



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
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What About My 40 Acres & A Mule?

Curriculum Unit 94.04.01
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Last year I taught a curriculum unit (the end product of my first year as a participant in the Yale New Haven Teacher's Institute) entitled *The African Playwright as a Griot*. The curriculum covered selected playwrights of African descent from indigenous Africa through the Harlem Renaissance. When we reached the segment covering playwrights who emerged as a result and/or in spite of the American slave system, a discussion regarding the topic of slavery itself ensued. I must admit that the reaction to this topic by my predominately African high school students caught me quite by surprise.

Comments spanned a spectrum which ranged from, "Oh, God! Not that again!! to "Do we have to talk about this?" "I can't talk about it because it makes me really, really angry." Finally someone seemed to sum up the feelings of the group with, "Why can't we just keep talkin' about Africa? . . . All people ever want to tell us is that we were slaves . . . in Africa we were kings and queens and warriors. Slavery is embarrassing!" The others chimed in unanimous agreement. I had to wonder what these children had been told of this American atrocity which made them feel, as descendants of its victims, they should be ashamed, "embarrassed". Obviously they had been misinformed. There was no logical reason which justified why, they should be embarrassed to be the progeny of the victims of this American holocaust. It was a holocaust which in terms of sheer numbers of those victimized, tortured and killed is rivaled only by the horrors perpetrated by Hitler. The least of these horrors is the lasting cultural, moral, emotional and intellectual devastation that this particularly American institution had and continues to have on its victims and their ancestors. I responded to their concerns by explaining that it was no more appropriate for them to be ashamed of what our ancestors were subjected to than a rape victim should be embarrassed or blamed for being assaulted. They (we) are, after all, the victims. I further went on to explain that just our being here in a classroom with students of diverse ethnic backgrounds peacefully was a tribute and testament to the strength to all of our ancestors. The mood, even the very air in the classroom seemed to change. The African students were receptive, their classmates curious . . . as we tackled the work of William Wells Brown and the time he lived in from a new perspective.

However, their initial reaction haunted me. I discussed it with colleagues and friends hoping both to find answers and to put the uneasy feeling their initial response invoked in me to rest. Neither happened. Instead more questions surfaced. "Why?" , was the most prominent. Why were they at all ashamed that their descendants had been victims of a holocaust? Why are Native American, Jewish or Japanese students no longer ashamed of the victimization of their ancestors? What was different about the experiences that they have ultimately appeared to affect the descendants so differently? After all the ancestors of each had been the victims of horrendous injustices. What was unique about the African holocaust?

Then it dawned on meUnlike the others the African holocaust has yet to be officially acknowledged as such. It has been referred to as many things: “The Slavery Question”, “The White Man’s Burden”, “The Negro Problem” and so on. But never what it actually was, except perhaps by a few contemporary intellectuals who are quickly dismissed. However, there is no denying that a holocaust is exactly what it was. Perhaps without the official acknowledgment and redress that such an atrocity is due, and which has been afforded other groups (i.e. Japanese Americans; Native Americans; and Jews after the war with Germany) there is a certain misappropriation of blame on the part of the victims. This premise led me to the 40 acres and a mule ostensibly promised? considered? suggested? as redress to the African when they were ‘emancipated’. It came as no overwhelming revelation to discover that the only thing many of my students knew about ‘40 acres an a mule’ was that it was the name of Spike Lee’s production company. Thus the reason for this particular curriculum unit.

I propose to have students examine the definition of reparations, retribution, and redress according to Webster as well as the legal connotations of each. I further intend to have them look at those groups (Native American, Japanese and Jewish) that have been successful in obtaining reparations for injustices perpetuated against them and or their ancestors. Finally, it is my intention to have the students address such questions as: Why Africans have been denied retribution? What are the steps that have been and may be taken to obtain their long awaited redress?

I. Reparations, Retribution & Redress

Lesson #1

Prior to any in-depth discussion of reparation for any particular ethnic group, I believe it is essential that students have a clear understanding of both the colloquial and legal definitions of reparations, retribution and redress. Therefore students will first be required to look up the definition of each in the dictionary. Additionally, the following legal definitions according to Black’s Law Dictionary will be provided to each student:

Reparations: Payment for an injury; redress for a wrong done.

Retribution: Something given or demanded in payment. In criminal law, it is punishment based on the theory which bears its name and based strictly on the fact that every crime demands payment in the form of punishment

Redress: Satisfaction for an injury or damages sustained. Damages or equitable relief.

Restitution: Act of restoring, restoration; restoration of anything to its rightful owner; the act of making good or giving equivalent for any loss, damage or injury; and indemnification.

Lesson #2

A discussion of the aforementioned legal definitions as they pertain to this matter will be discussed. Additionally, further discussion in regard to the role of each in society, and the students lives in particular, will be encouraged. For instance: students should be asked to provide examples of situations in society, school, etc. where either an individual or group may have been liable for reparations either legally or morally. Distinctions will be made as to those instances when reparations may appear to be in order morally but fail to meet legal requirements and vice versa.

