
Thursday, October 24	Wichita-Northwest HS	76
Monday, October 28	Oakley HS	43
Tuesday, October 29	Dodge City CC	55
Wednesday, October 30	Salina-Central HS	86
	(375 last year)	<u>404</u>

**Member School Representation was as follows:**

Class 6A	29
Class 5A	28
Class 4A	51
Class 3A	41
Class 2A	40
Class 1A	64
	<u>253 (113 schools absent)</u>
Jr. High	67 (349 schools absent)
	<u>320 Member Schools Present</u>

**Previous Year's Attendance**

	1987	1988	1989	1990	1991	1992	1993	1994	1995
Sr. High Schools	273	293	286	279	278	242	266	235	245
Jr. High Schools	<u>93</u>	<u>84</u>	<u>83</u>	<u>79</u>	<u>67</u>	<u>62</u>	<u>63</u>	<u>33</u>	<u>69</u>
<b>Total</b>	<b>366</b>	<b>377</b>	<b>369</b>	<b>358</b>	<b>345</b>	<b>304</b>	<b>329</b>	<b>271</b>	<b>314</b>

## DISCUSSION TOPICS AND VOTE RESULTS

(NOTE: Detailed votes by Class and Middle/Junior High Schools at all sites are available upon request)

### SUMMER COACHING RULE CHANGE

1. Should KSHSAA Handbook Rule 30-1-3 be revised to allow all athletic coaches to work with students from their school squads on non-school teams in the summer? (For purposes of this rule, summer would begin on Friday preceding Memorial Day and would conclude with the Tuesday following Labor Day.)

YES 102                      NO 204

Source of recommendation: Board of Directors (September 19, 1996).

### BASKETBALL

2. Should Buffer Week be moved up to SCW #18 and allow all winter sports practices to begin one week earlier?

YES 54                      NO 209

Source of recommendation: KCA (April 1996) and Executive Board (June 13, 1996).

3. Should Buffer Week be moved up to SCW #18 and move all winter sports seasons one week earlier (including invitational tournament weeks), and culminate all winter activity seasons one week earlier?

YES 21                      NO 240

Source of recommendation: Executive Board (June 13, 1996).

4. Insofar as facilities allow, change the Saturday format of state basketball tournaments to a one session, all day ticket. Game times would be noon, 2 PM, 4 PM, and 6 PM.

YES 262                      NO 5

Source of recommendation: KIAAA (April 1996) and Executive Board (June 13, 1996).

### 8-MAN & 11-MAN FOOTBALL

5. Should the KSHSAA increase football districts from three and four teams, to six and eight teams by combining the present districts and advancing the top two teams from each district to the play offs?

TOTAL YES 108              NO 153

Source of recommendation: KCA (April 1996) and Executive Board (June 13, 1996)

6. Do you support leaving the present three and four team district football assignment system in place?

TOTAL YES 148              NO 110

Source of recommendation: KIAAA (April 1996) and Executive Board (June 13, 1996)

## SOCCER

7. Should the KSHSAA adopt a "mercy rule" to end regular season soccer matches early? (This would be similar to a run rule in baseball.)

YES 35                      NO 20

Source of recommendation: KCA (April 1996) and Executive Board (June 13, 1996).

8. Should the KSHSAA reject a "mercy rule" to end regular season matches early?

YES 20                      NO 35

Source of recommendation: KIAAA (April 1996) and Executive Board (June 13, 1996).

9. Should the KSHSAA consider options to the tie breaker currently used in post-season competition?

YES 40                      NO 15

Source of recommendation: KIAAA (April 1996) and Executive Board (June 13, 1996).

### SOFTBALL/BASEBALL

10. Insofar as facilities allow, should the KSHSAA change the Saturday format of state baseball and softball tournaments to a one session, all day ticket?

YES 141                      NO 0

Source of recommendation: Executive Board (September 18, 1996)

11. In softball, should the KSHSAA adopt uniform, standardized game ending procedures?

YES 123                      NO 2

Source of recommendation: Executive Board (September 18, 1996).

## TENNIS

12. Should the KSHSAA employ a USTA official at each state tournament site, to monitor matches and behavior of all participants?

YES 32                      NO 82

Source of recommendation: KCA (April 1996), Executive Board (June 13, 1996) and the Sunflower League (June 19, 1996).

## VOLLEYBALL

13. Should the KSHSAA use rally scoring during the third game of a match in post season volleyball tournaments? (Rally scoring allows a point to be scored without being the serving team.)

YES 50                      NO 213

Source of recommendation: Executive Board (November 16, 1995).

## WRESTLING

14. Should the KSHSAA alter the certification plan to allow a wrestler to compete up more than one weight class without breaking certification? (The wrestler would only be allowed to wrestle one class above his stripped weight that day, which would be in compliance with the National Federation rule.)

YES 33

NO 119

*Source of recommendation: KCA (April 1996) and Executive Board (June 13, 1996).*

## GENERAL

15. Should the KSHSAA continue to offer the following services to member schools on school days?

Regional Student Council Conferences

YES 295

NO 8

Spirit Spreader Clinics

YES 281

NO 20

KAY Conferences

YES 191

NO 3

TARGET KANSAS/Wellness Promotion

YES 226

NO 8

*Source of recommendation: KAW Valley League (September 12, 1996) and Executive Board (September 18, 1996).*

16. Should the KSHSAA consider development of a student advisory committee?

YES 220

NO 81

*Source of recommendation: Executive Board (September 18, 1996).*



## Kansas State High School Activities Association



# SYNOPSIS OF MAJOR CHANGES

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July 1, 1995 — June 30, 1996, by the Boards listed below

## BOARD OF DIRECTORS

NOTE: The Board of Directors approved the following revisions. These changes are shaded and in reverse type throughout the body of the *1996-97 KSHSAA Handbook*.

### BYLAWS

#### **Bylaw Article IV, Section 5**

Requires one at-large appointee to be principal of a middle/junior high member school.

#### **Bylaw Article V, Section 2**

Requires Kansas State Board of Education membership on Executive Board.

#### **Bylaw Article V, Section 3**

Clarifies appointing process to complete Executive Board membership.

### RULES

#### **9-2-1 - Fall and Christmas Moratoriums**

Allows three basketball players from school squad to participate in pre-season officiating clinics.

#### **10-1-2e - Qualifications of Coaches and Music Directors**

Allows unsupervised aide to oversee a supervised aide.

#### **10-1-3**

Clarifies activities of coaches and aides outside season of sport.

#### **18-1-12 - Transfer**

Establishes one year ineligibility for foreign transfer students, not in CSIET approved exchange programs.

#### **30-1-3a - Seasons of Activities**

Clarifies activities of coaches in all team sports outside the season and during summer.

#### **30-1-5**

Allows interschool scrimmage conducted as part of extra quarters in a contest.

#### **30-1-6**

Defines coaches involvements in athletic summer camps.

#### **32-1-1 - Baseball**

Places player limits on non-school teams outside school season and defines summer unrestricted period.

#### **33-1-4 - Basketball**

Defines summer unrestricted period for non-school team involvements.

#### **33-2-4**

Revises basketball scheduling options.

#### **33-3-1**

Allows 16 game scheduling for middle/junior high schools.



**34-3-2 - Cross Country**

Allows 8th graders to run two mile distance.

**35-1-2 - Football**

Defines summer unrestricted period for non-school team involvements.

**38-1-1 - Soccer**

Places player limits on non-school teams outside school season and defines summer unrestricted period.

**38-2-4**

Standardizes 16 game scheduling format for high schools.

**39-1-1 - Softball**

Places player limits on non-school teams outside school season and defines summer unrestricted period.

**42-3-2c - Track & Field**

Allows 7th graders to run one mile race and 8th graders to run two mile race.

**43-1-1 - Volleyball**

Defines summer unrestricted period for non-school team involvements.

**43-2-3**

Defines tournaments and quadrangulars. Establishes parameters for two day tournaments.

**44-2-6 - Wrestling**

Establishes scheduling stipulations of high school, triple dual competitions.

**44-3-2**

Redefines weight divisions for middle/junior high schools.

**44-3-3**

Establishes new overtime limits for middle/junior high schools.

**46-2-2 - Debate & Speech**

Removes Student Congress as a debate event, from KSHSAA jurisdiction.

**46-2-9**

Removes Student Congress as a speech event, from KSHSAA jurisdiction.

