

Holt, Rinehart and Winston's
Formal Response to the Texas Public Policy Foundation Report

Social Studies Textbook Review 2002
List of Factual Errors by Book

Page 7

PUBLISHER	TEXTBOOK TITLE	SUBJECT
Holt Rinehart & Winston	Holt, People Places and Change: An Introduction to World Studies, Texas Edition	6 th Grade Social Studies

1. p. 329. Error. The Austro-Hungarians did not impose Roman Catholicism in Croatia and Slovenia as the authors declare. Catholicism is deeply rooted in these two countries, both of which, though proselytized by Byzantium, inclined to unity with Rome when the Great Schism occurred. For a brief history on this question see Newman C. Eberhardt, *A Summary of Catholic History: Ancient and Medieval History*, Vol. I (St. Louis: B. Herder Book Co., 1961, pp. 501-02.

HRW Response: Although we do not feel that the current wording constitutes an error, we do agree that the passage could be misleading. Therefore, in the first paragraph, line 6, we will change the sentence after “Islam” to read as follows: “Eventually the Ottoman Empire weakened, and in the late 1800s the Austro-Hungarians took control of Croatia and Slovenia.” We will delete the last sentence of the paragraph.

2. p. 427. US and UK led the alliance action against Iraq as the authors point out. However, it is important to say that they did so with the full approval of the UN. This wasn't an 'imperialist' action as might be implied or as one might conclude from the way the text is worded.

HRW Response: We agree with reviewer that adding information about the UN's consent to this military operation improves the passage. We will, therefore, in line 6, insert “With United Nations authorization,” in front of “An” (lowercase “an”). For the record, please note that, in our opinion, the text as it is currently written is not erroneous.

3. P. 495. The treatment of the slave trade fails to mention that British policy and enforcement brought it to a close. The authors do not mention the fact that a slave trade existed in East Africa with the Arab and Islamic world, even before the West African slave trade began. Slavery was largely eliminated in Europe during the Middle Ages.

HRW Response: We would ask that the reviewer re-examine this passage in context, in which case the reviewer will notice that this section is meant to be a very brief overview of the slave trade in West Africa, not a history of the slave trade as a whole. The authors do in fact discuss the earlier slave trade in East Africa, on pp. 512–13.

4. p. 519. Famine in Ethiopia is caused not just by drought. Major factors are civil war and bad government, especially during the Communist regime of the 1970s-1990s.

HRW Response: While we do not believe that this passage contains a factual error, we do agree with the reviewer that clarification of the reason for the starvation of millions of people in Ethiopia would be helpful. We will change the last two sentences of the first paragraph to read: “Drought, combined with war and ineffective government policies, caused the starvation of several million people in the 1980s.”

5. p. 273. The Communist Worker’s Republic in Spain aggressively persecuted Catholics and murdered priests. So the rather anodyne phrase adopted by the authors, suggesting that the communists just wanted to “reduce Church influence,” does not convey adequately the communist animus toward Catholicism in Spain.

HRW Response: While the reviewer may feel that the statement is not strong enough, we believe it accurately portrays the events and is appropriate wording for our sixth-grade audience within the scope of this course.

6. P. 421. The common prejudice concerning the “Dark Ages” is uncritically repeated here in the sidebar on Math. In fact the dark ages weren’t so dark. Learning continued in Europe through the monasteries. The Muslims borrowed from ancient Greek knowledge, including math. It was Euclid who developed the science of geometry. Muslims used it, but cannot take credit for discovering it as might be implied from the sidebar.

HRW Response: The focus of the "Connecting to Math" feature on p. 421 is clearly "The Muslim Contributions to Mathematics," not the Dark Ages, and we believe that our brief mention of the cultural decline of Europe is appropriate for setting the time period and the sense of contrast with the emergence of Islamic civilization. In the second paragraph, however, we will make the following change to remove the implication that geometry was a discovery of Muslims: replace "algebra, geometry, and trigonometry." with "algebra and revived the study of geometry."

7. Pp. 115. Kwanzaa, the authors imply, originated in Africa. But Kwanzaa is not celebrated in Africa. It is an African-American invention of recent decades. Other real holidays with significant histories and backgrounds are not explained in this text, as the TEKS requires. They are merely listed.

HRW Response: We do not think that saying Kwanzaa is *based* on a traditional African festival implies that the holiday originated in Africa. However, to ensure that there is no confusion regarding Kwanzaa’s origins, we will insert the words “in part” between “based” and “on” in line 6 of paragraph 4. The scope of the TEKS and space constraints prevent us from providing the background information and explanations desired by the reviewer. The TEKS require only that some religious holidays be explained—as we have done, for example, with Mexico’s celebration of the Day of the Dead. Our reviewers, who teach children in the sixth grade, indicated in their reviews that this level of detail is grade appropriate and that this TEKS has been adequately covered.

PUBLISHER	TEXTBOOK TITLE	SUBJECT
Holt Rinehart & Winston	Holt Texas	7 th Grade Texas History

1. 90S says Ferdinand and Isabella gave Columbus three ships. Actually, Columbus chartered the Santa Maria himself, and the town of Palos, a shipbuilding center, provided the Niña and Pinta in lieu of a debt owed the monarchs.

HRW Response: Thank you for pointing out the need for this clarification. The text on page 90S will be changed to address this issue. The new text will read "Ferdinand and Isabella supported Columbus, who acquired three ships."

2. 211S states that Santa Anna was popularly elected in 1833 after overthrowing Bustamante in 1832. 212T says he was popularly elected in 1831. The 1833 date is correct.

HRW Response: Thank you for pointing out this error in the Teacher's Edition. The date on page 212T will be changed to 1833 to match the correct date in the Student's Edition.

3. The biography of Zavala mentions that he received a land grant to settle 500 families. It does not say he never developed his settlement. It leaves the impression that he might have settled part of East Texas among his other accomplishments, 242S.

HRW Response: Thank you for noting this issue in the Zavala biography (242S), which in isolation could create a clarity issue. However, Zavala and his land grant are previously discussed on page 175S. The text on page 175S reads, "In 1829 he received a contract to settle 500 families on a huge tract of land in East Texas. Zavala never established the colony, however, and later sold it to the Galveston Bay and Texas Land Company." Having made this point earlier in the text, we felt that it was not necessary to include it in the biography feature on page 242S; instead, in this feature we chose to focus on the many accomplishments of Zavala that had not been previously mentioned.

4. It is incorrect to call William Kennedy a Texan (284S). He did like Texas and served Texas' interests in England (replacing Arthur Ikin as consul) before annexation. He also served a couple of years as British consul to Texas. He received a grant to settle 600 families in Texas, but he never did and he never resided here permanently.

HRW Response: Thank you for pointing out the need for this clarification. We will delete "Texan" from the sentence describing Kennedy.

5. On page 271(T,S) the text lists Edward Burlinson as the vice president during Sam Houston's 2nd presidential term. Anson Jones was Sam Houston's vice president before becoming the last president of the Republic of Texas. This is a major error.

HRW Response: This is not an error. In the *Handbook of Texas* the biography of Edward Burlinson states that "In 1841 he was elected vice president of the republic." The biography of Anson Jones in the *Handbook of Texas* states that "He declined candidacy for the vice presidency in the election of 1841, in which Houston again became president. Houston appointed Jones his secretary of state."

6. On page 449 (T,S) they mistakenly identify Richard King's partner in the King Ranch as Gideon Lewis when it should be Mifflin Kennedy.

