

Teach Freedom not Bondage: Exposing Common Core

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Why are we here? What is the purpose of education?

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“It [education] is favorable to liberty. Freedom can only exist in the society of knowledge. Without learning, men are incapable of knowing their rights, and where learning is confined to a few people, liberty can be neither equal nor universal.”

Dr. Benjamin Rush, Essay, 1786.

“In no country is education so general—in no country, have the body of the people such a knowledge of the rights of men and the principles of government. This knowledge, joined with a keen sense of liberty and a watchful jealousy, will guard our constitutions, and awaken the people to an instantaneous resistance of encroachments.”

Noah Webster, “An Examination into the Leading Principles of the Federal Constitution” October 17, 1787.

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We are here to “secure the Blessings of Liberty to ourselves and our Posterity”.

–Preamble to the U.S. Constitution

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The Common Core:

- *Violates* the U.S. Constitution;
- *Subverts* the U.S. Constitution;
 - *Violates* Federal Statutes;
- *Violates* the AK Constitution; and
 - *Usurps* Parental Rights and State Sovereignty.

Why does the Constitution matter?

“The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down.”

United States v. Butler, 297 U.S. 1, 62 (1936).

“The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution.”

Reid v. Covert Kinsella v. Krueger, 354 U.S. 1, 5-6 (1957) (citations omitted).

Rule of Law

“[We] define a Republic to be a government of laws and not of men.”

John Adams, Novanglus Essays No. 7, January, 1776.

“The United States shall guarantee to every state in this union a republican form of government....”

U.S. Constitution, Art. 4 § 4.

“State sovereignty is not just an end in itself: ‘Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power.’”

New York v. United States, 505 U.S. 144, 181 (1992)
(internal citations omitted).

[Preservation of the states as independent political entities is the price of union.]

James Madison, The Federalist No. 15

“The great innovation of this design was that ‘our citizens would have two political capacities, one state and one federal, each protected from incursion by the other’ - ‘a legal system unprecedented in form and design, establishing two orders of government, each with its own direct relationship, its own privity, its own set of mutual rights and obligations to the people who sustain it and are governed by it.’”

Printz v. U.S., 521 U.S. 898, ? (1997) quoting
U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 838 (1995)
(Kennedy, J., concurring).

“This separation of the two spheres is one of the Constitution’s structural protections of liberty.”

Printz v. U.S., 521 U.S. 898, 921 (1997).

“Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.”

Gregory v. Ashcroft, 501 U.S. 452, 458 (1991).

“In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allowed to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.”

*James Madison, The Federalist No. 51.
(Emphasis added.)*

The Common Core violates:

- U.S. Constitution Amendment X and Federalism
 - U.S. Constitution Amendments III and IV
 - U.S. Constitution Amendment I
 - U.S. Constitution *Art. I, § 10, Cl. 3*
 - *20 U.S. Code § 1232a* (GEPA of 1965)
 - *20 U.S.C. § 3403(a)* and *(b)* (DEOA of 1979)
 - *20 U.S.C. § 7907* (ESEA of 1965)
- Alaska Constitution Art. I and § 4 and Art. 7 § 1
 - Alaska Statute 14.07.020(b)

The Common Core *violates* the Tenth Amendment.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

U.S. Constitution Amendment X

“A departure from the Constitution’s plan for the intergovernmental allocation of authority cannot be ratified by the “consent” of state officials, since the Constitution protects state sovereignty for the benefit of individuals, not States or their governments....”

New York v. United States, 505 U.S. 144, 147 (1992).

“I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended [federally-subsidized education] are not among those enumerated in the Constitution.”

*–President Thomas Jefferson,
Sixth Annual Message to the Senate and House,
December 2, 1806.*

The Supreme Court has “made clear that the Federal Government may not compel the States to implement, by legislation or executive action, federal regulatory programs.”

Printz v. U.S., 521 U.S. 898, 925 (1997).

“The power to confer or withhold unlimited benefits is the power to coerce or destroy.”

United States v. Butler, 297 U.S. 1, 71 (1936).