## 1995-96 RECOMMENDATIONS ADOPTED

The following recommendations which were submitted by various schools, leagues, advisory groups, etc., were approved by the Executive Board:

1. **General** — The following numbers of supervised and unsupervised **Coaches/Directors Aides (10-1-2)**, **Enrollment Hardships (15-1-6)**, **Semester Requirements Hardships (16-1-4)**, **Age Requirements (17-1-1)**, **Transfers from Non-Member Schools (18-1-4)**, **Possible Limited Eligibility (18-1-6)**, **Move of Parents to a New Area (18-1-9)**, **Foreign Exchange Students (18-1-12)**, and **Transfer Hardships (18-1-13)** approved, compared to previous years:

	10-1-2	15-1-6	16-1-4	17-1-1	18-1-4	18-1-6	18-1-9	18-1-12	18-1-13	
	<b>Su.</b>	<b>Uns.</b>								
1995-96	962	143	0	13	97	34	232	0	364	269
1994-95	1039	119	2	20	100	26	203	0	34	300
1993-94	982	238	0	8	71	28	241	0	375	324
1992-93	900	197	0	10	64	12	228	0	425	310
1991-92	909	158	4	26	39	37	200	0	400	347
1990-91	897	104	0	15	19	23	141	0	324	260
1989-90	671	199	0	16	24	16	116	3	303	228
1988-89	820	139	1	14		8	148	0	329	194
1987-88	773	122	1	10		27	110	3	357	243
1986-87	665	83	0	10		22		4	271	213
1985-86	594	14	2	16		19		1	253	216
1984-85	552		1	12		23		1	235	188
1983-84	446		4	10		21		16	173	191
1982-83	326									
1981-82	190									
1980-81	46									

**2. General** — Adopted a Liability Catastrophe Plan for the 1996-97 school year.

Steve Wanamaker, Charlton Manley Insurance, Topeka, presented proposals from five domestic insurance companies (all A rated or better) to the Executive Board.

Based on all information, it was decided to purchase the 1996-97 Liability Catastrophic Insurance plan from CIGNA/ Employers Mutual. G.M. Southwest, is the third party administrator for the plan.

A summary of the program will be mailed to the member schools in the near future. A brief summary of coverage (the same as this year) of the 1996-97 plan follows:

Maximum Medical	\$5,000,000
Up to Lifetime Benefit Period	
Deductible	\$10,000
Cash (Disability) Benefit	\$500,000
Lump Sum after Six Months	\$100,000
Yearly Benefit	(10 years) \$40,000
Accidental Death Benefit	\$10,000
Accidental Dismemberment Benefit	\$20,000
Liability Insurance for Member Schools	\$500,000
(Per occurrence)	

The insurance is in effect while students are participating in, practicing for and traveling to or from activities under the jurisdiction of the KSHSAA.

General Liability Insurance continues to include primary coverage for the KSHSAA. Medical coverage for students and liability insurance for member schools continues to be **excess** to other valid and collectable insurance and becomes primary coverage if no other coverage exists. Defense costs provided under the liability portion are in addition to the \$500,000 limit.

Based on last year's participation information, the premium will be \$3.77 per participant (athlete, cheerleader, pompon squad member). This is a **decrease** of 32¢ per participant (7.8%).

**3. General** — Provide Regional (4-Speaker) Debate medals for tournament champions and runners-up.

**4. General** — Increase the number of state tournament medals for girls and boys tennis to the top 10 finishers in singles and doubles play.

**5. General** — Raise the price of the Gymnastics Program from \$1.00 to \$2.00.

**6. General** — Raise the price of the State Swimming and Diving Program from \$1.00 to \$2.00.

**7. General** — Increase the price of KSHSAA Pocket Calendar from \$1.00 to \$2.00.

**8. Cross Country** — In 5A & 6A, change the state qualifying criteria to include the top four (4) teams and top five (5) individuals of non qualifying teams. (KIAAA)

**9. Gymnastics** — Require judges to attend rules meetings. If they fail to do so (with the exception of emergency and prior contact with State authorities), do not allow them to be a head judge or meet referee throughout the season. (KCA)

**10. Gymnastics** — All teams must abide by the warm-up times and rotations set by the host school. The regional and state competition will be set up by the KSHSAA. (KCA)

**11. Gymnastics** — Do continuous bump rotations at meets. (KCA)

**12. Music** — Change in the *Music Manual*, page 20, "Football: Marching Bands", paragraph 2 to read as follows:

Bands will be permitted to attend at no charge, **provided they perform on the field during the halftime of their school's game.** Football pep bands must pay the regular student admission prices. **In the absence of a marching band at post-season football contests, pep bands, not to exceed 25 members including the director, are to be admitted free for the game during which their school participates. If more than 25 members are used as a pep band, those in addition to the 25 must pay the regular student admission prices.** (KMEA)

**13. Scholars' Bowl** — Eliminate the title "Current Events" from the question category, replacing it with "The Year in Review", and include news events from January 1 to December 31 of the current calendar year. (KASBC)

**14. Scholars' Bowl** — At state competition sites, if there are 8 or fewer teams represented, do not split into two pools. Organize these teams in a round-robin tournament format with all 8 teams playing each other. The top four teams to emerge could advance to semi-final, consolation and championship rounds just as at other sites. Tie-breaking procedures would remain the same. (KASBC)

Manual Changes:

Overhead transparencies:

**15. Scholars' Bowl** — There is no mention made in Section II "Selection Guidelines and Responsibilities of Scholars' Bowl Personnel" of anyone to handle the overhead transparencies.

Utilize 12 x 18 inch posters in place of transparencies for foreign language, math and other necessary visuals. (*KASBC*)

**16. Scholars' Bowl** — We also recommend that KSHSAA support KASBC in their desire to have a Rules meeting at the Fall Coaches Clinic prior to the opening of the season. (*KASBC*)

**17. Soccer** — Change the policy on withholding a red carded player from the next game at the same level of play to include "all other interscholastic soccer contests at any level in the interim." (*KCA, KIAAA*)

**18. Soccer** — By National Federation Rules, the KSHSAA should adopt the "3" whistle system as a third officiating mechanic for use in regular-season contests. (*KIAAA*)

**19. Softball** — By agreement of both coaches prior to a game, allow use of yellow optic ball for games during regular-season only. (*KCA*)

**20. Softball** — Allow "courtesy" runner to run for pitchers or catchers. (*KCA*)

**21. Speech** — Creation of disqualification criterion - debate:

Disqualification shall be interpreted to mean: The individual team in violation is removed from the tournament immediately and ALL records earned for that team shall be forfeited. (*KSCA*)

**22. Speech** — Creation of disqualification criterion - forensics:

Disqualification shall be interpreted to mean: The individual entry in violation is removed from the tournament immediately and ALL sweepstakes earned for that entry shall be forfeited. (*KSCA*)

**23. Speech** — Increase State (2-Speaker) Debate Tournament Qualifications:

Each school's individual debater must have debated a minimum of four (4) tournaments during the current season, amassing a win/loss record of 50% or better. (*KSCA*)

**24. Speech** — Provide Regional (4-Speaker) Debate medals for tournament Champions and Runners-up. (*KSCA*)

**25. Speech** — Adjustment of judge qualifications - debate:

a. A judge must not have been a participant as a high school debater for 12 consecutive months, beginning July 1 following the judge's graduation from high school. (*KSCA*)

**26. Speech** — Creation of judge qualifications - forensics:

Judges for State Championships shall meet the following qualifications:

a. A judge must not have been a participant as a high school forensics student for 12 consecutive months, beginning July 1 following the judge's graduation from high school.

b. In a forensics round, the judge should be able to take notes in a manner that allows him/her to evaluate the performance being observed.

c. A judge must have judged at an invitational tournament during the current forensics season. (*KSCA*)

**27. Speech** — Changing of Improvised Duet Acting (IDA) draw procedure:

a. Drawing: Each IDA Team shall draw three (3) topics from EACH of the following areas: **character, situation, and location**. There shall be ONE topic on each slip of paper. From the items drawn, each IDA Team shall choose two (2) characters, one (1) situation, and one (1) location. The remaining topics shall be returned.