HRW Response: On page 449 (T,S), the text states "The King Ranch in South Texas was one of the most important cattle operations in the state. Richard King and Gideon Lewis established the ranch in Nueces County in the early 1850s." This is an accurate statement. The *Handbook of Texas* states, "The 825,000-acre King Ranch, in Nueces, Kenedy, Kleberg, and Willacy counties, had its beginning in 1852, when Richard King and Gideon K. Lewis set up a cattle camp on Santa Gertrudis Creek in South Texas. Formal purchase began in 1853, when they bought a Spanish land grant, Rincun de Santa Gertrudis, of 15,500 acres on Santa Gertrudis Creek in Nueces County. A short time later they purchased the Garza Santa Gertrudis grant of 53,000 acres. During the mid-1850s, as partners, King and Lewis acquired more landholdings around the area of the creek." The *Handbook of Texas* further notes that Lewis was a partner until his death in 1855, that James Walworth and Mifflin Kenedy entered into a partnership in 1856, and that Mifflin Kenedy bought interest in the ranch in 1860. The handbook also states that by the late 1960s these partnerships had ended. Students have an opportunity to learn more about the King Ranch with the Internet Activity on page 459 (S,T). We will add information about Mifflin Kenedy in the Chapter Enrichment Links on the Internet, keyword "ST3 CH21".

PUBLISHER	TEXTBOOK TITLE	SUBJECT
Holt Rinehart & Winston	Holt Call to Freedom	8 th Grade American History

- Chapter 11, p. 337. “The Visual Record.” Sidebar says John Marshall was first Supreme Court Chief Justice. It was actually John Jay, as stated on p. 303.

HRW Response: Thank you for pointing out this error, which we identified in our corrections list submitted to the TEA on June 27. As stated in that report, we will correct the Interpreting the Visual Record caption on page 337 so that it says “John Marshall was the fourth Supreme Court chief justice.”

- Chapter 17, p. 521. “War Breaks Out.”—“...the Texas and US claim that the Rio Grande marked the southern border of Texas...” This claim comes from the Treaty of Velasco, signed by Santa Anna after the battle of San Jacinto in 1836, giving Texas her independence (p.496)

HRW Response: We are uncertain as to the reviewer’s concern, but speculate that it focuses on the use of the word *claim*. Because the validity of the Treaty of Velasco was disputed, we believe that it is acceptable and appropriate to use the word *claim* in this passage in reference to the Texas and U.S. position on the location of the southern border of Texas.

- Chapter 11. As mentioned in Section 5A, there is no mention of the election of 1804 or the Essex Junto. It’s plan to get Aaron Burr into the NY governor’s office and then have New England secede from the union shows that the concept of states’ rights and secession was not particular to the South.

HRW Response: While we do not believe that our text errs on this point, we agree with aspects of the reviewer’s suggestion. Therefore, we will add coverage of the election of 1804 on p. 341. The following changes will be made to accommodate this addition. The first paragraph will be changed from the end of the sentence in line five to the end of the first paragraph to read as follows: “To lead it, Jefferson chose former army captain Meriwether Lewis, who had served as his presidential assistant. Lewis chose Lieutenant William Clark to be the co-leader of the expedition. Jefferson told Lewis and Clark to explore the Missouri River.” The following paragraph will be added to the bottom of the page to follow the paragraph that is currently the last paragraph on the page: “The Louisiana Purchase helped Jefferson’s popularity. With George Clinton as his running mate, Jefferson defeated Federalist candidate Charles Cotesworth Pinckney in the 1804 presidential election. Pinckney’s loss marked the decline of the Federalists.” While we find that the information related to the Essex Junto is interesting, we do not feel that this is information that 8th-grade students must know. Therefore, because of space constraints we are not able to add information on the Essex Junto.

- On p. 12(S), the text discusses “potlatches.” The text’s benign wording about social standing and respect misleadingly neglects the central importance that potlatches and similar customs give to envy in the society in which they exist. Widespread envy has serious corrosive effects on families, friendships, and trust as well as holding back economic development. For a discussion of potlatches and envy, see Helmut Schoeck, *Envy* (1969).

HRW Response: The current text discussion of potlatches describes them as a tool for gaining respect. This description does not suggest that they played societal roles that were entirely positive or negative. We agree that an extended discussion of potlatches, including their cultivation of envy within societies and the corrosive effects of envy, would yield a more interesting and nuanced discussion of potlatches. We do not feel, however, that the current text is misleading. Unfortunately, space limitations do not allow for more extended coverage.

- On p. 16 (S) the text implies that Iroquois women had proportionally more power than they had in fact. It is true that Iroquois women had a minor political role, but Iroquois politics was overwhelmingly male-dominated, to such a degree that the text's bland wording masks the reality of the situation. Women possessed a rarely-wielded veto power and a nominating power that customarily was in tune with male guidance. Actual tribal leadership was always entirely male. The pioneering anthropologist Henry Lewis Morgan writes: "The [Iroquois] Indian regarded women as the inferior, the dependent, and the servant of man, and from nurturance and habit, she actually considered herself to be so." [Morgan, *League of The Ho-De-No-Sau-Nee or Iroquois* (1901), p. 315].

HRW Response: We agree that it would be helpful to clarify the fact that men held leadership positions in Iroquois groups. We will add the phrase "for tribal leadership" after "were responsible for" in the second-to-last sentence in the first complete paragraph.

- On p. 75(T), the text asserts that all California missions are standing today. This is misleading. In fact, the truth is that many reconstructions of missions exist today. On 110(S), "Carolina" is not a Latin form of Charles, though it is related to Carlus, which is the Latin form of Charles.

HRW Response: We agree that this is an error. The phrase "all of which are still standing today" will be deleted.

We agree that the sentence about the name *Carolina* should be clarified. It will be changed to read, "The colonial proprietors named the new southern colony Carolina, which is derived from a Latin form of the name *Charles*."

- There is a conflict between pages 7(S) and 68(S). Did the Inca Empire extend from present day Ecuador or from present-day Colombia to present-day Chile?

HRW Response: The description of the Inca Empire on page 68 will be changed to match the description on page 7. The description on page 68 will now read, "The Inca ruled a huge region that stretched from Ecuador to central Chile."

- On pp. 155(T) and 179(S), the text quotes Patrick Henry as saying "If this be treason, make the most of it." There is a dispute among historians about what precisely was said by Henry on this occasion, since the sources do not agree. It would have been better for the text to have said "Henry reportedly replied" or "according to some reports, Henry replied." [See William P. Cumming and Hugh Rankin, *The Fate of a Nation: The American Revolution Through Contemporary Eyes*; John Pendleton Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1761-1765*.]

HRW Response: We agree that it would be helpful to clarify this statement. On page 155(T) in the third to last line under the heading *Historical Art*, "replied" will be changed to "is said to have replied," On page 170(S), line 3, "replied Henry" will be changed to "Henry is said to have replied,". There is no mention of Patrick Henry on page 179.

- On p. 166(S), the biography of George III says that his son ruled "as king" during George III's madness. During this time, George III's son ruled "as regent," not "as king."

HRW Response: We agree that it might be misleading to say that George III's son ruled "as king." We will change the sentence to read, "...his son had to rule until George's death..."

- On p. 175(S), the legend under a picture describes Mercy Otis Warren as the daughter of James Otis. In fact, she was his sister. This material also relates to TEKS #24.

HRW Response: We agree that this is an error. The caption under the picture of Mercy Otis Warren will be changed to state that she was the sister of James Otis.

11. On p. 275(S), the text reads: “One of the conditions set by several states for ratifying the Constitution was the inclusion of a bill of rights.” This is misleading. It sounds as if several states had said that their ratification would only go into effect when a bill of rights was added. In fact, these states ratified unconditionally, but recommended that a bill of rights be added. For an example of better treatment of this topic, see the McDougal Littell textbook.