“Congress cannot, under the pretext of executing delegated power, pass laws for the accomplishment of objects not intrusted to the federal government. And we accept as established doctrine that any provision of an act of Congress ostensibly enacted under power granted by the Constitution, not naturally and reasonably adapted to the effective exercise of such power, but solely to the achievement of something plainly within power reserved to the states, is invalid and cannot be enforced.”

Linder v. United States, 268 U.S. 5, 17, (1925).
(Emphasis added.)

“The Framers explicitly chose a Constitution that confers upon Congress the power to regulate individuals, not States.”

New York v. United States, 505 U.S. 144, 166 (1992).

“We have held...that state legislatures are not subject to federal direction. *New York v. United States*, 505 U.S. 144...(1992).”

Printz v. U.S., 521 U.S. 898, 912 (1997).

“[T]he Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress' instructions.”

New York v. United States, 505 U.S. 144, 162 (1992).

“An appropriation to be expended by the United States under contracts calling for violation of a state law clearly would offend the Constitution. Is a statute less objectionable which authorizes expenditure of federal moneys to induce action in a field in which the United States has no power to intermeddle? The Congress cannot invade state jurisdiction to compel individual action; no more can it purchase such action.”

United States v. Butler, 297 U.S. 1, 73 (1936).
(Emphasis added.)

“But an appropriation to an educational institution which by its terms is to become available only if the beneficiary enters into a contract to teach doctrines subversive of the Constitution is clearly bad. An affirmance of the authority of Congress so to condition the expenditure of an appropriation would tend to nullify all constitutional limitations upon legislative power.”

United States v. Butler, 297 U.S. 1, 74 (1936).
(Emphasis added.)

"Just as the separation and independence of the coordinate Branches of the Federal Government serves to prevent the accumulation of excessive power in any one Branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front."

Gregory v. Ashcroft, 501 U.S. 452, 458 (1991).
See also *The Federalist No. 51*.

"Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the "consent" of state officials."

New York v. United States, 505 U.S. 144, 182 (1992).
(Emphasis added.)

The Common Core *violates* the Compacts Clause.

No state shall, without the consent of Congress, ..., enter into any agreement or compact with another state

U.S. Constitution *Art. I, § 10, Cl. 3*

"The Court finds that [SBAC] is an unlawful interstate compact to which the U.S. Congress has never consented, whose existence and operation violate the Compact Clause of the U.S. Constitution, Article I, § 10, cl. 3, as well as numerous federal statutes; and that Missouri's participation in [SBAC] as a member is unlawful under state and federal law."

Sauer v. Nixon, Cause No. 14AC-CC00477, Circuit Court of Cole County, Missouri, Judgement of February 24, 2015.

The Common Core *violates* Federal Education Statutes.

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The Congress finds that—

(3) parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role;

(4) in our Federal system, the primary public responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

20 U.S.C. § 3401(3) and (4) (October 17, 1979)

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“No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.”

20 U.S. Code § 1232a
(General Education Provisions Act of 1965)

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(a) Rights of local governments and educational institutions

It is the intention of the Congress in the establishment of the Department to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies. The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the States.

20 U.S.C. § 3403(a) (emphasis added)
(Department of Education Organization Act of 1979)

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(b) Curriculum, administration, and personnel; library resources

No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

20 U.S.C. § 3403(b)
(Department of Education Organization Act of 1979)

(a) General prohibition

Nothing in this chapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter.

20 U.S.C. § 7907(a)
(Elementary and Secondary Education Act of 1965)

(b) Prohibition on endorsement of curriculum

Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this chapter may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

20 U.S.C. § 7907(b) (emphasis added)
(Elementary and Secondary Education Act of 1965)

(c) Prohibition on requiring Federal approval or certification of standards

(1) In general

Notwithstanding any other provision of Federal law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this chapter.

20 U.S.C. § 7907(c)(1)
(Elementary and Secondary Education Act of 1965)
(Emphasis added.)

“With only minor exceptions, the General Education Provisions Act (“GEPA”), the Department of Education Organization Act (“DEOA”), and the ESEA, as amended by the No Child Left Behind Act of 2001 (“NCLB”), ban federal departments and agencies from directing, supervising, or controlling elementary and secondary school curriculum, programs of instruction, and instructional materials.”