Topics should be "generic" in nature which require improvisation and not **impersonation**. For example, proper nouns would not be appropriate topics. (*KSCA*)

**28. Speech** — State (2-Speaker) Debate elimination rounds clarification:

All quarterfinal, semifinal and final rounds shall be open to viewing and note-taking. (*KSCA*)

**29. Speech** — Allow experienced forensics students to judge novice tournaments:

EXCEPTION: Third- and fourth-year experienced forensics students will be allowed to judge at novice forensics tournaments as long as that information is included in the invitation by the host school. (*KSCA*)

**30. Swimming and Diving** — When there is an eight lane pool being used for the State Championships score 16 places instead of 12. Medals should be awarded to the top six in each event. (*KCA*)

**31. Tennis** — At state, award medals through 10th place, as is done in other sports. (*KCA*)

**32. Track and Field** — Move the 4x800 meter relay to the first event of the finals in all meets except the state meet. (*KCA*)

**33. Volleyball** — KSHSAA should not adopt rally scoring during the third game of a match in post season (regional, sub-state, and state) volleyball tournaments. (*KCA*)

**34. Wrestling** — Allow one administrator and one coach to weigh in wrestlers for certification. (*KIAAA*)



**Testimony Before the House Education Committee**

**House Bill 2285**

**February 17, 1997**

**Submitted by:**

**David Payne  
Executive Director**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear before you today in support of House Bill 2285. I believe that there is general agreement today among all stakeholders in the education of our young on the importance of striving for academic excellence, establishing measurable standards, and improving accountability. I believe that House Bill 2285, if passed, would be a step in the right direction toward meeting these important goals. We support House Bill 2285 for the following reasons:

- We support the use of a single nationally recognized norm-referenced test.
  - The proposed use of a single nationally recognized norm-referenced test in House Bill 2285 is consistent with the findings of the Legislative Performance Audit Report “Reviewing the Use of State Assessment Tests In Kansas”. The use of a norm-referenced test such as the ITBS, CAT, MAT, or the SAT would enable school districts and policy makers to accurately report state by state, district by district, and school by school comparisons.
  - We also support the use of standardized norm-referenced tests because they are more familiar to the general public and thus make it easier to communicate results. This point should not be under-emphasized given the importance of communicating clearly to the public in order to restore confidence and insure some perceived level of accountability. The use of criterion-referenced tests, while desirable in some respects, may be akin to changing the grading system from the easily understood “A, B, C, D, F” to something unfamiliar and therefore meaningless to parents.
- We support reduction in scope of the state assessments.
  - Criterion-referenced tests such as the Kansas State Assessment Tests do offer some benefits to instructional staff and school administrators. For example, the Kansas State Assessment Tests can be useful in adjusting a school’s curriculum to better align with Kansas curriculum standards. However, we question the value of the information obtained from the state assessments relative to the cost of implementation both in real dollars and loss of valuable classroom time.



- The value of the state assessments also presupposes that the curriculum standards truly represent “world class standards.” To the extent that the standards are weak or unsound, the value of the information obtained from the state assessments is diminished. In other words, if we are measuring the wrong thing, then our measurements are invalid. We question the quality of the standards that have been developed in Kansas, and challenge the notion that they represent true “world class standards.”
- We are reminded that the same brain trust that developed the widely criticized National History Standards is being relied upon by educators in Kansas and elsewhere to develop our so-called “world class standards.” We can not trust (as suggested in the KSBE staff response to recommendations in the Post Audit report) in the American Psychological Association, the Kansas Teachers of Mathematics, the National Council of Teachers of Mathematics, Kansas Association of Teachers of Science, National Council of Teachers of English, International Reading Association, Kansas Reading Association, Kansas Council for Social Studies, National Council for Social Studies, American Educational Research Association, and National Council of Measurement in Education. After all, these are some of the same folks who got us in the mess we’re now in.
- Costly experimental approaches to performance assessment should be abandoned until these methods of assessment have been proven elsewhere.
- The recent experience of other states indicates that developing reliable and valid state assessments is difficult indeed. Both California and Arizona scrapped their state assessment programs because the tests did not measure what they were intended to measure and/or test results were used to inappropriately assess individual student performance. Kentucky’s state testing program is undergoing intense scrutiny after an audit in that state found that the tests were “seriously flawed.” The report also states that “the public is being misinformed about the extent to which student achievement has improved statewide.”
- Dr. George Cunningham, a specialist in educational testing and professor at the University of Louisville in Kentucky said in an article published in the Louisville Courier Journal, “Performance assessment was an interesting idea back in 1989, but outside of classroom applications, there is little evidence of its effectiveness.”

- Although the Legislative Post Audit found that “appropriate steps” had been taken to insure that the Kansas State Assessment Tests are reliable and valid measures, taking appropriate steps is not the same as certifying that the tests are indeed reliable and valid. And the more subjective the measure—such as the performance assessments—the more difficult it is to determine reliability and validity of test results. Perhaps dropping the group or individual projects as part of the performance assessments would be one possible suggested alternative to reduce the scope of the assessments.
- We support efforts to increase parental involvement in the schools.
  - Too often parents feel they are unwelcome intruders instead of welcome partners in the education of their children. Research on effective schools has consistently demonstrated the positive benefits of increased parental involvement. Emphasizing parental involvement by giving parents a greater role on site councils and including simple indices to measure parental involvement as an integral aspect of accreditation are steps in the right direction. We would, however, caution legislators and the State Board to avoid burdening local schools with yet another monitoring and reporting requirement. Any change in this area should be implemented with extreme sensitivity to the concerns of local schools. We would further recommend that the word “voluntary” be added following the word “strengthen” on line 26 of page 2. We do not support coercive parental involvement.
- We support accountability to patrons, taxpayers, and the community through the publication and broad dissemination of school district trend data.
  - Objective measures such as the norm-referenced Iowa Test of Basic Skills have their limitations, but they are at least one objective measure that should be made available to the public. We believe that other data should be taken into consideration when reporting test results such as socio-economic indicators, attendance and drop-out rates, and unique aspects of the curriculum (i.e., magnet school that emphasizes a particular subject area).
- We support exposing students to primary source documents.
  - We may not be able to stop textbook publishers and special interests from continuing down the path of historical deconstructionism, but we can encourage exposure to the actual writings and speeches of our nation's founders and others who played central roles in our nation's

history. Let students decide for themselves what our founders thought about this “noble experiment” we call democracy.

- We are particularly discouraged and dismayed by the opposition of some of our Jewish friends to this portion of House Bill 2285. Of all people, we would expect the Jewish people to be sensitive to modern attempts to rewrite history, including some who say the Holocaust was a hoax. Historical revisionism is robbing us all of our heritage. We may be repulsed, ashamed or proud of some aspects of our history, but we should not patently ignore it or revise it to suit our purposes. Exposing students to unedited primary source historical documents is one way to let students decide for themselves what our founders and other important historical figures valued and believed by reading the actual documents. Only those with an “agenda” could find this harmful.

**Proponent Testimony for Truth in History Bill**  
**By: Scott D. Waters, Ph.D. Emporia State University**  
**Box 4037, Emporia State, Emporia, KS 66801**

### **Chairperson and Committee Members:**

My name is Scott Waters. I am on the faculty at Emporia State, in the Teachers College. My specific responsibility is in the area of social science teaching methods. I train teacher education majors, who will eventually teach social studies; thus my interest in this particular bill. I became involved with this bill about two years ago when I learned of its purpose in promoting use of primary source materials in teaching American history. As a teacher educator, I am constantly reviewing textbooks and strategies for teaching social studies. In that vein, I have become increasingly concerned about a trend I have seen emerging in the teaching of history. That trend I speak of is teaching history with less and less attention being assigned to our founding documents, with less and less attention being paid to historical accuracy, and less and less reference to our rich religious heritage. The result of this trend is twofold: students who are being given a distorted and incomplete view of history, and students who are leaving our schools with a dreadfully inadequate understanding of U.S. history.

### **Why Is This Bill Needed?**

Textbooks today too often do not include the foundational documents, quotes, or themes they once did. Perhaps the best example of this would be George Washington's Farewell Address. This address, written as Washington was leaving office, regularly appeared in textbooks and was sometimes even printed as a separate text. The most recent textbook I have found that includes it is this 1941 publication of the National Education Association, The American Citizens Handbook.<sup>1</sup> It includes the full text of Washington's remarks to the citizenry about what had brought the United States to greatness, and what would keep her on that path. Several of Washington's admonitions speak directly to spiritual and moral issues. Students studied, analyzed and memorized parts of this address as a key component of their history studies. In an analysis of social studies textbooks used by Kansas 5th, 8th, and 11th graders, I found no textbook that included more than a few paragraphs of the address, and many that included not reference to the speech at all.