HRW Response: Please see page 246 for a more detailed coverage of the Bill of Rights and its relationship to the ratification of the Constitution. The explanation on page 246 appears in the main body of the student text, which means students will have read it and should have a clear understanding of the debate over a bill of rights and its impact on the ratification of the Constitution before they read the supplemental side annotation that the reviewer refers to on page 275. Therefore, we do not feel that the side annotation is misleading or in need of change.

12. On p. 327(S) in the Skills Workshop #1, the correct answer should be c, not a,

HRW Response: Thank you for pointing out the ambiguity in this question and answer. We agree that the cartoon on page 327(S) should have additional information provided for students since the words on the banners are not legible. We will adjust the introduction to the cartoon to read as follows: “Study the cartoon of the XYZ affair below that shows France as a monster attempting to bribe honest American diplomats. Then answer the questions that follow.” We will change statement “b” to read as follows: “The Americans and the French will quickly reach an agreement.” We will change statement “c” to read as follows: “French officials are corrupt and dangerous and are threatening American officials.” We feel that by adding this information to the introduction to the cartoon and by making the indicated adjustments to statements b and c, “c” will be recognized as the only correct answer for question #1. We will delete question #4 in the second column of the Skills Workshop section to compensate for the text that we will add. Question #5 will be renumbered as question #4. We will change the answer to question #1 in the Teacher’s Edition to “c” and adjust other answers (to #4 and #5) accordingly.

13. On p. 515(T), the model answer to the “Critical Thinking Question” is wrong, since Britain did not obtain territory in China (other than Hong Kong).

HRW Response: We want to point out that we provide opportunities for students to use varied critical thinking skills throughout the textbook. On page 515, we are attempting to get students to draw inferences and conclusions from the information provided in the “Opium Wars” annotation and any prior knowledge that they have about this topic. Neither the annotation nor the model answer say that Britain obtained additional territory in China. The question merely asks students to imagine why Britain *might* have wanted to control additional territory. The answer given is, therefore, one of many possible answers and is not wrong.

14. On p. 554(T), it says “House” where the “Senate” is meant, as where the South had more power.

HRW Response: Thank you for pointing out this error. We will change *House* to *Senate* in the “Support of Slavery” section that appears at the top of page 554(T).

15. On p. 260(S), the text says: “in an emergency, the president can send in U.S. troops....” A better wording would be: “in an emergency, the president can defend the country....” All constitutional scholars who specialize on war powers agree that the president has the authority to repel attacks (this was discussed at the Philadelphia Convention). But scholars

disagree over whether a president who sees what he considers to be an emergency in a foreign country has the authority to send in U.S. troops without authorization by Congress.

HRW Response: We agree that the meaning of this passage would be clearer if the text read, “in an emergency, the president can defend the country...” We will make this change.

16. On p. 276(T), the model answer for “Exploring the Document,” says: “[The Ninth and Tenth Amendments] extended rights to the people and to the states.” This is wrong. These amendments don’t extend rights, they recognize pre-existing rights and powers. That is their whole point. This misleading model answer says that it is the federal government which grants all rights and delegates all powers, which is precisely the opposite of what the Ninth and Tenth Amendments say.

HRW Response: We agree that the answer may be misleading and will change the answer to read as follows: “They recognize the existence of rights and powers that are not listed in the Constitution.”

17. On p. 286(S), the text says:

“The Second Amendment deals with state militias. Colonial militias were vital to America’s defense. The first battle of the Revolutionary War started when British troops tried to seize the Massachusetts militia’s weapons. The framers believed that the states needed to keep their weapons for emergencies. Today the National Guard has replaced state militias. National Guard members also serve in wars and help to restore order during crises, such as natural disasters.

“Some people believe that gun control laws violate the Second Amendment. This part of the Constitution states that “the right of the people to keep and bear arms shall not be infringed [violated].” In 1939 the Supreme Court passed rules for nonmilitary firearms. Years later, a U.S. court of appeals ruled that gun control laws do not violate the Second Amendment. The Supreme Court let that ruling stand in 1983.”

These passages on the Second Amendment are almost entirely factually wrong.

HRW Response: While we agree that the text can be improved and offer to make several changes (noted below), we disagree that our treatment of the Second Amendment’s history and interpretation is, as the reviewer charges, “almost entirely factually wrong.” We ask that the reviewer keep in mind that the passage in question is an attempt to discuss *briefly*, given the scope of the course in which the text will be used and the grade level of our audience, the *prevailing* understanding of and basic background to the amendment; the passage is not meant to be an in-depth exploration of all possible interpretations.

Please see the following specific responses to individual points and the *Summary Response* at the conclusion of the reviewer’s comments concerning page 286.

- As historical background to the Second Amendment, certainly as important as the British raids on the militia’s arms stores was General Gage’s confiscation of the arms of Boston’s citizens. [See Continental Congress, “Declaration of the Causes and Necessity of Taking Up Arms” (July 6, 1775), *Journal of Congress*, edited 1800, I, pp 134-139. <http://www.civicwebs.com/cwvlib/constitutions/usa/e_declaration_of_causes .htm>]

HRW Response: We believe that the level of additional detail suggested by the reviewer is unnecessary since the example given in the text sufficiently recalls the colonial dispute. In addition, space constraints prevent us from adding information about General Gage confiscating arms in Boston.

- During the time period when the states were considering ratifying the Constitution and adopting the Bill of Rights, every reference to the right to keep and bear arms was to an individual right. No one wrote or is recorded as having made in a speech a single "collective rights" statement.

HRW Response: See *Summary Response* below.

- The Second Amendment is part of the Bill of Rights and deals with a right: the individual right of self-defense possessed by the people. This is the view of the Amendment taken by the U.S. Department of Justice. (The alternative view of the Amendment, apparently adopted in the Holt textbook, is that the Amendment recognizes a power possessed by the states to bear arms against the U.S. military. This would certainly be a vindication of Southern secession and the Confederacy.) [See Glenn Harlan Reynolds & Don B. Kates, *The Second Amendment and States' Rights: A Thought Experiment*, 36 *William & Mary L. Rev.* 1737 (1995)].

HRW Response: See *Summary Response* below.

- The militia is understood in American law to refer to the whole body of the people capable of bearing arms. (See the Virginia Declaration of Rights (June 12, 1776) <http://www.civicwebs.com/cwvlib/constitutions/usa/e_virginia_decl_rights.htm> .) All states define the unorganized militia as all able-bodied male citizens within specified age groups.

HRW Response: See *Summary Response* below. It should be noted that the Virginia Declaration of Rights is not "American law" per se, having been adopted prior to the creation of the United States of America.

- The National Guard is not a replacement of the state militia and a continuation of that institution. The National Guard (when federalized) is part of the U.S. armed forces and loses its state militia character. [See *Perpich v. Department of Defense*, 496 U.S. 334, 351 (1989).]

HRW Response: Numerous sources support the text as it currently reads. *The American Political Dictionary* (p. 565) defines the National Guard as being "the volunteer armed forces of the states, formerly called the militia. ... Since 1916, the [state volunteer] militias have been organized as the National Guard"; *Concise Dictionary of American History* defines National Guard as "the modern counterpart of the militia"; *Dictionary of American Government and Politics* defines National Guard as "the military forces of the states. ... The National Guard was organized in 1916. Until that time, each state had a volunteer militia"; *Oxford Companion to American History* defines militia as "now officially termed the National Guard in the United States, [being] the body of armed forces within the states." Semantic arguments relating to the term *militia* we believe are beyond the scope of the text at this grade level. However, in the interest of clarification, we will make the following changes:

In line 7: insert "largely" before "replaced" and insert "organized" before "state militias."