“[T]he Department has generally adhered to statutory limitations disallowing federal agency involvement in K-12 curriculum, courses, or instruction....”

Kent D. Talbert, Esq., General Counsel, and Robert S. Eitel, Esq., Deputy General Counsel of the U.S. Department of Education from 2006-2009, “The Road to a National Curriculum: The Legal Aspects of the Common Core Standards, Race to the Top, and Conditional Waivers” (2/16/2012).

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“Since 2009, through three major initiatives—the Race to the Top Fund, the Race to the Top Assessment Program, and conditional NCLB waiver guidance (the “Conditional NCLB Waiver Plan”)—the Department has created a system of discretionary grants and waivers that herds state education authorities into accepting elementary and secondary school standards and assessments favored by the Department.

Left unchallenged by Congress, these standards and assessments will ultimately direct the course of elementary and secondary study in most states across the nation, running the risk that states will become little more than administrative agents for a nationalized K-12 program of instruction....”

Kent D. Talbert, Esq., General Counsel, and Robert S. Eitel, Esq., Deputy General Counsel of the U.S. Department of Education from 2006-2009, “The Road to a National Curriculum: The Legal Aspects of the Common Core Standards, Race to the Top, and Conditional Waivers” (2/16/2012).

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**The Common Core also raises
serious 3rd & 4th Amendment
privacy concerns.**

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“We want to see more states build comprehensive systems that track students from pre-K through college and then link school data. We want to know whether Johnny participated in an early learning program and completed college on time and whether those things have any bearing on his earnings as an adult.”

*Arne Duncan, U.S. Secretary of Education,
Address to The Fourth Annual Institute of Education
Sciences Research Conference, June 8, 2009.*

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“Government entities at the federal, state and local level, both domestically and abroad, are our key partners in administering taxes. We collaborate with state revenue agencies and other government entities to exchange data and information, conduct joint enforcement operations and assist in the implementation of legislation. For example, we are working with international governments and revenue agencies on FATCA to exchange data and share information to enforce compliant tax activities for all U.S. taxpayers holding financial assets outside the United States.”

*Commissioner of Internal Revenue John Koskinen,
IRS Strategic Plan 2014-2017.*

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“Despite considerable progress in recent years, whole groups of people are not being counted and important aspects of people’s lives and environmental conditions are still not measured....Never again should it be possible to say ‘we didn’t know’. No one should be invisible. This is the world we want – a world that counts.... [I]nternational partners and countries have recently agreed on the goal of universal civil registration of births, deaths, marriages, and other vital events, including cause of death, and access to legal proof of registration for all individuals by 2030.”

*“A World That Counts - Mobilizing the Data Revolution
for Sustainable Development”
(UN Independent Expert Advisory Group)*

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**The Common Core also raises serious
1st Amendment Establishment Clause and
Alaska Constitution Art. 1 § 4 and Art. 7 § 1
(religious freedom / non-sectarian education)
concerns.**

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The Common Core Curriculum is aligned with the “10 Commitments” of Humanism and otherwise promotes Humanism.

The U.S. Supreme Courts and federal Circuit Courts have held that Humanism is a “religion” within the meaning of the Establishment Clause.

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10 Commitments of Humanism

8. Peace and Social Justice (emphasis added)

A curriculum that values and fosters peace education would promote the human rights of all people and understanding among all nations, cultural and religious groups. Students should have opportunities to learn about the United Nations' role in preventing conflict as well as efforts to achieve social justice in the United States. They should learn about problems of injustice including what can be done to prevent and respond to these problems with meaningful actions that promote peace and social justice and that protect the inherent human rights of everyone both at home and abroad.

103 Signers, including Linda Darling-Hammond, Stanford University education professor and a member of the Gordon Commission for the Future of Assessment and Education, a group overseeing the implementation of the Common Core.