Let me share another example of what teachers experience. This short book, titled The Bulletproof George Washington,<sup>2</sup> is an account of Washington's miraculous survival during an ambush in the French and Indian War. During a two hour battle, of eighty-six British and American officers, sixty-three were casualties. Washington was the only officer on horseback not shot down. Following the battle, Washington wrote a letter to his brother in which he readily and openly acknowledged: *"By the all-powerful dispensations of Providence, I have been protected beyond all human probability or expectation; for I had four bullets through my coat, and two horses shot under me, yet I escaped unhurt, although death was leveling my companions on every side of me!"* This account of God's care of Washington and of Washington's open gratitude for Divine intervention could be found in virtually all student textbooks until 1934; today, few have ever heard it. Are we not giving our children a very distorted and incomplete history. This bill encourages and authorizes teachers to use primary source documents, and to not omit or edit documents simple because they include mention of religious themes. While it is true the teachers are already free to use these documents, I would see passage of this bill as an affirmation of the crucial role they play in students' understanding of our heritage, including our religious heritage, and an encouragement to teachers to use them in their classrooms.

In addition to the fact that many texts do not include primary source documents, a second reason why I believe this bill is needed is because of the inaccuracy and distortion of historical facts that is becoming so prevalent. You are probably aware that the recently developed U.S.

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Attachment 10

History Standards for public schools were viewed as being so distorted they were rejected by the U.S. Senate by a 99 to 1 vote. It is my understanding that the House is also moving toward a similar rejection of the standards. One of the chief criticisms was the lack of mention of founding primary source documents such as the constitution.

Perhaps the most alarming trend is the outright rewriting of history. A February 28, 1994 *U.S. News & World Report* article titled "The Junking of History,"<sup>3</sup> and an article from the October 1995 issue of *Social Education* titled "Denial of the Holocaust,"<sup>4</sup> discusses attempts to discount the Jewish Holocaust. The Nazi slaughter of 6 million Jews is exhaustively documented. Many of the killers, survivors and soldiers who liberated the camps are still alive. Yet the people who deny the Holocaust occurred have made great headway, simply by stating their claim loudly and often. All of us should be shocked and spurred to action by this development. A Truth in History Bill would go a long way toward addressing the problems these examples illustrate. Encouragement of use of primary source documents, including ones with religious content, would be a step in the right direction toward producing students who have a solid understanding of their history. Additionally, I would like to address a criticism of this bill that has surfaced. It is my understanding that some believe this bill is designed to marginalize those of the Jewish community, and is somehow anti-Semitic. My response is to simply refer you to a cordial exchange of letters that took place in 1790 between George Washington and one of the leaders of a Jewish congregation. Students of our day need to be able to read primary source documents of this type, and see for themselves the role of faith in our country's history. Far too often they never have that opportunity.

### Conclusion

There seems to be confusion about what to teach about history these days. I see no better way to solve this confusion than to let primary source documents speak for themselves. Why not encourage teachers to put the actual speeches, quotes and documents in the hands of students, and let them be the interpreters of history. Thank you for your time. I would be very happy to attempt to answer any questions you might have.

- 
1. *The American Citizens Handbook*, (1941), Arranged by Joy Elmer Morgan, National Education Association of the United States, Washington, D.C.
  2. *The Bulletproof George Washington*, (1990), David Barton, Wallbuilder Press, Aledo, Texas.
  3. The Junking of History, (February 28, 1994), *U.S. News & World Report*.
  4. Denial of the Holocaust, (October 1995), *Social Education*.



# The junking of history

**T**ime Warner's Home Box Office, joined by PepsiCo, is having a bit of trouble celebrating Black History Month in a truthful way. An HBO-Pepsi poster and advertisement honoring black achievement features a large picture of the pyramids, and many smaller images, including one of the Sphinx.

This means that two of America's best-known corporations have officially bought into the historical howler believed by many Afrocentrists: that blacks built the pyramids and have been robbed of credit for it. Quoting the lyrics of a song, the poster says: "We are the builders of the pyramids, look what you did . . . so much to tell the world, the truth no longer hid."

Worse, this stuff is being injected into the schools. HBO and Pepsi sent the posters and other materials to 20,000 predominantly black schools and community groups. So honest teachers in these schools now have to explain the corporate seal of approval given to a historical claim that isn't true. ("Sounds like we need a history lesson," the chairman of HBO said when his Black History poster was described to him.)

This is no isolated example. The culture is now seriously plagued with deeply felt assertions that aren't true but are slowly sliding toward respectability anyway. Think back over the assertions that have won a measure of acceptance in the past year or two: the denial of the Holocaust; Oliver Stone's notion that the mafia and many government officials conspired to kill President Kennedy; the idea, depicted in a TV documentary, that a black U.S. Army regiment liberated Dachau and Buchenwald (tough-minded, honest veterans of the regiment stood up and said it wasn't true), and the supposedly strong influence of Iroquois thought on the U.S. Constitution, now taught in many schools.

**Truth beyond fact.** Behind the rise of rhetoric and pure assertion is a growing contempt for facts. "What we are witnessing is the transformation of facts into opinion," wrote the editors of the *New Criterion*. Not the number of times that commentators argue that the facts don't really matter. When the Tawana Brawley hoax was revealed, the *Nation* ran an article saying, "In cultural perspective, if not in fact, it doesn't matter whether the crime occurred or not." The facts were irrelevant, it seems, because Brawley's story line reflected the broader reality that whites have abused blacks over centuries. In other words, forget about facts. Just tell stories that convey emotional truth.

This is the climate HBO and Pepsi responded to, probably without much thought. Under different condi-

tions, the corporations might have been just as willing to assert that the Irish invented jazz and the Cherokees developed styrofoam.

"We're in a day and age in which I can make any claim I want," says Deborah Lipstadt, a professor at Emory University. "I can say I believe the Buffalo Bills won the Super Bowl. Then I say that it's my opinion and I have a right to it, and you're supposed to back off." Lipstadt should know. She is the author of *Denying the Holocaust: The Growing Assault on Truth and Memory*.

The Nazi slaughter of 6 million Jews is exhaustively documented. Many of the killers, survivors and soldiers who liberated the camps are still alive. Yet the people who deny that the Holocaust occurred have made great headway, simply by stating their claim loudly and often. A

Gallup poll last month showed that 33 percent of Americans think it seems possible that the Nazi extermination of Jews never happened.

"Good students come in and ask, 'How do we know there were gas chambers?'" Lipstadt says. "Not that they become deniers, but what happens is that in a subtle way, the attackers put history on the defensive." Denial slowly becomes just one more familiar and alternate way of thinking

about Jews and Nazis. In a talk-show culture, all talkers have equal status, flat-earthers and round-earthers, Holocaust deniers and Holocaust historians, people who speak regularly to interplanetary aliens and people who don't.

Holocaust denial is only the most spectacular example of a broader assault on knowledge, facts and memory that is sweeping through the culture. A lot of it comes from some disastrous intellectual trends on campus. Deconstruction and its allied movements say that knowledge is constructed, texts are biased. Values and truth are nothing more than arbitrary products of a particular group. History is not true, merely a story imposed by the powerful on the weak. (Time Warner managed to pick up this theme in a Warner Bros. Records ad celebrating Black History Month. "History is written by the winners," the ad said, quoting Alex Haley.)

At the extreme, some of these theories say there is no external reality at all, merely consciousness, and some say that personal experience or stories are the only source of truth. This is all intellectual junk, but it's having a profound effect in the real world. Everything is up for grabs now. Like the black veterans who challenged the false TV documentary, it's important for honest people to take a stand and not let lies slide by. Otherwise, reasoned discussion in America will descend further into a fact-free opinion fest. ■



# DENIAL OF THE HOLOCAUST

SCOTT MILLER

Holocaust deniers claim that the Holocaust never happened—that there was no “Final Solution” or systematic plan by the Nazis to exterminate all Jews. “Hard deniers” claim that the estimated five to six million murdered Jews were actually never killed,<sup>1</sup> and that the Holocaust, or at least the greater part of it, is a hoax. In other versions of denial, generally referred to as “soft denials,” it is contended that, while some atrocities took place, there was still no plan to annihilate the Jews. “Soft deniers” try to attribute the high death rate among Jews and others to the nature of the war itself, citing factors such as disease and starvation, which themselves are sometimes attributed to atrocities inflicted by the Allies on the Germans.