To lessen the text's emphasis on the National Guard in this discussion of militias and the Second Amendment, we will move the sentence "National Guard members ... natural disasters." in lines

7–8 to the Interpreting the Visual Record caption (top of page), thus replacing in the Visual Record caption "These members of the National Guard are" with "Members of the National Guard may serve in wars and help restore order during crises, such as natural disasters. Here the National Guard is ..."

- The text refers to *United States v. Miller*, 307 U.S. 174 (1939). The Miller ruling held that the Second Amendment protects firearms that would have militia uses. Specifically, the Miller ruling held only that when there was no evidence presented in a trial court that a sawed-off shotgun "at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense." *Id.* at 178. The court's test was not whether the individual who had the firearm was a member of a governmental military unit, but whether the firearm "at this time" is "ordinary military equipment" or its use "could" possibly aid in the common defense. Referring to the militia clause of the Constitution, the court opinion said that "to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made." *Id.* at 178. In America's history, "the Militia comprised all males physically capable of acting in concert for the common defense," and "these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time." *Id.* at 179. Thus, the Miller opinion concludes that the Second Amendment's two clauses reinforce each other. Protecting the right of the people to keep and bear arms helps make it likely that a well-regulated militia can be found amongst the populace. The Holt textbook completely misconstrues the meaning of the Miller case for the Second Amendment.

HRW Response: See *Summary Response* below.

- There is a split among the federal courts of appeals as to whether the Second Amendment refers to individual rights or state powers. See, for example, the opinion rendered by the United States Court of Appeals for the Fifth Circuit in *United States v. Emerson*: <<http://www.ca5.uscourts.gov/opinions/pub/99/99-10331-cr0.htm>> Yet by writing about only one appeals court decision, the Holt textbook misleadingly fails ("Years later, a U.S. court of appeals ruled that gun control laws do not violate the Second Amendment.") to convey to the student the existence of this split.

HRW Response: See *Summary Response* below.

- The Holt textbook indicates that the 1983 U.S. Supreme Court's refusal to review a lower court ruling (and thus letting that ruling stand) indicates that the U.S. Supreme Court in doing so has made a constitutional holding on the proper interpretation of the Second Amendment. Not so. The fact that the U.S. Supreme Court declines to review a case (that is, technically speaking, denies a petition for a writ of certiorari) carries with it no implication whatsoever regarding the court's views on the merits of the case. As U.S. Supreme Court Justice Felix Frankfurter once wrote about a case in which review was denied: "The one thing that can be said with certainty about the Court's denial of [the] petition in this case is that it does not remotely imply approval or disapproval of what was said by the Court of Appeals."

HRW Response: See *Summary Response* below. Further, we believe that the reviewer's objection here stretches the meaning of the text, which states merely that "The Supreme Court let that ruling stand." We feel our text is appropriate for this grade level and is a fair paraphrasing for "declined to review a lower court's finding" (i.e., the phrase from our source, *Oxford Companion to the Supreme Court*, p. 764)—that is, for denying a writ of certiorari. We do not feel that the text

comments on the Court's making "a constitutional holding on the proper interpretation of the Second Amendment" or "the merits of the case."

- No federal court at any level has ever upheld a general prohibition on the ownership of firearms by law-abiding citizens. Most constitutional scholars who specialize in the Second Amendment would say that there can be regulations of firearms that are constitutional, just as the courts have found certain regulations of speech and press constitutional.

HRW Response: See *Summary Response* below.

- The individual right to bear arms exists so that the people can defend themselves personally from criminals and tyrants and be available when called upon by the civil authorities to enforce the laws or defend the community from invasion. In summary, the only matters that are factually correct in the text's two paragraphs on the Second Amendment are the statements that the British sought out the arms of the colonial militia and the description of the current functions of the National Guard. All the rest is seriously wrong or misleading. To be accurate, this section must be rewritten virtually in its entirety. [In general, see Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right* (2000).]

HRW Response: As stated previously, we disagree that our treatment of the Second Amendment's history and interpretation is "almost entirely factually wrong" and "seriously wrong and misleading." In addition to the preceding specific responses, we offer the following general comments and suggested changes in support of our opinion.

Summary Response (to page 286 comments): It must be acknowledged that the Second Amendment is not a topic that lends itself to clear-cut agreement among constitutional scholars, and that textual and historical perspectives are not the only relevant ways to interpret the Constitution. Moreover, it has been argued by *both* sides in the debate that the matter has been ruled on definitively by the U.S. Supreme Court. Where there is debate among the experts and a possible lack of clear guidance from the Court, three basic editorial approaches can be taken: omission of any discussion, the presentation of multiple views, or the presentation of the prevailing view. If we have erred, it is merely that in taking the third approach, which seems appropriate for a text at this grade level, we have not explicitly laid out the contours of the controversy.

In regard to the reviewer's point about the Department of Justice, it must be noted that the date of official submission of textbooks to the TEA was originally February 4, 2002, and subsequently April 26, 2002, and that the DOJ's official position at this time was *not* that the Second Amendment deals with an *individual right* to bear arms; in fact, the view of the DOJ was what it had been for at least the past 40 years—i.e., that the amendment confers a collective right in the context of a state-sponsored militia. For us to have advanced an argument for the individual-right interpretation of the Second Amendment at the time of the textbook's development and on the April submission date would have been in fact contrary to the DOJ's official view (which was not reversed until *May 6*). We are making a change to update the text (see the line 3 change described at the end of this response).

It is our understanding that *every* federal appeals court except the Fifth Circuit (in *U.S. v. Emerson*, a very recent case) has interpreted the Second Amendment along collective-right, rather than individual-right, lines. To discuss the "split" to which the reviewer refers (based merely on *Emerson*, which had still not run its course at the time of the submission date) would be well beyond the level of constitutional analysis that the text is attempting here. We believe that to mention this "split" in the midst of such a brief discussion might itself be misleading as to the

importance of the lone exception among 13 circuits. According to the *Oxford Companion to the Supreme Court* (p. 132), "it is not always obvious when circuit courts are in conflict. Moreover, the [Supreme] Court often prefers to wait for additional courts of appeals to weigh in on a matter before it decides to resolve it. Nevertheless, the justices do see resolving conflicts among the circuit courts as one of their primary responsibilities." In deference to the Supreme Court's role in such matters, we too choose to wait for history to unfold, rather than attempt to insert constitutional analysis. We view the role of this textbook more as reporting the (settled) state of issues than as trying to guess the lay of an ever-evolving legal landscape. While it may well be that this landscape will look entirely different in the future—and notwithstanding the extensive scholarly debate on this subject—we believe our text does reflect the basic constitutional reality at the time of the textbook's submission.

In conclusion, we acknowledge, thanks in part to the reviewer's comments, that the details concerning the Supreme Court may be unclear given the scope of this text, and that we can improve our presentation of the debate that exists. Therefore, the following changes will be made to the passage:

Line 3: Add "and the right to bear arms" after "state militias."

Lines 9–14: Replace paragraph with "Supporters of gun control laws have generally argued that the Second Amendment was intended to protect the collective right of states to maintain well-regulated militia units. Opponents hold that the amendment was meant to protect an individual's right of self-defense. The meaning of the amendment continues to be debated."

Reading Check (bottom of page): Delete "today" and "Second,"; delete comma after "Third" (to agree with answer on T p. 286).

18. On p. 289(S), the text suggests that education is a basic right, indeed a Ninth Amendment right. The federal courts have in fact held that there is no federal constitutional right to an education at public expense. Public education is an exercise of a power of the states. Education is, however, usually a right (often vaguely worded) under state constitutions. [See Robert F. Worth and Anemona Hartocollis, "Johnny Can Read, But Does He Know How to Vote?" *New York Times*, June 30, 2002.]