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10 Commitments of Humanism

9. Responsibility (emphasis added)

Our behavior is morally responsible when we tell the truth, help someone in trouble, and live up to promises we've made. Our behavior is legally responsible when we obey a just law and meet the requirements of membership or citizenship. But we also have a larger responsibility to be a caring member of our family, our community, and our world. Stories and role-playing can help students understand responsibility and its absence or failure. We learn from answering such questions as: What happens when we live in accordance with fair and just rules? What happens when we don't? What happens when the rules are unjust?

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**The Common Core Curriculum
promotes Islam.**

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Pearson (Prentice Hall) AP World History:

Muhammad "becomes God's messenger."

"...because humans rejected Allah's earlier messengers, Allah sent his final revelation to Mohammed."

"Women, as wives and mothers, have an honored place in Saudi Society."

"Muslims, Jews, and Christians worship the same God."

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McDougal Littell/Houghton Mifflin,
World History - Patterns of Interaction.

“Shari’a law requires Muslim leaders to extend religious tolerance to Christians and Jews.”

“In Medina, Muhammad displayed impressive leadership skills. He fashioned an agreement that joined his own people with the Arabs and Jews of Medina as a single community. These groups accepted Muhammad as a political leader. As a religious leader, he drew many more converts, who found his message appealing.”

[Muhammad actually drove out from Medina two Jewish tribes and exterminated a third....]

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Glencoe/McGraw Hill, New York
World History.

“The Eastward Expansion of Islam: In the early eighth century, Islam became popular in the northwestern part of the Indian subcontinent. ...”

[In reality, according to WallBuilders, “Tens of millions of Hindus were slaughtered during the many jihad campaigns launched against it.”]

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The Constitution of Alaska
and the Common Core

“The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.”

–*Alaska Constitution, Art. 7 § 1*

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The Alaska State Legislature – not the federal government or United Nations – is charged with the task of *establishing and maintaining* schools...but *not* developing curriculum or directing how or what is taught in the classroom.

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“But if it is believed that these elementary schools will be better managed by the Governor and Council, the commissioners of the literary fund, or any other general authority of the government, than by the parents within each ward, it is a belief against all experience. Try the principle one step further and amend the bill so as to commit to the Governor and Council the management of all our farms, our mills, and merchants' stores.”

*Thomas Jefferson, Letter to Joseph C. Cabell,
February 2, 1816.*

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“[The teacher’s] right thus to teach and the right of parents to engage him so to instruct their children, we think, are within the liberty of the [Fourteenth] amendment....Evidently the [state] Legislature has attempted materially to interfere with the calling of modern language teachers, with the opportunities of pupils to acquire knowledge, and with the power of parents to control the education of their own.”

Meyer v. Nebraska, 262 U.S. 390 (1923).

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“The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”

Pierce v. Society of Sisters, 268 U.S. 510 (1925).

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**The Common Core is
subversive of the
Constitution.**

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“I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

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[The Second Amendment] “grant[s] citizens the right to bear arms as members of a militia of citizen-soldiers.” “The people have the right to keep and bear arms in a militia.”

Common Core aligned Civics lessons.

“The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self defense within the home.”

*U.S. Supreme Court,
District of Columbia v. Heller (2008).*

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GRADE 5: MODULE 1: UNIT 2: LESSON 11
Building Background Knowledge: Why Do Workers Strike?
(Chapter 11: “Los Aguacates/Avocados”)
NYS Common Core ELA Curriculum • G5:M1:U2:L11 • July 2013

Learning Targets:

- I can identify examples of human rights that have not been protected....
- I can explain why workers go on strike.

Focus students on the learning target: “I can identify examples of human rights that have not been protected in Esperanza Rising” by reading it out loud. Remind students of the summarizing of articles of the UDHR that students did in Unit 1, and how they read the document very closely in order to understand what promises the articles were making. Have students take out their completed UDHR note-catcher from Unit 1 to refer to during this activity.

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United Nations Universal Declaration of Human Rights

Article 23, Right to desirable work and to join trade unions

- A. You have the right to work, to choose your work, and to work in good conditions.
- B. People who do the same work should get the same pay.
- C. You should be able to earn a salary that allows you to live and support your family.**
- D. All people who work have the right to join together in unions to defend their interests.

