

Law and Politics

Below you will find three modules related to the intersections of race, history, and politics. The essays and resources selected are included in *The 1619 Project* from *The New York Times Magazine* or identified as companions to the project by the module authors. These materials were created by law students and faculty at Howard University and the University of Miami.

1. “The Idea of America” by Nikole Hannah-Jones (pages 14–26)

Module Author: Anastasia Pierik

<p>Excerpt</p>	<p>“The United States is a nation founded on both an ideal and a lie. Our Declaration of Independence, signed on July 4, 1776, proclaims that ‘all men are created equal’ and ‘endowed by their Creator with certain unalienable rights.’ But the white men who drafted those words did not believe them to be true for the hundreds of thousands of black people in their midst.”</p> <p>“The truth is that as much democracy as this nation has today, it has been borne on the backs of black resistance. Our founding fathers may not have actually believed in the ideals they espoused, but black people did.”</p> <p>“For the most part, black Americans fought back alone. Yet we never fought only for ourselves. The bloody freedom struggles of the civil rights movement laid the foundation for every other modern rights struggle.”</p>
<p>Key Names, Dates, and Terms</p>	<p>apartheid, chattel slavery, Crispus Attucks, 13th, 14th, and 15th Amendments, Civil Rights Act of 1866, Reconstruction, voter suppression, Great Nadir, Isaac Woodard, Mason-Dixon line, Middle Passage, <i>Plessy v. Ferguson</i>, <i>Dred Scott v. Sandford</i>, seasoning process in slavery</p>
<p>Guiding Questions</p>	<ol style="list-style-type: none"> 1. When you learned about the founding of the United States, what aspects did your teacher and/or textbook emphasize? What did you learn about the institution of slavery and the contributions of enslaved people? As you continued into higher education, did your views about America’s founding values change? If so, how? 2. Why do you think history textbooks used in the American school system generally lack information about how the institution of chattel slavery shaped our nation? How does the dissemination of this incomplete history of our nation affect our society, and who benefits from it?

	<p>3. What is American culture? How have Black Americans created American culture? How and why have forms of Black culture been criticized?</p>
<p>Additional Resources</p>	<p>Articles: “Dred Scott: Tiered Citizenship and Tiered Personhood” by Henry L. Chambers, Jr. “Revisiting the Black Struggle: Lessons for the 21st Century” by Asafa Jalata “Synergizing Culture: African American Cultural Recovery through African Name Acquisition and Usage” by Itibari M. Zulu “To Remake the World: Slavery, Racial Capitalism, and Justice” by Walter Johnson “When The ‘Hustle’ Isn’t Enough” by Isabella Rosario</p> <p>Podcasts: “Crispus Attucks: American Martyr” by Humanity Archive “The Black Congressmen of Reconstruction: Death of Representation” by Mo Rocca</p>

2. “Undemocratic Democracy” by Jamelle Bouie (pages 50–55)
Module Author: Sydney Smith

<p>Excerpt</p>	<p>“There is a homegrown ideology of reaction in the United States, inextricably tied to our system of slavery. And while the racial content of that ideology has attenuated over time, the basic framework remains: fear of rival political majorities; of demographic ‘replacement’; of a government that threatens privilege and hierarchy.”</p>
<p>Key Names, Dates, and Terms</p>	<p>Affordable Care Act (ACA), the Black Belt, concurrent majority, debt limit, fiscal responsibility, nullification, Populist Party, voter suppression, voter fraud, the Voting Rights Act of 1965</p>
<p>Guiding Questions</p>	<p>1. According to the author, how do 19th century U.S. political movements aimed at maintaining the rights to enslave people manifest in contemporary political parties?</p>

	<ol style="list-style-type: none"> 2. What constitutional arguments did John C. Calhoun provide for the protection of slavery against federal legislation? 3. What do you think of John C. Calhoun’s argument that since the authority of the federal government derived from the consent of the states, states could nullify any federal law they considered unconstitutional? 4. What led to the 1890s populist movement in the United States? And how did the 1890s populist movement impact politics? 5. What role did the desire to preserve the institution of slavery play in the establishment of the Electoral College?
<p>Additional Resources</p>	<p>Articles: ABC News – “Timeline: Voter Suppression in the US from the Civil War to Today” by Terrance Smith</p> <p>“The Black Belt” by Allen Tullos</p> <p>Books: Campbell, Tracy. <i>Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004</i>. Basic Books, 2006.</p> <p>Keyssar, Alexander. <i>The Right to Vote</i>. Basic Books, 2009.</p> <p>Legal Cases: Dred Scott v. Sandford, 60 U.S. 393 (1857)</p> <p>Online Resources: “The Nullification Crisis” published by Khan Academy</p> <p>“The Second American Party System and the Tariff” published by Tax Museum</p>

3. “Hope” by Nikole Hannah-Jones (pages 86–93)

Module Authors: Maddie Seales and Asena Tuióne

Excerpt	“Still, more than any written record, today’s nearly 44 million black Americans are themselves the testimony of the resiliency of those who were enslaved, of their determination to fight and survive so that future generations would have the opportunities that they never would. The story of black America is one of tragedy and triumph. These graduates represent nothing less than their ancestors’ wildest dreams.”
Key Names, Dates, and Terms	Institutionalized racism, slavery, diversity, bar exam, law, lawyer, LSAT, standardized test, classroom perspective, classroom experience, affirmative action, education equality, education reform, education equity
Guiding Questions	<ol style="list-style-type: none"> 1. What similarities and differences are there between the stories of the ancestors of the four Howard University School of Law students? How do the portraits help tell the stories of the people who are profiled? 2. Are Black voices and Black experiences lifted up, supported, and celebrated in law school classrooms? How can they be? 3. How can Black history play more of an integral role in law school classrooms? Why is this important? 4. Is advocating for the equality of classroom experiences between Blacks and whites the same as achieving equitable classroom experiences? Why or why not? How are either goals accomplished? What approaches are implemented today?
Additional Resources	<p>Books:</p> <p>“The Rutgers Report: The White Law School and the Black Liberation Struggle.” <i>Law Against the People: Essays to Demystify Law, Order and the Courts</i>, edited by Robert Lefcourt, Random House, 1971.</p> <p>Legal Cases:</p> <p><i>Missouri ex rel. Gaines v. Canada</i>, 305 U.S. 337 (1938)</p> <p><i>Sweatt v. Painter</i>, 339 U.S. 629 (1950)</p> <p><i>McLaurin v. Oklahoma State Regents for Higher Education</i>, 339 U.S. 637 (1950)</p>

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