HRW Response: On page 289, we state that the Constitution "does not address education," thus suggesting that an education at public expense is *not* a right that is guaranteed in the Constitution of the United States. We continue to explain that state governments offer free public education. As educational publishers we strive to emphasize the importance that many leaders place on education while remaining factually accurate. We believe that we have met both of these goals in our discussion of the Ninth Amendment.

PUBLISHER	TEXTBOOK TITLE	SUBJECT
Holt Rinehart & Winston	Holt American Government	High School American Government

1. p. 6 – The last sentence of the section on “Providing Services” notes that “Because most government services do address issues of widespread concern, the benefits are shared by everyone.” This may be true in some areas such as defense but many of our social programs are largely redistributive. That is, they provide benefits to the needy by redistributing tax dollars from those who pay taxes. In addition, there is ample evidence to indicate that the wealthy and middle class pay a disproportionate share in taxes to fund these programs. Such discussion of the nature of redistributive politics should be included here less students get the impression that social programs come at now expense or that the expense is equally distributed among all users.

HRW Response: The services described in the section include building roads and schools, food and drug inspection, and postal services. People of all classes benefit from these services. The section also points out that some people argue that certain services would be better provided by private businesses. We agree that the last sentence of this subsection (col. 2, lines 4–6) needs to be made more clear, and will change it to read: "Government services that address issues of widespread concern benefit a wide range of citizens, directly and indirectly."

Also please note that the discussion on S p. 191 of the individual income tax addresses the different percentages of income that a high-income person and a low-income person would pay. Redistribution of wealth through taxation is addressed on S p. 195. Arguments for and against it are described there. Space considerations prevent further elaboration of the subject in this section; we feel our coverage is adequate.

2. p. 6T – The “Themes in Government” box offers the argument that the American colonists were not particularly concerned about taxation as they were about lack of representation. This is partially true as the lack of representation was a critical issue in strained relations between England and the colonies. However, to dismiss the fact that taxation was unimportant is not entirely accurate, as taxation and representation were seen as two sides of the same coin.

HRW Response: We are uncertain as to the intent of the reviewer’s comment (in the 3rd sentence, is "important" meant, not "unimportant"?). Although we do not agree that the text includes an identifiable factual error—or that it dismisses the importance of taxation (rather, in this *extra* information provided to the teacher, we have quoted the perspective of a commencement speaker at a high school graduation merely as a discussion point)—we recognize that the mention of the taxation/representation issue is not well tied to the passage’s focus on citizenship and political participation in general. We will delete the first paragraph (From "Urging a class of graduating seniors ..." to "... not be heard in public discussions."); the passage will begin thus:

"POLITICAL FOUNDATIONS Political scientists note that when people discuss ..."

3. p. 40 – While it is true that supporters of the Constitution were called Federalists and opponents were called Anti-Federalists, the explanation behind these names should be clarified. The Federalist preferred a stronger *national* government, not a stronger federal form of government as the book notes. Remember, a federal form of government is a government based on the states, which is what the Anti-Federalists were for. The decision by proponents of the constitution to call themselves the “Federalists” was a clever ploy to make them seem in favor of state-based government when what they really advocated was a more powerful centralized government.

HRW Response: While there is definitely merit to the reviewer's comments, we do not believe that the kind of elaboration suggested by the reviewer would be particularly appropriate or helpful to students; rather, because of the intricacies of the suggested definitions, we fear that their inclusion may only serve to create confusion. After all, the form of government that the Constitution provided is a *federal* form of government, and to link that term to the *Anti-Federalists*, who did *not* prevail in defeating ratification of said Constitution, would not seem, in our opinion, to advance clarity of understanding.

4. p. 56 - The argument that the Constitution is a “living document” that has lasted a long time because it is easily adapted to modern times is debatable. This suggests that the document itself it meant to be reinterpreted in different ways across the ages. One could just as easily suggest that the reason it has lasted so long is because it contains timeless principles that are not open to revision. Perhaps students could draft up 10 rules for good classroom behavior and then debate the extent to which these rules should remain fixed over time or be flexible. If fixed, will they become too rigid or outdated as time passes? If flexible, are they in danger of becoming meaningless, as students will simply amend them to get away with whatever they want? More discussion is needed.

HRW Response: We are aware that the “living document” *interpretation* is “debatable” and agree that the Constitution contains “timeless principles”—but even these are re-examined on occasion in light of circumstances quite different from those existing at the time of the Constitution's framing, as unanticipated cases and controversies arise. In support of our text, we refer to the following sources: “the idea of a ‘living Constitution’ ... has guided judicial interpretation throughout most of American history and has made it possible to adapt the Constitution to changing circumstances without extensive use of the amendment process” (*American Political Dictionary*, p. 272; emphasis added); “it is anachronistic and presumptuous to assume that we can determine what the framers and ratifiers of a particular [constitutional] provision, drafted a century or two before the present, would have preferred to happen in a world they could no more anticipate than we can successfully imagine theirs” (*Oxford Companion to the Supreme Court*, p. 184). We believe that to mention the prevailing view—the text says only that the Constitution “has been called a ‘living document’” and define what that means—is appropriate for a high school American government course. Students need to know the nature of the actual American constitutional tradition in which they will participate as citizens (a tradition where “original intent” is not the only view). The subject of constitutional interpretation is also treated elsewhere in the text (see S pp. 249–50 and 272).

5. p. 251 –The “Linking Government and Philosophy” segment notes that the framers of the Constitution were particularly influenced by Locke and Montesquieu. This is true, but in this same paragraph the text discusses Thomas Jefferson as one of the framers. Jefferson was absent during the Convention of 1787, serving as representative from the United States to France.

HRW Response: We appreciate the reviewer's comment and are aware of Jefferson's absence from the convention—a point detailed on S p. 35 (“Some other well-known leaders were absent [from the Constitutional Convention]. Thomas Jefferson was in Europe as a U.S. representative to

France.”). We do not agree that the passage “discusses Jefferson as a framer of the Constitution”. The main point of this paragraph, as expressed in the first sentence, the topic sentence, is that the writings of Locke and Montesquieu influenced the development of the Constitution. The remaining sentences in the paragraph, including the one in which Jefferson is mentioned, do not discuss the actual framing, but rather the importance of Locke and Montesquieu. We do believe, however, that students could possibly be misled about Jefferson’s role in framing the Constitution, so we will change the first sentence in the paragraph to read as follows: “The writings of Locke and Montesquieu particularly influenced the founders of the United States.”

6. p. 29T – The description of Thomas Paine as a “leader” of the American Revolution in the “Themes in Government” box in the teacher’s edition is misleading. Paine was neither an American nor a revolutionary leader. He really didn’t become famous until after his essay *Common Sense* was published. His work on this project was at the bequest of Ben Franklin who was trying to find work for his underemployed friend.

HRW Response: We disagree that it is misleading to discuss Thomas Paine as a leader of the American Revolution and that it is wrong to call him an American. Though born in England (as many *colonial* Americans were), Paine came to America in 1774 and is called an “*American political philosopher*” by *Webster’s Biographical Dictionary* and a “*Revolutionary propagandist*” by *Encyclopedia of American History* (emphasis added). The latter source also notes that he served in the Revolutionary army and in the Continental Congress. Although he lived abroad for many years, Paine spent his closing years in New Jersey and New York. As the writer of *Common Sense*, perhaps the most influential writing of the American Revolution next to the Declaration, Paine did play a role in leading Americans (an estimated 120,000 of whom read his tract within the first three months) toward independence, and in that sense he can fairly be called a leader. The Thomas Paine National Historical Association considers Paine “an important founder of the United States [of America],” and he is included in *American National Biographies*.