Article 25, Right to adequate living standard

- A. You have the right to the things you and your family need to have a healthy and comfortable life, including food, clothing, housing, medical care, and other social services. You have a right to help if you are out of work or unable to work.
- B. Mothers and children should receive special care and help.**

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“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed....”

“We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States.... And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”

Declaration of Independence, July 4, 1776.

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Traditional American View of Education v. Common Core View of Education

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“Every child in America should be acquainted with his own country. He should read books that furnish him with ideas that will be useful to him in life and practice. As soon as he opens his lips, he should rehearse the history of his own country.”

Noah Webster, On the Education of Youth in America, 1788.

**“Children should be educated and instructed
in the principles of freedom.”**

*John Adams, A Defence of the Constitutions
of Government of the United States of America, 1787.*

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“It is an object of vast magnitude that systems of education should be adopted and pursued which may not only diffuse a knowledge of the sciences but may implant in the minds of the American youth the principles of virtue and of liberty and inspire them with just and liberal ideas of government and with an inviolable attachment to their own country.”

*Noah Webster, “On the Education of Youth in America,”
American Magazine, New York, December 1787.*

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“I was on Capitol Hill the other day and faced questions over how much recovery money was going to save jobs and how much was going to advance reform. I told them that in the long run reform is all about jobs. We have to educate our way to a better economy.”

*Arne Duncan, U.S. Secretary of Education,
Address to The Fourth Annual Institute
of Education Sciences Research Conference,
June 8, 2009.*

“The fight for quality education is about so much more than education. It’s a fight for social justice.”

“Data may not tell us the whole truth, but it certainly doesn’t lie.”

“In the months and years ahead, we will ask thousands of communities across America to close and reopen schools based on data showing that they are underperforming.”

*Arne Duncan, U.S. Secretary of Education, Address to
The Fourth Annual Institute of Education
Sciences Research Conference, June 8, 2009.*

**What can you do to ensure
that you pass on liberty
to your children?**

“If we wish to be free — if we mean to preserve inviolate those inestimable privileges for which we have been so long contending — if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained — we must fight! I repeat it, sir, we must fight!”

*Patrick Henry, Speech to the
Second Virginia Convention, March 23, 1775.*

“We also hold that parents have no due process or privacy right to override the determinations of public schools as to the information to which their children will be exposed while enrolled as students.”

–*U.S. Ninth Circuit Court, Fields v. Palmdale School District, 427 F.3d 1197 (9th Cir. 2005)*

(The 1st, 2nd, and 10th Circuits have held the same. See, e.g., Brown v. Hot, Sexy and Safer Productions (1st Circuit, 1995).)

“The Cruel and Unusual Punishment Clause of the Eighth Amendment does not apply to disciplinary corporal punishment in public schools.”

Ingraham v. Wright, 430 U.S. 651 (1977).

Kevin Wood, the father of a Maryland high school student, was legally barred from school after attempting to opt his daughter out of Islam lessons from the textbook “World History, Patterns of Interaction,” McDougal, Little, which has been described by Citizens for National Security as “A textbook with an extreme pro-Islam, anti Israel bias.”

“If parents object to a book that’s assigned, and the assignment is to gather certain reading skills, assigning them a different book doesn’t matter. The student still gains the skills and knowledge. In the case of world history and other subjects, it’s part of the curriculum and it’s part of the standards you’re supposed to learn.” –School Official O’Malley-Simpson

“We are not weak if we make a proper use of those means which the God of nature hath placed in our power....We shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave....There is no retreat but in submission and slavery! Our chains are forged!”

Patrick Henry, Speech to the Second Virginia Convention, March 23, 1775.

“The voice of tradition, I trust, will inform posterity of our struggles for freedom. If our descendants be worthy the name of Americans they will preserve and hand down to their latest posterity the transactions of the present times; and tho I confess my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty....”

Patrick Henry, Speech from the floor of the Virginia Convention to Ratify the Constitution, June 5, 1788.

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**May “We the People”
prove ourselves worthy
the name of Americans!**

(Slides and video available at www.BEAT-IRS.com.)