Holocaust denial is not a position based on the facts. It has no historical support. The typical denier is driven by political motivations, and in most cases espouses a right-wing, racist ideology with affinities to National Socialism. The memory of the Holocaust, which is widely regarded in the western world as the epitome of evil, is a major threat to the spread of such doctrines. Another important source of denial is the historical chain of anti-Semitism, with its recurrent inventions of conspiracy theories against the Jews, such as those contained in the Protocols of the Elders of Zion. Denial of the Holocaust, and the allegation that it is a Jewish-created “hoax,” are modern versions of accusations of a Jewish conspiracy.

For teachers, the problem of Holocaust denial can be quite complex, for several reasons. First, deniers call themselves “revisionists,” which is a respectable academic term in the study of

history—even though in this case, they are not revising but denying.<sup>2</sup> Unfortunately, their appropriation of a legitimate term has caused confusion. Moreover, deniers are denying facts, not opinions, and school curricula are not oriented toward dealing with the denial of facts. This often leaves teachers in a quandary as to how to deal with issues of denial, which can only be fully resolved by thorough knowledge of the facts of the Holocaust.

## The Deniers

The key to understanding Holocaust denial is the world outlook of the deniers. Denial is inextricably linked with racist, anti-Semitic ideology. The deniers lack academic credentials for the study of the Holocaust.

The central institution of Holocaust denial in the United States is the Institute for Historical Review (IHR), located in southern California, and founded (with a deceptively scholarly name) by Willis Carto. Carto was previously a founder of the Liberty Lobby, an ultra right-wing and anti-Semitic organization. Other individuals associated with IHR and Holocaust denial are Lewis Brandon, the first director of IHR; Tom Marcellus, his successor as IHR Director; and Mark Weber, editor of the *Journal for Historical Review* (the IHR journal). Not one of the four has academic credentials relevant to the study of the Holocaust.<sup>3</sup>

Anti-Semitism is clearly evident in Carto's thinking. Carto once wrote: “If Satan himself had tried to create a permanent disintegration and force for the destruction of nations, he could have done no better than to create the Jews.”<sup>4</sup> In another memo, Carto termed the Jews “public enemy No. 1.”<sup>5</sup>

Admiration for Hitler is also

widespread among IHR officials. The Liberty Lobby under Carto's influence has been described as “infiltrated by Nazis who revere the memory of Hitler.”<sup>6</sup> In a deposition under oath in 1979, Carto acknowledged his agreement with the principles of Francis Parker Yockey, who consistently proclaimed that the Holocaust was a myth created by the Jews. In his book dedicated to Hitler, *Imperium—The Philosophy of History and Politics*, Yockey called for the establishment of an empire of Aryan nations, claiming that the Jews “live solely with the idea of revenge on the nations of the white European-American race.”<sup>7</sup>

A number of IHR officials have been active in neo-Nazi groups. Lewis Brandon (also known as William David McCalden) was once an officer of the British neo-Nazi National Front Party. Irish-born and educated in England, Brandon has edited a number of anti-Semitic and racist publications,<sup>8</sup> and actively promoted the view that no Jews were gassed at Auschwitz. Mark Weber is the former editor of the *National Vanguard*, the journal of the anti-Semitic and neo-Nazi organization National Alliance.

Appeals to white racism are a common theme among these Holocaust deniers. Carto has expressed the belief that “Jews and Negroes” are at the heart of America's problems.<sup>9</sup> In a letter to the racist author Earnest Sevier Cox, Carto complained about the “Niggerfication of America.”<sup>10</sup> Fearing this “niggerfication,” Carto organized the Joint Council for Repatriation, which advocated the return of all Blacks to Africa.

In a 1989 interview, Weber told the *University of Nebraska Sower* that he feared the United States was becoming “a sort of Mexicanized, Puertoricized country,” due to the failure of White

Americans to reproduce adequately.<sup>11</sup> Brandon's successor as IHR director, Tom Marcellus, has criticized acceptance of the Holocaust "hoax" on the ground that it does damage to the "self-image of White people."<sup>12</sup>

Predictably, prominent members of the Ku Klux Klan are also Holocaust deniers. In the *Crusader*, the publication of David Duke's organization, the National Association for the Advancement of White People, Duke termed the Holocaust a "historical hoax."<sup>13</sup> These words of a former Grand Wizard of the KKK highlight the affinities between Holocaust denial and classical American racism (an association that may appropriately be pointed out by teachers in the classroom).

Admiration for the white supremacist doctrines advocated by Hitler is also visible among prominent foreign deniers of the Holocaust. For example, Ernst Zundel, a German citizen with immigrant status in Canada, has advanced the claim that Jews were not killed in the gas chambers. Zundel is the author of the book *The Hitler We Loved and Why*, which praises Hitler and his white supremacist ideology.<sup>14</sup> Zundel has no academic credentials relevant to the study of the Holocaust.

Among the "soft" deniers is David Irving, a British popular historian (the only well-known denier with a knowledge of history, though without adequate academic historical credentials). Irving argues that about 500,000 to 600,000 Jews died as victims of war,<sup>15</sup> and claims that Hitler did not know about the Final Solution. His view of Hitler is reflected, according to Lipstadt, by his having "placed a self-portrait of Hitler over his desk," and having described his visit to Hitler's mountaintop retreat as a "spiritual experience."<sup>16</sup> In 1994, David Irving stated "I think the Jews are largely to blame for themselves by the knee-jerk responses [to anti-Semitism]... Goebbels himself said that, in fact."<sup>17</sup>

### Combating the Denial of the Holocaust in the Classroom

Denial is a position contrary to the facts, and should not be treated by teachers as a matter of opinion repre-

senting one side of a debate. The most effective way to deal with the deniers is for teachers to thoroughly learn, and then teach, the storyline of the Holocaust. An extraordinary amount of Holocaust documentation exists, enabling teachers to eliminate arguments of denial by citing the facts and sharing their awareness of the documentation with students.

#### *The Scale of Documentation*

Due to the nature of German record keeping, the Holocaust is one of the more thoroughly documented historical events in the annals of humanity. For example, at the World War II Records Division of the National Archives in Alexandria, Virginia, Holocaust related material fills 28,000 linear feet of shelves. This includes mostly military documents, some SS documents, and some documents of the civil administration. And here we are only speaking of the Holocaust material in a single location.

Documentation of the Holocaust exists all over the world. There are hundreds of thousands of orders, decrees, memos, letters, blueprints, and memoirs. Eyewitness testimonies abound. There are graphic photographs and clips of documentary footage, taken by both military officials and civilians, of atrocities such as the *Einsatzgruppen* (Mobile Killing Units) shootings. Particularly dramatic is the testimony of the Nazis themselves. The major perpetrators of the Nazi crimes, on trial at Nuremberg, did not deny that the Holocaust took place, though they did try to place the blame for it on other Nazis.

Contrary to popular belief, there is an abundance of material dealing with the gas chambers. Many believe that since the Nazis themselves destroyed the gas chambers and crematoria (out of fear of retribution), there remains no evidence of the gas chambers. However, documentation exists. For example, remains of the gas chambers were found at the Auschwitz-Birkenau and Majdanek death camps (at Majdanek, in fact, not all the gas chambers were destroyed). Blueprints of the gas chambers exist in the archives at the Auschwitz Museum as well as in

Moscow, and now in the archives at the Research Institute of the U.S. Holocaust Memorial Museum in Washington, D.C. There are Allied aerial photographs of the crematoria, as well as clandestine photographs of the crematoria and of people walking to the gas chambers. Deniers claim that the gas chambers were only used for delousing. But even the commandant of Auschwitz, Rudolf Hoess, made no attempt to deny the gas chambers. In his autobiography, Hoess described the gassing process:

Then, very quickly, the door was hermetically sealed, and a can of gas was immediately thrown onto the floor, through an opening ... in the ceiling of the gas chamber, by the disinfectors, who were standing ready. This led to the immediate release of the gas ... those who were near the opening died immediately ... a third died within a moment. The others began to struggle, to scream, to choke ... after a few minutes all were on the ground. After a maximum of twenty minutes, nobody moved.<sup>18</sup>

Other testimony comes from camp guards and from survivors of Auschwitz (members of the *Sonderkommando* - Jewish prisoners assigned to work at the crematoria). In the case of the Belzec and Sobibor death camps, as well as at Auschwitz-Birkenau, a vast quantity of gassing victims' shoes, clothing and other personal belongings was discovered by Soviet soldiers at the war's end. At the liberation of Auschwitz-Birkenau, Soviet troops also found over 15,000 pounds of human hair. Other documents record the ordering and supply of Zyklon-B gas.