7. p. 178T – The discussion of Civil Service reform notes that when Arthur became president in 1881 he was a strong supporter of Civil Service reform. In fact, it was Garfield (the previous president) who was the advocate of reform. Arthur was more in line with the Stalwart Republican faction that tended to favor the old spoils system. It was only after Garfield’s assassination by a disgruntled civil service applicant that Arthur championed his predecessor’s cause

HRW Response: The text does not say that Arthur supported civil service reform before he became president. It says, “Ironically, Arthur became president in 1881 and was a strong supporter of civil service reform, lending his support to the Pendleton Act.” This only describes his actions as president—after Garfield’s assassination. We feel that the preceding sentences and the use of the word “Ironically” accurately portray Arthur’s actions with regard to spoils and reform before he became president as well.

8. p. 211 – I am not sure why the book needs to point out that in 1993 President Clinton’s economic package was adopted “despite some Republican opposition.” Was there no Democratic opposition at all? Is Republican opposition unique in this case? Was Republican opposition justified on philosophical differences? More importantly, the contention that the reduction in deficit spending can be attributed to the President’s economic package is highly debatable and should not be presented as fact

HRW Response: Because Republicans did oppose the measure, the phrase in question—“despite some Republican opposition”—merely points to the political battle that surrounded the proposals; it does not purport to describe it fully. Within the context of the brief discussion, we feel that this statement required no further explanation. In addition, we do not attribute the reduction in

deficit spending solely to the president's economic package. The text calls the 1993 Clinton plan "an important step in the turnaround." Moreover, in discussion of the Balanced Budget Act of 1997 (p. 212), which the text notes was "intended to finally eliminate budget deficits," the text quotes Clinton to the effect that the act was passed by "large, bipartisan majorities in both Houses" and thus does not attribute the outcome solely to Clinton. Finally, the text also mentions the effects that "a slowing economy and increased government spending" could have on future budget deficits, clearly suggesting that far more than one president's economic package will affect this matter.

9. p. 511 – The section on socialism notes that one of the criticisms of capitalism is that "some people are quite wealthy, while others are very poor." Socialism, the text continues, "attempts to reduce these inequalities by redistributing wealth throughout society." The concern here is that it implies a better standard of living in general in socialist societies than in capitalist systems. That is, the argument could be made that the relative standard of living in capitalist systems is better because it produces a large middle-class that is affluent compared to the average system in a socialist system. This possibility should be discussed.

HRW Response: The text merely states what socialism *attempts* to do. It does not imply that it succeeds at this attempt, nor does it imply, in our opinion, that socialism produces a higher standard of living. Explicit comparisons of standards of living are not introduced in this discussion, so we believe that the text adequately presents the theoretical role of government in different economic systems without adding opinions on the outcomes of varying levels of government involvement in the different economic systems.

10. p. 513 – The statement that "When government operates ... businesses [in socialist systems], all citizens own and collectively benefit from any of their profits" should be qualified. First, the "sharing" of profits is not really a cash benefit but instead translates into social programs. Second, some discussion of the extent to which socialist run enterprise succeed should be included.

HRW Response: In our opinion the text does not imply that the benefits citizens in socialist countries receive from government-operated businesses are cash benefits. There is discussion on S pp. 513–14 of the problem of high taxes associated with socialist systems. Also, students will have learned about the problems with government enterprises (inefficiency, poor performance) in Chapter 8. They can be expected to apply this knowledge to what they learn about socialist-run enterprises.

11. p. 58 – The statement that the Constitution does not provide for a "formal body of leaders" to assist the president is only partially true. While the book specifically mentions the President's cabinet, and it is true that Washington formulated the idea for a presidential cabinet, the prerogative for the president to consult the heads of the "departments" is provided for in Article 2, Section 2.

HRW Response: We agree with the reviewer that the Constitution does give the president the right to consult with the heads of the "departments." We also believe, however, that the text adequately describes this matter and does not contain any factual errors. Article II, Section 2 of the Constitution does not precisely create any "formal body of leaders" but speaks only of principal officers of executive departments. The key word is "body"; the relation implied in the Constitution is one to one, not the group that actually resulted. According to the *The American Political Dictionary* (p. 185), "The Cabinet *remains an informal group*, with its membership *determined by tradition and presidential discretion*" (emphasis added)—i.e., not by the Constitution per se.

12. p. 58 – The text states that the president's power to make executive agreements has "grown in ways not specifically mentioned in the Constitution." This seems to imply that the executive

agreement is mentioned in some manner but has evolved over time when in fact the executive agreement is nowhere mentioned in the Constitution. The wording is misleading.

HRW Response: We appreciate the reviewer's comment and agree that the text should be revised to make clear that the *use* of executive agreements has increased but that this is not an expressed power in the Constitution. We will revise the last sentence of the paragraph to read as follows: "This power, though not specifically mentioned in the Constitution, has been used increasingly in recent years."

13. p. 146 – The succession of the president is not clearly spelled out in the Constitution, contrary to the text. When Harrison died in office there was some discussion as to whether Tyler would become the president or merely become “acting” president until a new one was chosen. Tyler did set the precedent for succession but it remained more tradition than law until the 25th amendment clarified the issue.

HRW Response: We agree that the description of succession needs to be improved; we have previously identified this problem (see TEA editorial changes and corrections), and will make the following changes: replace "Constitution" with "Twenty-fifth Amendment"; replace "This provision has been invoked" with "In U.S. history the vice president has become president"; and delete "— eight times when the president died in office and once following a resignation."

14. p. 278 – The “Careers in Government” section discusses the job of state trial court judge. The segment concludes by noting that “Critics charge that in a Republican controlled Senate (in California), its harder for women and minorities to be confirmed.” The implication here is that Republicans oppose the candidacy of women and minorities when in fact its more likely that many of these women and minority candidates are of the opposite political party. To this end, it should be clarified that the opposition is one of philosophical difference and not racists or sexist.

HRW Response: Although we do not agree with the reviewer that this passage contains a factual error, we do agree that the reader could interpret the passage to include an unintended bias with regard to Republican motives. Please note that the source of the "charge" by "critics" was a nonpartisan report issued in 2000 by the Alliance for Justice. As a result of re-examining this passage due to the reviewer's comment, we have chosen to replace the last paragraph of the Careers feature with the following two paragraphs, which will now read as follows:

"The process of selecting judges varies from state to state. In some states judges are elected, while in others the governor or state legislature makes judicial appointments. Once selected to "the bench," judges may serve either for fixed terms or until mandatory retirement. Some state judges who are initially chosen in a partisan election later face uncontested "retention" elections. In these elections, voters decide only whether or not they want to retain the judge on the bench.

Some state judges may go on to receive appointment by the president to the federal judiciary. In recent years the confirmation process in the U.S. Senate has increasingly been one of political battles. In 2000 the nonpartisan Alliance for Justice reported that despite the urgent need for judges, many vacancies were going unfilled because of politics."

15. p. 461 – The section of state constitutions begins “The US Constitution divides powers between the federal government and state governments.” This statement might easily be misconstrued to mean that the state governments are a product of the national constitution. It should be made clear that the state governments existed before the national constitution, and that the national constitution is largely a product of state delegation of power and authority. A better way to phrase this sentence might be to write “The US Constitution defines the relationship between the federal government and the states.”

HRW Response: We believe that the earlier discussions of state and national governments on S pp. 30–31 and 34–36 make it clear that the states existed prior to the federal government and that they are not the product of the national constitution. The Constitution does discuss the division of powers between the two levels of government. Teachers of American government will certainly stress this point. The issue of state powers is also covered on S pp. 53, 68, and 108. We disagree that this statement is likely to be misconstrued in context. The statement is immediately followed by examples of the ways that powers are divided. The "relationship" is not precisely the subject of this passage, so to mention it, as the reviewer suggests, rather than the division of powers, we believe would not be an improvement.

