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CONTACT: Michael Rebell, mar224@tc.columbia.edu, 917-576-7301;
Jennifer Wood, jwood@centerforjustice.org, 401-837-6431, or Patricia
Lamiell, lamiell@tc.columbia.edu, 973-449-7086

**Rhode Island District Court Reluctantly Dismisses Suit Seeking to
Establish Federal Constitutional Right to a Civic Education**

*Plaintiffs will appeal, saying the decision gives them a road map to the
First Circuit*

New York, NY -- Judge William Smith of the U.S. District Court for Rhode Island today issued his long-awaited decision in *Cook v. Raimondo*. The case was filed in November 2018 by a group of Rhode Island public school students and families who seek to establish a right under the U.S. Constitution to an education adequate to prepare them to fully participate in their constitutional rights to “voting, serving on a jury, understanding economic, social, and political systems sufficiently to make informed choices, and to participate effectively in civic activities.”

Judge Smith granted the Defendants’ motion to dismiss the case, but did so in a manner that eloquently set forth the critical importance of the issues that the plaintiffs raised:

"This is what it all comes down to: we may choose to survive as a country by respecting our Constitution, the laws and norms of political and civic behavior, and by educating our children on civics, the rule of law, and what it really means to be an American, and what America means. Or, we may ignore these things at our and their peril. Unfortunately, this Court cannot, for the reasons explained below, deliver or dictate the solution — but, in denying that relief, I hope I can at least call out the need for it."

Plaintiffs have stated that they will appeal this decision to the U.S. Circuit Court of Appeals for the First Circuit.

The judge also added that:

"...while this lawsuit must be dismissed, it is worth pausing, before explaining why, to acknowledge the importance of Plaintiffs' effort here. This case does not represent a wild-eyed effort to expand the reach of substantive due process, but rather a cry for help from a generation of young people who are destined to inherit a country which we — the generation currently in charge — are not stewarding well. What these young people seem to recognize is that American democracy is in peril. Its survival, and their ability to reap the benefit of living in a country with robust freedoms and rights, a strong economy, and a moral center protected by the rule of law is something that citizens must cherish, protect, and constantly work for. We would do well to pay attention to their plea."

Judge Smith rejected the plaintiffs' equal protection claim, writing that although the U.S. Supreme Court "left the door open just a crack" for re-consideration of its 1973 decision in *San Antonio Ind't Sch. Dist. v. Rodriguez* that education is not a right the U.S. Constitution, he interpreted that "crack" to allow the courts to consider only a case that alleges that students are receiving no

education whatsoever or an education that is “totally inadequate. He also rejected plaintiffs’ “substantive due process” claim that a right to education for citizenship is “deeply rooted in the nation’s history and traditions” because “[p]recedent clearly dictates that, while education as a civic ideal is no doubt deeply rooted in our country’s history, there is no right to civics education in the Constitution.”

Judge Smith’s opinion squarely recognized the federal court’s authority to review the students’ claim on the merits, namely whether a Constitutional right to civics education represented the “quantum of education” that might be necessary for students to be prepared for the “meaningful exercise” of their Constitutional rights. While Judge Smith found, to his regret, that he was unable to connect the legal dots to support this claim, his opinion articulates what is at stake for our country and our Constitution, leaving the Plaintiffs a road map to present their appeal to the First Circuit.

Michael A. Rebell, a professor at Teachers College, Columbia University, who is lead counsel for the plaintiffs said:

“Judge Smith has written the most eloquent and forceful justification I’ve ever read for why American democracy is in peril and why America may not ‘survive as a country’ if our students don’t obtain a civic education adequate to allow them to meet that challenge.”

In the final paragraph to his opinion, Judge Smith wrote:

‘Plaintiffs should be commended for bringing this case. It highlights a deep flaw in our national education priorities and policies. The Court cannot provide the remedy Plaintiffs seek, but in denying that relief, the Court adds its voice to

Plaintiffs’ in calling attention to their plea. Hopefully, others who have the power to address this need will respond appropriately.’

“Without a strong stance by the court, however, our policymakers and our school leaders – those who have the power to address these issues – will not be motivated or capable of addressing this issue appropriately,” Rebell said. “Judge Smith acknowledged that the U.S. Supreme Court in *Rodriguez* left the door open ‘a crack’ for reconsideration aspects of that decision; we hope to convince the Court of Appeals that this open door does, in fact, permit the courts to rule on the critical issues raised by our case.”

Jennifer Wood, co-counsel for the plaintiffs added:

“Although Judge Smith did not rule that this case could move forward to trial, he thanked the courageous students and families whom we represent for fighting to improve their education and possibly save our democracy. Judge Smith said that this case ‘highlights a deep flaw in our national education priorities and policies.’ This case also highlights a deep and historical denial of education justice. We will not stop fighting for our clients’ fundamental right to an adequate education to prepare them to be fully empowered citizens until we have exhausted every avenue to right that wrong.”