Much of the written documentation on the Holocaust is now available in English, and is useful for teachers. Raul Hilberg, this country's pre-eminent historian of the Holocaust, has collected much of this material in *Documents of Destruction*. Hilberg also documents decrees and deportations in his momentous *The Destruction of the European Jews*. John Mendelsohn has published an eighteen-volume compendium of Holocaust documentation entitled *The Holocaust*. Daily accounts by German



army officers of mass shootings of Jews and others, as well as lists of areas made *judenrein*, "cleansed of Jews," have been translated into English as *The Einsatzgruppen Reports*. Danuta Czech's *Auschwitz Chronicle* (805 pages), is now available in English. It contains the Nazi daily records of Auschwitz down to the smallest details—construction of gas chambers, deportations, arrival numbers and numbers gassed. Perhaps the best overview of operations at Auschwitz is the newly released *Anatomy of the Auschwitz Death Camp*, edited by Michael Berenbaum and Yisrael Gutman.<sup>19</sup>

Also available in English are the proceedings of the Nuremberg and other post-war trials.<sup>20</sup> These are an extraordinarily useful tool in verifying the historicity of the Holocaust, because here the perpetrators of the crime gave first-hand evidence. Unlike today's Holocaust deniers, the perpetrators never denied that the crime took place. Some tried to justify their actions by expressing their fear of Jews; some claimed "orders from above," while others acknowledged what happened while claiming that others did the actual killing. But never did they deny the Holocaust. As Hilberg concludes "... there was no denial obviously among any of the people who were in any way even close to these [killing] operations—no denial in the railways, no denial in the finance ministry, no denial in the SS, and so on and so forth."<sup>21</sup> Should students request that the "Nazi point of view" be taught, the testimonies of the perpetrators offer the best answer to such a request.

Inquisitive students will no doubt ask whether any of the many historical documents on the Holocaust have been forged. Unlike some other major historical phenomena, the study of the Holocaust has not faced the problem of false documents. In an interview by Michael Berenbaum, director of the Holocaust Museum's Research Institute, Hilberg states that he has never in his "45 more years of research in this field found a forged document."<sup>22</sup> Students may need to be shown that forgery of historical documents is somewhat more sophisticated than the kind of forgery students may know from personal experience. As Hilberg points out:

It sounds easy, but it is very, very difficult if one were to attempt it. For one thing, it is a matter of the right paper, the right typewriter, but even more, it is the proper language. One would have to be extraordinarily knowledgeable about the nature of the administrative operations to be able to feign the document and put it as though if it were real...<sup>23</sup>

Forgery on the enormous scale of the Holocaust documentation would be impossible. The documents are too numerous, their sources too diverse, and the time period of their discovery too limited for such massive, coordinated forgery to take place. And there was no conceivable reason for the discoverers of most documents, the victorious World War II Allies, to fabricate the vast quantity of documents about the Holocaust.

#### **A Key Resource: The Holocaust Museum**

In the United States, the most thorough pedagogical documentation of the Holocaust, which presents the historical timeline of the Holocaust from beginning to end, is the United States Holocaust Memorial Museum in Washington, D.C.<sup>24</sup> Almost all the contents of the Museum's permanent exhibition are actual artifacts—objects, photos, oral histories, eyewitness evidence, including the testimony of survivors, and documentary footage. These objects tell a story, a history of the Holocaust, from its beginning through its middle to its end making, the Museum an important pedagogical tool.<sup>25</sup> Though the purpose of the Holocaust Museum is to teach a lesson and preserve memory, and not to answer the claims of those who say the event never happened, the institution ends up doing this as well.

Inscribed on the walls of the building and repeated at the beginning of the Museum's permanent exhibition are the words of General Eisenhower after witnessing the Ohrdruf concentration camp following its liberation—the first publicized testimony by an American on the atrocities of the Holocaust:

The things I saw beggar description ... the visual evidence

## **The Issue of Holocaust Denial: Basic Books**

The most valuable sources on the issue of the denial of the Holocaust are Deborah Lipstadt's *Denying the Holocaust: The Growing Assault on Truth and Memory* (New York: Free Press, 1993), and Kenneth Stern's *Holocaust Denial* (New York: American Jewish Committee, 1993). Other leading sources on the topic are Pierre Vidal-Naquet's *Assassins of Memory: Essays on the Denial of the Holocaust* (New York: Columbia University Press, 1992); Shelly Shapiro's *Truth Prevails: Demolishing Holocaust Denial: The End of "The Leuchter Report"* (New York: Beate Klarsfeld Foundation, 1990); and Marc Caplan's *Hitler's Apologists: The Anti-Semitic Propaganda of Holocaust "Revisionism"* (New York: Anti-Defamation League, 1993).

and verbal testimony of starvation, cruelty and bestiality were overpowering...I made the visit deliberately in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations to propaganda.<sup>26</sup>

Adding to the pedagogical and documentary value of the Museum is the Wexner Learning Center, a multi-media center where visitors can access, on a single screen, various media of original documentation on the Holocaust—documentary footage, photos, survivors and eyewitness testimonies, music, maps and a daily Holocaust chronology.

Teachers at the high school level can take advantage of the various archival collections of the Holocaust Museum's scholarly division—the United States Holocaust Research Institute. The Institute's archive consists of a Documents Archive, Photo Archive, Oral History Archive, Film and Video Archive, Library, and Registry of Jewish Holocaust Survivors. The notion of "archives" should not be treated as an unfriendly concept by classroom educators. The access to primary sources that they provide offers teachers at all levels a major opportunity.

A notable resource of the Research

Institute is its especially rich archival collection of materials from Eastern Europe, Germany, and the former U.S.S.R. Much of the material captured by the Red Army in 1945, and then sequestered for forty-five years in Soviet archives, has been made available to western scholars with the dissolution of the Communist bloc. A significant part of this material is in the Research Institute's archives, making it one of the largest repositories of Holocaust documentation.

The Education Department of the Museum also offers teacher training workshops for educators wishing to incorporate the Holocaust into their curricula, and a teacher's Resource Center, equipped with teaching guides arranged according to specific topics, e.g. ghettos, camps, etc. and various media useful for Holocaust education. During the two years since the museum's opening, the Resource Center has responded to more than 70,000 requests from educators.

### Conclusion

Teachers can teach the Holocaust by utilizing all the objective sources and scientific methodologies appropriate for teaching history. The singularity of the Final Solution in human history makes it an emotional subject, but emotion and historicity are not mutually exclusive. As with other historical events, the Holocaust has had its share of historiographical debates. The facts about the Holocaust are not, however, a matter of debate, and teachers need not hesitate to point out the racist ideologies and lack of academic credentials of deniers of the Holocaust. In the words of Deborah Lipstadt, truth does not have to "be on the defensive."<sup>27</sup> ■

### Notes

1 Perhaps the best known case of a claim that Jews were never gassed was that of Fred Leuchter, a self-described engineer from Massachusetts (Leuchter has no engineering credentials). Leuchter spent three days at Auschwitz and one in Majdanek to determine whether systematic gassing occurred there. Upon his return, he published his finding in *The Leuchter Report: An Engineering Report on the Alleged Execution Gas Chambers at Auschwitz, Birkenau, and Majdanek, Poland*. Leuchter based his finding on "forensic samples" he gathered while inspecting the remains of the gas chambers. His findings were dismissed by engineers, historians, and officials of

the State Museum at Auschwitz.