16. p. 472 – The section on Appeals Courts is not entirely correct. The section notes that in Texas the Supreme Court does not hear criminal cases but that they are handled in the Court of Criminal Appeals. While this is true, the implication is that the Court of Criminal Appeals is an appellate court in the traditional sense that it is subordinate to the Supreme Court. In fact, Texas has a bifurcated court system meaning that the Texas Supreme Court and Texas Court of Criminal Appeals are dual "high" courts with different jurisdictions. Oklahoma has a similar arrangement.

HRW Response: We fail to see the implication cited by the reviewer. We believe that the text statements are accurate and straightforward. Given the broad scope of the course and the context of this passage, we do not feel it would be appropriate to go into more detail about the Texas court system at this point in the chapter, which encompasses state government in general, not just Texas state government.

17. p. R29T - The teacher's edition contains some background on the Clinton impeachment in 1999. Given the division of the Senate's vote, students are asked to analyze why it was so divided. The suggested answer provided in the teacher's edition is that "neither charge [of impeachment] garnered even a simple majority against Clinton, suggesting a weak initial case." This is one possible answer. Another might be that the vote occurred heavily down party lines, suggesting that Democrats and Republicans disagreed on the seriousness of the charges.

HRW Response: The reviewer makes a valid point. Please note, however, that the information on T R29 *is* factually correct. Also please note that the passage to which the reviewer objects is provided as an *extra* background activity that a teacher may or may not choose to incorporate in discussing the impeachment clause in the Constitution. While we agree that the answer can be improved, we believe that the reviewer's suggested answer presumes knowledge that would probably go beyond what could reasonably be expected of the students. We would also note that neither the 55-45 vote nor the 50-50 vote was a *strict* party-line vote on the acquittal. The following change will be made, however, to address the reviewer's concern. The answer will be revised to read as follows (beginning): "Answers will vary. Some students might argue that the defeat was not "humiliating." Others might suggest ..."

18. T/S p.164 The chart "Electoral Vote per State 1992-2000" is incorrect. The electoral votes for each state on the chart are the new totals as determined after the 2000 census. Either the writers put the wrong title on the chart or they used the wrong electoral vote numbers.

HRW Response: Thank you for pointing out this error, which we previously identified (see TEA editorial changes and corrections). The title of this chart will be corrected to read: "Electoral Vote per State, 2002–2010".

PUBLISHER	TEXTBOOK TITLE	SUBJECT
Holt Rinehart & Winston	Economics, Texas Edition	High School Economics

1. The explanation of opportunity costs accompanying the production possibility curve, Figure 1.3, see T13, is extremely confused. Opportunity costs involve marginal analysis which is simply not explained here. Although the curve illustrates increasing opportunity costs, the concept is never discussed. Furthermore, the discussion appears to explain opportunity costs wrongly with the PP curve as an all-or-nothing decision. Consider the misleading statement, T13: "The opportunity cost of producing a certain number of one class of cars would be the number of cars of the other class that could not be produced." That is not marginal analysis. How could students master the concept from that statement? What does it actually mean? Granted a well-qualified teacher could say "what the author meant to say here"; however, why place the burden on the teacher? What about the student reading this and trying to make sense out of such a flawed statement?

HRW Response: The definition and explanation of opportunity cost starts on page 11. The example on page 13 in Fig.1-3 deals with a simple two-good economy, luxury cars versus economy cars. The discussion is not an all or nothing one, but is about the costs of going from only luxury cars to economy cars or vice versa, with points like B, C, and D given. The very next sentence after the one quoted above talks about a point between D and C, where to go from 6 million economy cars to 5.5 million cars means an increase from 1.5 million to 2.5 million luxury cars. The quoted sentence is not misleading but actually describes the graph. It is not flawed but could be improved to read "the opportunity cost of producing *more* of one class of cars would be the *reduction* in the number of cars of the other class that could be produced." We will make this change to the program, and we thank the reviewer for bringing it to our attention.

2. T54: "Diminishing marginal utility helps explain why the demand for a product is not limitless." No, that's not correct. Purchasing power of a consumer's income explains why demand is not limitless. We don't even require marginal utility to "explain" demand; intuitively, the substitution and real income effects are satisfactory to justify the law of demand for a first pass for students.

HRW Response: Income and substitution effects have previously been discussed on pages 52–53. The discussion of diminishing marginal utility is used to help students understand why the demand curve for a good or service is downward sloping. Therefore, as the quoted sentence says, it helps to explain why the "demand is not limitless." The statement does not seek to explain the concept totally, and the income constraint is not ignored in the total discussion.

3. T100... high prices signal firms to produce more and low prices less of the goods consumers desire...is this right in terms of economic incentives reflected in the efficient signaling of the price system? It's higher prices, lower prices that are the price signals. Not necessarily the magnitude of prices, but the direction of change in prices, that signals firms to reallocate resources in the economy.

HRW Response: While we do believe that the statements in this paragraph are accurate, the reviewer is correct that this could be stated more clearly. As the reviewer requests, we will change the word *high* to *higher* and the word *low* to *lower*.

4. A monopolist does not have a supply curve, neither does a monopolistic competitive firm or an oligopolist. But Figure 6.2 analyzes monopolistic competition with supply and demand curves! !! This coverage of market structures is entirely descriptive, with virtually no economic analysis. Where is the decision making with $MR=MC$ profit-maximizing output rule? Concerning this content area, economic analysis is necessary to present the principles, not

this way where the student can memorize the descriptive economics on their notecards without learning any economics. Granted, the types of business ownership TEKS learning objective is necessarily descriptive and the text delivers here. But the lack of economic analysis in the coverage of market structures is a real weakness.

HRW Response: We appreciate the reviewer's comments on this topic. Based on these comments, we will make the following changes to the program for clarity:

We will change two paragraphs, beginning with the last paragraph on page 121 and continuing onto page 122 to read as follows:

"You can see this type of shift in demand and profit-maximizing price in Figure 6.2. The demand curve (D_1) represents the initial demand for Jean Luc brand jeans. The initial profit-maximizing price and quantity (\$30; 40,000) are represented by point A. After the company launches a successful national advertising campaign, demand for Jean Luc jeans soars. The demand curve (D_2) shifts to the right as consumers are willing and able to buy more jeans at each and every price.

If the new profit-maximizing price and quantity of Jean Luc jeans shifts upward to \$50 and 80,000, then we move from point A on the old demand curve (D_1) to point B on the new demand curve (D_2). Thus, although the product did not change and basically is the same as other jeans on the market, the market price is now higher for that brand of jeans as a result of the advertising. "

On Figure 6.2, we will remove the supply curve and change the title of the graph to read: "Shift in Demand and Profit-Maximizing Price." We will change the caption to read as follows: "A demand curve shift results in a new profit-maximizing price. What does demand curve (D_2) indicate about demand?" We will change the answer to read as follows: "Demand at each and every price has increased, resulting in a new profit-maximizing price."

We believe these changes will help facilitate student comprehension.

5. S428... "The factors of production – natural, human, capital, and entrepreneurial resources – are not distributed equally throughout the world." That statement is insufficient to meet the two part TEKS learning objective relating to the geographic significance of economic factors of production and yet that is fundamentally the text's coverage of this learning objective.

HRW Response: TEKS 12 states, "Geography. The student understands the geographic significance of the economic factors of production. The student is expected to:

- A. describe the effects of the unequal distribution of economic factors of production, and
- B. analyze the locations of resources used in the production of an economic good and evaluate the significance of the location."

This TEKS objective is actually covered in several places, including:

page 19: The Economics in the News feature and its follow-up questions deal entirely with the geographic significance of the distribution of economic factors of production and their effects on U.S. businesses.

page 263: Section Review question 4 asks students to evaluate the significance of the unequal distribution of economic resources, in this case, gold.

page 407: the photo caption question asks students to consider the significance of an economy that relies on one crop.

In the Teacher's Edition, page 425C, the Understanding Main Concepts activity asks students to "explain how the distribution of the economic factors of production throughout the world encourages nations to specialize and trade."

As is clear from these examples, at various places throughout the program students are given the opportunity to understand and demonstrate their knowledge of this important TEKS.

6. T351... "State and local governments also rely on property taxes"... implying the federal government generates tax revenues from property taxes? No! The tax discussions generally meet the first learning objective, although treatment of state and local revenue sources is relatively weak. Why even mention Jean-Baptiste Say... "supply creates its own demand"... in exposition of supply-side economics and fiscal policy strategies? That's a stretch for a history of thought course and inappropriate (confused and confusing) for a high school text, T355.

HRW Response: We would like to thank the reviewer for pointing out the awkward wording of the text's statement concerning taxes collected by state and local governments. We have already submitted an editorial change to the TEA to adjust the language. The passage on page 351 will read, "State and local governments collect property taxes." Jean Baptiste Say is mentioned in the discussion of supply-side economics to provide students with a general historical reference. Students are not asked to learn any greater detail. The author was simply trying to point out to students that the theory of supply-side economics is not a new one.

7. In discussion of decline in labor unions in recent decades, we encounter the negative public opinion explanation, T182, where author states, regarding the actions of union leaders, "others are thought to have used violence and other offensive tactics to maintain their power." Are thought?? Labor corruption and violence simply speculation without any evidence? Please, some honesty here. Jimmy Hoffa and the Teamsters never used "violence and other offensive tactics"?

HRW Response: We would like to thank the reviewer for pointing out the vagueness in the statement concerning union leaders on page 182. We will change this statement to read: "Others have at times used violence and offensive tactics to maintain their power."

8. On fiscal policy p. 356 it states the limitations of supply side economics but not the limitations of demand side. There is also not a mention of the Lafer Curve.

HRW Response: We thank the reviewer for pointing out this issue. We will change the heading on page 359 from "Limitations of Fiscal Policy" to "Limitations of Fiscal Policy and Demand-Side Economics." The text actually goes into great detail on these limitations. Above all, our goal is to present a balanced view of these two important economic theories to students. Unfortunately, space constraints and limitations as to the amount of material that can be provided to students in a one-semester course prevented us from including the Lafer Curve.

PUBLISHER	TEXTBOOK TITLE	SUBJECT
Holt Rinehart & Winston	The American Nation	High School American History

No errors reported. However, one reviewer only evaluated this textbook.

PUBLISHER	TEXTBOOK TITLE	SUBJECT
Holt Rinehart & Winston	Holt World History: The Human Journey	High School World History

1. Discussion of the Declaration of the Rights of Man (S513) fails to mention that one of the rights with which this phase of the revolution was concerned was the right to property—this allows the authors to miss the fundamentally bourgeois nature of this phase of the revolution and deprives the students of the chance to compare it to the American Revolution, whose wealthy conservative leaders shared the same concern about the sanctity of property (particularly theirs) and about protecting their property from taxation by their government.

HRW Response: The reviewer is correct that the list does not include mention of property rights. We will revise the last sentence in the second paragraph to read as follows: "This document dealt with basic political and human rights, including the right to private property."

2. The section on post-war China is entitled "Communist China and its Influence" (S852). "Communist China" is a Cold War appellation. It is generally not used in the Chinese language. Chinese refer to "mainland China" (Zhongguo dalu) or to "The People's Republic of China" (Zhonghua renmin gongheguo). I suggest that in future editions, the textbook use the latter.

HRW Response: We chose the title "Communist China" for brevity and because it is the term used most often by U.S. leaders during the period covered by the section. We feel that this title is appropriate and that it does not constitute an error.

3. p. 395 – Claims that Magellan's circumnavigation of the globe "was also the first proof that the world was round." The earth was known to be round as early as Aristotle, who observed the Earth's curved shape on the moon during a lunar eclipse. "Eratosthenes calculated the distance around the earth with amazing accuracy" (p. 145).

HRW Response: We appreciate the reviewer pointing out a passage that could confuse students. We agree with the reviewer that scientists had proved that the world was round. Our intent here was to make the point that the population of Europe as a whole now became aware of and convinced that the world was indeed round. To clarify we will change the wording after "courage;" to read as follows: "it also proved to the people of Europe that the world was round."

4. p. 400 – Credits horses, guns, and smallpox as reasons for Spanish overtaking Aztecs, all of which are true; however, left out are the surrounding tribes that were all too eager to overthrow the oppressive Aztecs. The role of human sacrifice among the Mayans (p. 209) and the Aztecs (p. 210), barely receives mention. Cutting out the hearts of your neighbors plays a large role in why they want to overthrow you.

HRW Response: The reviewer is correct that the Aztec practices influenced their downfall. We specifically note that on p. 210: "In the late A.D. 1400s unrest grew among surrounding peoples who had been forced to pay oppressive tribute to the Aztec, greatly weakening the empire." Although we do not mention this topic again on p. 400 within the context of the Spanish conquest, students will be examining that subject as part of the Internet Connect activity in the Teacher's Edition on p. 401.

Human sacrifice is a sensitive topic with regard to its discussion in a high school textbook. Although we do discuss human sacrifice among both groups on pp. 209 and 210, we chose not to delve into the details out of concern for offending some teachers and students. Our research has shown that many teachers do not want graphic details about such topics in the textbooks. In

addition, there is still some debate among scholars as to how and why these sacrifices were carried out, which makes it especially difficult to say anything definitive and brief in a text at this level.

5. p. 548 – “American engineer Robert Fulton was the first to build a profitable steamboat. In 1808 his boat, the Clermont, began regular trips on the Hudson River between New York City and Albany.” And, “Soon Samuel Cunard of Great Britain was providing regular steamboat service across the Atlantic.” To call either of these men “profitable” is stretching the definition. Fulton secured a 30-year government enforced monopoly on the Hudson. It took Cornelius Vanderbilt illegally operating on the Hudson and suing to break it. With his partner, Vanderbilt won in *Gibbons v. Ogden*. The Supreme Court ruled that Fulton’s monopoly was unconstitutional. His “protection” by the government allowed him *to not innovate and still profit*. Once this lack of innovation and ingenuity faced the free market, he quickly went out of business. The same held true for Cunard, who was subsidized by the British government. Vanderbilt should receive mention for his work in steamboats and/or railroads.

HRW Response: Although our statement about Fulton’s steamboat being profitable is correct, we understand the reviewer’s desire for more clarification on how he made his profits and why his business ultimately failed (we make no mention of whether Cunard’s business was profitable). A detailed discussion of the business practices of the time did not seem appropriate in a section focusing on innovations in transportation, nor did space allow for it. However, studying the business practices within the transportation industry of the time, including discussion of Cornelius Vanderbilt, would make a worthy extension activity for students. Therefore, we will add the following activity to the Teacher’s Edition on p. 548: “SPOTLIGHT ON TECHNOLOGY Many innovators in transportation, such as Robert Fulton, benefited from monopolies supported by government policies at the time. Transportation entrepreneur Cornelius Vanderbilt was instrumental in breaking Fulton’s monopoly of the steamboat business. Have students work in groups to conduct research on Robert Fulton’s business, then have them write a summary that explains how his business initially succeeded and why it eventually failed, noting the role of Vanderbilt in these events.”