- 2 There are revisionist schools on some of the major historical events of this century. Among the best-known are those on the origins and outcomes of World War I and the Cold War. However, the revisionist schools revise the traditional historiography of these events. They interpret, but do not deny, the fact of their existence.
- 3 Deborah Lipstadt, *Denying The Holocaust: The Growing Assault on Truth and Memory* (New York: Free Press, 1993).
- 4 *Ibid.*, 146.
- 5 *Ibid.* Cited in Richard Harwood's 28-page booklet *Did Six Million Really Die? The Truth At Last*.
- 6 *Ibid.*, 144.
- 7 Cited by Lipstadt from John C. Obert, "Yockey: Profile of an American Hitler," *The Investigator* (Oct. 1981): 8.
- 8 *Ibid.*, 138. As a result of his "racist politics," Brandon (McCalden) was denied membership into the English National Union of Journalists.
- 9 *Ibid.*, 146.
- 10 *Ibid.*
- 11 Cited in Michael Shermer, "Proving the Holocaust: The Refutation of Revisionism and the Restoration of History," in *Skeptic* 2, no. 4 (1994).
- 12 Lipstadt, *Denying The Holocaust*, 143.
- 13 In 1986, David Duke, who denied that Jews were killed in the gas chambers, declared that "Jews deserve to go into the ash bin of history." Jason Berry, "Duke's Disguise." *The New York Times*, Oct. 19, 1991.
- 14 Lipstadt, 158. Zundel established a publishing house, Samisdat Publications, which has reprinted and distributed anti-Semitic and racist literature.
- 15 David Irving, *Hitler's War* (New York: Viking Press, 1977).
- 16 Cited in Robert Harris, *Selling Hitler* (New York: 1986)
- 17 *Ibid.*
- 18 Rudolf Hoess, *Commandant of Auschwitz: The Autobiography of Rudolf Hoess*, (Cleveland: World Press, 1959), 166. Hoess was arrested in 1946. In the Krakow jail where he was held, Hoess wrote an autobiography in which he described the implementation of the Final Solution. At the Hoess trial, held before a Polish war crimes tribunal from March 11 to 29, 1947, the sending of Jews to the gas chambers was reconstructed by Hoess's testimony.
- 19 Raul Hilberg (ed.), *Documents of Destruction* (London: W.H. Allen, 1972); John Mendelsohn (ed.), *The Holocaust: Selected Documents in Eighteen Volumes* (New York: Garland Publishing, 1982); Y. Arad, S. Krakowski, S. Spector (eds), *Einsatzgruppen Reports* (New York: Holocaust Library, 1989); Danuta Czech (ed.), *Auschwitz Chronicle* (New York: H. Holt, 1990); Michael Berenbaum and Yisrael Gutman (eds.), *Anatomy of the Auschwitz Death Camp* (Bloomington: Indiana University Press, 1994).
- 20 Publications on the postwar trials, including the minutes of the Nuremberg and other trials of major war criminals, as well as secondary accounts, are widely available in public and university libraries. Documentary footage of the Nuremberg and other postwar trials, notably the Eichmann trial, is also available. One outstanding published source on the Nurem-

berg trials is International Military Tribunal, *The Trial of the Major War Criminals Before the International Military Tribunal, Blue Series* (Nuremberg: 42 volumes, 1947-1949).

21 "What Do We Know About the Holocaust," interview with Raul Hilberg. Conducted by Michael Berenbaum, Director, United States Holocaust Research Institute (of the United States Holocaust Memorial Museum), February 1994.

22 *Ibid.* Berenbaum interview with Hilberg.

23 *Ibid.*

24 The Holocaust Museum opened in April 1993. It has since had approximately three million visitors. According to a survey, over 60% of the visitors are not Jewish.

25 Following a 1980 Congressional vote mandating the establishment of a memorial in Washington, D.C. to all the victims of the Holocaust, it was initially decided to build a "memorial" in the Washington sense of the word—a monument. This posed a pedagogical problem. One does not learn a complete story, or any story, from a monument. Monuments memorialize stories that are already known. The story of the Holocaust was not known to the majority of Americans. Therefore, it was decided, for pedagogical reasons, to build a chronological exhibit to document the story of the Holocaust.

26 Eisenhower visited the site of Ohrdruf concentration camp on April 4, 1945. See Judah Nadich, *Eisenhower and the Jews* (New York: Twayne Publishers, 1953). Eisenhower's statement is an illustration of the fact that much documentation of the Holocaust is from American and other Allied sources. Much of the documentation is currently in American archives, such as the National Archives in Washington, D.C.

27 "What Do We Know About Holocaust Denial." Interview conducted by the author with Deborah Lipstadt, February 1994. This interview was conducted as part of an effort by the Research Institute of the United States Holocaust Memorial Museum to educate university students with the facts on Holocaust denial. This effort was in response to a string of advertisements by Holocaust deniers which were printed in university newspapers throughout the country in 1994. In addition to an interview with Lipstadt, students receive an interview with Raul Hilberg and a letter from Walter Rockler, a leading attorney and prosecutor at Nuremberg Trials, who demonstrates that the printing of denial ads is not a civil liberties issue. Newspapers are under no obligation to take money to publish the opinions of racists.

*Scott Miller is University Programs Coordinator at the United States Holocaust Memorial Museum in Washington, D.C., where he directs educational programs for university students visiting the Holocaust Museum and assists in developing curricula for college level Holocaust courses. He also served as a research historian for the Museum's Learning Center, a multimedia information center on the Holocaust, authoring its daily Holocaust chronology, 1933-1945.*

## Document 1

A letter from Moses Seixas, Warden of Congregation Jeshuat Israel, Newport, Rhode Island, to President George Washington, August 17, 1790

Source: Papers of George Washington, Library of Congress, Washington, D.C.

To the President of the United States of America.



Permit the children of the stock of Abraham to approach you with the most cordial affection and esteem for your person & merits - And to join with our fellow citizens in welcoming you to America.

With pleasure we recall on these days - these days of difficulty & danger when the God of Israel, who delivered David, from the peril of the sword - raised his head in the day of battle: - and we rejoice to think, that the same Spirit, who rested in the bosom of the greatly beloved Daniel making him to preside over the Thrones of the Babylonish Empire, will rest upon you, enabling you to discharge the arduous duties of Chief Magistrate, in these States.

Depressed as we heretofore have been of the invaluable rights of free Citizens, we now find with a deep sense of gratitude to the Almighty dispenser of all events, a Government, erected by the Majesty of the People - a Government, which to bigotry, gives no sanction, to persecution no assistance - but generously affords to all Liberty of conscience, and immunities of Citizenship: - admitting every one, of whatever Nation, tongue, or Language, equal parts of the great governmental Machine: - This of simple and extensive Federal Union whose basis is Philanthropy, Mutual convenience and Union of wills, we cannot but acknowledge to be the work of the great God of Truth in the Assembly of Heaven and among the Intendants of the Earth. Ourselves and our fellow citizens will ever remain your friends.



## Document 1 (continued)

For all the Blessings of civil and religious liberty which we enjoy under an equal and benign administration, we desire to send up our thanks to the Author of Days, the great Preserver of men—Reflecting here, that the Angel who conducted our forefathers through the wilderness into the promised Land, may graciously conduct you through all the difficulties and dangers of this mortal life:—And when like Joshua full of years and full of honour, you are gathered to your Fathers, may you be admitted into the heavenly Paradise to partake of the water of life, and the tree of immortality.

Done and signed by Order of the Hebrew Congregation in  
New Port Rhode Island August 17<sup>th</sup> 1790.

Moses Seixas, Warden

## Transcription of Document 1

A letter from Moses Seixas, Warden of Congregation Jeshuat Israel, Newport, Rhode Island, to President George Washington, August 17, 1790

TO THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Sir.

Permit the children of the stock of Abraham to approach you with the most cordial affection and esteem for your person and merits, and to join with our fellow citizens in welcoming you to Newport.

With pleasure we reflect on those days, of difficulty and danger, when the God of Israel, who delivered David from the peril of the sword,—shielded your head in the day of battle:—and we rejoice to think that the same Spirit who rested in the bosom of the greatly beloved Daniel, enabling him to preside over the Provinces of the Babylonish Empire, rests and ever will rest upon you, enabling you to discharge the arduous duties of Chief Magistrate in these States.

Deprived as we heretofore have been of the invaluable rights of free citizens, we now (with a deep sense of gratitude to the Almighty dispenser of all events) behold a Government, erected by the Majesty of the People.—a Government, which to bigotry gives no sanction, to persecution no assistance—but generously affording to All liberty of conscience, and immunities of Citizenship:—deeming every one, of whatever Nation, tongue, or language equal parts of the great governmental machine:—This so ample and extensive Federal Union whose basis is Philanthropy, mutual-confidence and Publick Virtue, we cannot but acknowledge to be the work of the Great God, who ruleth in the Armies of Heaven and among the Inhabitants of the Earth, doing whatsoever seemeth him good.

For all the Blessings of civil and religious liberty which we enjoy under an equal and benign administration, we desire to send up our thanks to the ancient of days, the great preserver of men—beseeching him, that the Angel who conducted our forefathers through the wilderness into the promised land, may graciously conduct you through all the difficulties and dangers of this mortal life:—And, when like Joshua full of days and full of honour, you are gathered to your Fathers, may you be admitted into the Heavenly Paradise to partake of the water of life, and the tree of immortality.

Done and signed by order of the Hebrew Congregation in NewPort Rhode Island, August 17th, 1790.

Moses Seixas. Warden.

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## Document 2

A letter from President George Washington to the Hebrew Congregation in Newport, Rhode Island, August 21, 1790

Source: This document is on long-term loan to the B'nai B'rith Klutznick Museum, Washington, D.C. Used by permission of the Morganstern Foundation.

To the Hebrew Congregation in Newport  
Rhode Island.

Gentlemen.

While I receive, with much satisfaction, your Address replete with expressions of affection and esteem; I rejoice in the opportunity of assuring you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of Citizens.

The reflection on the days of difficulty and danger which are past is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good Government, to become a great and a happy people.

The Citizens of the United States of America have a right to applaud themselves for having given to Mankind examples of an enlarged and liberal

## Document 2 (continued)

policy: a policy worthy of imitation. All profess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the

the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity. May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations <sup>useful</sup> here, and in his own due time and way everlastingly happy.

G. Washington



## Transcription of Document 2

A letter from President George Washington to the Hebrew Congregation in Newport, Rhode Island, August 21, 1790

Gentlemen.

While I receive, with much satisfaction, your address replete with expressions of affection and esteem, I rejoice in the opportunity of assuring you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of Citizens.

The reflection on the days of difficulty and danger which are past is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good government, to become a great and a happy people.

The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity. May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

G. Washington

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In his reply, Washington endorsed the Congregation's definition of a government that "gives to bigotry no sanction, to persecution no assistance." But he went much further, telling the Jews that liberty of conscience is not a gift of the government, but their "inherent natural right."

This full liberty of conscience, so movingly espoused by the "Father of our country," remains the first principle of the American way of life. For the first time in history, a nation committed itself to move beyond persecution, and even beyond toleration, to "free exercise" of religion. Though America's history has been marred by outbreaks of persecution and religious bigotry, the United States has achieved a degree of religious liberty unprecedented in the world's history. Religious liberty, freedom of conscience, remains America's greatest gift to world civilization.

#### References

Rhode Island Committee for the Humanities. (1986). *The Legacy of Roger Williams*.

## Suggestions for Using the Documents

### Discussion Questions

1. What is the difference between "toleration" and "free exercise of religion?" Why was this distinction particularly significant for the first American Jews?
2. How does Roger Williams' conception of "soul liberty" differ from other ideas of liberty?
3. What is the meaning of the phrase "inherent natural rights"? What are our natural rights?
4. Why did most societies of the 17th century view freedom of conscience for people of all faiths or none as a dangerous idea?
5. Religious liberty or freedom of conscience has been called America's "first liberty." Why?
6. Although religious liberty is guaranteed by the First Amendment, has America always lived up to this ideal? Discuss positive and negative chapters in America's experiment with religious liberty.



## Extension Activities

1. Assign four students to prepare brief oral reports about the biblical characters mentioned in the Hebrew Congregation's letter (Abraham, David, Daniel, and Joshua). After the reports are given, have the class discuss how each of these characters is used in the letter. What is the point being made in each case?
2. President Washington ends his letter with a quote from the Hebrew scriptures (Micah 4:4). Ask the class if anyone recognizes the reference. If not, send the class on a detective hunt to find the source and identify the exact text.
3. Ask students to discuss with their parents the Hebrew Congregation's letter and Washington's reply. How has religious liberty, or freedom of conscience, been important in their lives or the lives of their ancestors?

## Research Topics

1. What were the religious convictions of George Washington?
2. Why were the Jews persecuted in Europe for centuries?
3. Baptists consider Roger Williams one of their founding fathers. How did Williams shape the Baptist view of religious liberty?
4. Investigate the history of the Jewish community in Newport, Rhode Island. What is the status of the congregation there today?
5. When and how did the Jews of New Amsterdam finally enjoy full religious liberty?

## Additional Resources

Cousins, Norman, ed. (1958). *In God We Trust: The Religious Beliefs and Ideas of the American Founding Fathers*. New York: Harper and Brothers. A useful collection of writings concerning religion by Washington and other Founding Fathers.

*In Search of Tolerance*. (1978). Del Mar, Calif.: McGraw-Hill. A film that discusses the European background of religious groups whose search for freedom brought them to America. Includes Anabaptists, Huguenots, Puritans, and Quakers.

Jews in America. (1973). New York: Anti-Defamation League. A two-part filmstrip and discussion guide covering 300 years of Jewish life in the U.S.

Morgan, Edmund. (1987). *Roger Williams: The Church and State*. New York: W. W. Norton. The best discussion of Roger Williams' views on religious liberty.

## ANALYSIS OF 5TH, 8th, and 11th GRADE SOCIAL STUDIES TEXTS FOR INCLUSION OF KEY HISTORICAL DOCUMENTS

At a recent National Council for the Social Studies conference, held November 18-22, 1993 in Nashville, Tennessee, 5th, 8th and 11th grade history texts from every major publisher of textbooks were analyzed to document the inclusion of historical documents. Such documents include the Declaration of Independence, Constitution, Mayflower Compact, George Washington's Farewell Address, etc.

### 5th grade summary:

\* Declaration of Independence and United States Constitution - Included in:

Our Country, 1993, Silver Burdett Ginn, pgs. 650-681.

Exploring America's Heritage, 1991, Heath, pgs. 560-591.

The United States: Its History and Neighbors, 1993, Harcourt Brace Javanovich, pgs. R 4-37.

\* Mayflower Compact - Mentioned (no text of complete document) in:

Our Country, p. 162.

Exploring America's Heritage, p. 165.

The United States: Its History and Neighbors, p. 177.

\* Washington's Farewell Address - Not mentioned in any of the above texts.

\*\* Silver Burdett Ginn texts are most widely used in Kansas 5th grade classrooms.

### 8th grade summary:

\* Declaration of Independence and United States Constitution - Included in:

One Flag, One Land, 1990, Silver Burdett Ginn, pgs. 152-156 and 194-219.

The Story of America, 1991, Holt Rinehart Winston, pgs. 158-161 and 200-218.

A More Perfect Union, 1991, Houghton Mifflin, pgs. 636-659.

\* Mayflower Compact - Included in:

One Flag, One Nation, p. 77.

The Story of America, pgs. 53-54.

A More Perfect Union, p. 663.

- \* Washington's Farewell Address - Mentioned in:  
The Story of America, pgs. 251-253.  
 Not included in Silver Burdett Ginn or Houghton Mifflin texts.
- \* Alexis DeTocqueville's Democracy in America - Some references from this book found in Holt, Rinehart, and Winston. No reference to family life or the moral climate of the country, a prominent observation of DeTocqueville in writing the book.
- \*\* Silver Burdett Ginn is most widely used in Kansas 8th grade classrooms. Holt Rinehart Winston, and Houghton Mifflin are also widely used.

**11th grade summary:**

- \* Declaration of Independence and United States Constitution - Included in:  
History of the United States, 1991, Houghton Mifflin, pgs. 92-95 and 138-164.  
America's Story, 1990, Houghton Mifflin, pgs. 180-183 and 206-235.  
The Americans: A History, 1991, McDougal Littell, pgs. 121-123 and 156-172.
- \* Mayflower Compact - Full text included in:  
History of the United States, p. R 16.

Mentioned in:

America's Story, p. 80.  
The Americans: A History, p. 25

- \* Washington's Farewell Address - Mentioned in:  
History of the United States, p. R 18.  
The Americans: A History, p. 221.

\*\* Houghton Mifflin texts are one of the most widely used in Kansas 11th grade classrooms.

**Social Studies Textbook Use in Kansas:**

Approximately 1/4 of Kansas School Districts were surveyed to determine what textbooks are used to teach Social Studies.

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Analysis of texts done by:

Scott Waters, Ph.D.  
Associate Professor, The Teachers college  
Emporia State University

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