III. Overview of the Struggle for Reparations

A. African American Reparations and The Emancipation

I feel it is essential that students be made aware of the fact that contrary to popular belief Lincoln, by issuing the Emancipation Proclamation, did not free the slaves. The Proclamation provided freedom specifically to slaves in those states that remained loyal to the Confederacy (having seceded from the Union):

“Now, therefore, I Abraham Lincoln, President of the United States by virtue of the power in me vested as Commander in Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and Government of the United States, and as fit and necessary war measure for suppressing this rebellion, do on this 1st day of January A.D. 1863 . . . order and designate as the States and parts of States wherein the people thereof respectively are this day in rebellion against the United States . . . I do order and declare that all persons held as slaves within said designated States and parts of States are and hence forward shall be free”¹

Having seceded from the Union, the States which comprised the Confederacy were beyond the effective jurisdiction of the federal government. Therefore, given these circumstances, as an enforceable legal document the Emancipation Proclamation was of negligible significance.

However, the extent of its political, moral and social impact was overwhelming, especially for the slaves themselves.

“Blacks made no distinction between the areas covered by the Proclamation and those excluded from its impact as word of the Emancipation filtered down to them (slaves), increasing numbers simply slipped away or became disloyal, particularly when Union troops approached.”²

In addition to the limits surrounding enforcement of this piece of legislature, the Proclamation made no mention of reparations. Neither is there any mention of reparation in the 13th Amendment, ratified on December 18, 1865, which in actuality freed the slaves. Nonetheless the case for reparations is not a recent phenomenon, nor did the issue just emerge following emancipation. Quite the contrary; as early as 1829, *Walker's Appeal*, published by David Walker, castigated the “lack of compensation for the labor of the slaves.”³ However, the derivation of the promise of 40 acres and a mule to ex-slaves is not altogether clear. It has been speculated that the origin might have derived from either of two sources: 1) the First Freedmen's Bureau Act; or 2) efforts of the War Department to provide for the freedmen who marched across Georgia with Sherman in late 1864-early 1865.

On March 3, 1865, just weeks before the end of the Civil War and almost a year prior to the ratification of the 13th Amendment the Freedmen's Bureau was created by Congress. Originally the Bureau of Refugees, Freedmen and Abandoned Lands, the Freedmen's Bureau was responsible for, among other things, “the supervision and management of all abandoned landsthe control of all subjects relating to refugees and freedmen from rebel States.”⁴ Also according to Section 4 of the First Freedmen's Bureau Act, this agency “shall have authority to set apart for use of loyal refugees and freedmen such tracts of land within the insurrectionary states as shall have been abandoned or to which the United States shall have acquired title by confiscation or sale, or otherwise; and to every male citizen, whether refugee or freedman, as aforesaid there shall be assigned not more than 40 acres of such land.”⁵

Introduced into Congress by Thaddeus Stevens this portion of the Freedmen's Bureau Act was defeated by Congress on February 5, 1866 "by a vote of 126 to 36." ⁶ Lands which had been distributed to freedmen were reclaimed and returned to the previous owners. It should be noted that there is no mention of providing the freedmen with a mule (or any other type of animal) in any portion of this legislature. So the question remains in part unanswered. What is the origin of the promised 40 acres and a mule?

The second possibility for the basis of the 'promise' has to do with the efforts of the War Department to furnish accoutrements for the thousands of freedmen who assisted General Sherman in his triumphant march across Georgia. According to Claude F. Oubre in his book *Forty Acres and a Mule*, General Tecumseh Sherman, acting under an edict from the War Department, issued Special Field Order No. 15. Promulgated on January 16, 1865, after Sherman had conferred with 20 black ministers and obtained the approval of the War Department, Special Order No. 15 provided that:

"The islands of Charleston south, the abandoned rice fields along the rivers for thirty miles back from the sea, and the country bordering St. Johns River, Florida, are reserved and set apart for the settlement of [N]egroes now made free by the acts of war and the proclamation of the President of the United States." ⁷

The land was then divided into 40-acre tracts. Sherman then issued orders to General Saxton to distribute the plots and processory titles to the head of each family of the freedmen. Sherman also ordered General Saxton to lend to the freedmen animals that were no longer useful to the military. "By June, 1865 approximately 40,000 freedmen had been allocated 400,000 acres of land." ⁸ However, by September, 1865 former owners of the land reserved by Sherman "demanded the same rights afforded returning rebels in other states. Exempted from the general amnesty, they secured special pardons from President Johnson." ⁹ who broke the promise made to the freedmen. When he ordered the processory titles rescinded and the land returned to the white plantation owners Johnson gave little or no regard to the fate of the former slaves. Dismayed, like many, Saxton wrote Oliver O. Howard (Commissioner of the Freedmen's Bureau) stating:

Map constructed from information obtained in *Forty Acres & A Mule* by Claude Oubre

(figure available in print form)

"The lands which have been taken possession of by this bureau have been solemnly pledged to the freedmen. The law of Congress has been published to them, and all agents of the bureau acting under your order have provided lands to these freedmen . . . I sincerely trust that the government will never break its faith with a single one of these colonists by driving him from the home which he was provided. It is of vital importance that our promises made to freedmen should be faithfully kept . . . The freedmen were promised the protection of the government in their possession. This order was issued under great military necessity with the approval of the War Department . . . More than 40,000 freedmen have been provided with homes under its promises. I cannot break faith with them now by recommending the restoration of any of these lands. In my opinion this order of General Sherman is as binding as a statute." ¹⁰

Saxton's pleas were to no avail. The freedmen were ultimately summarily removed from the land. There were however, numerous individuals and organizations which believed the freedmen were entitled to land. Their conviction in this belief was not easily thwarted. Between 1865-9 countless alternatives for solving this matter were proposed and presented to Congress as well as President Johnson. The motivations for these proposals were as varied as the propositions themselves. They ranged from a sincere belief that the freedmen were entitled to land, to fear of violence, resistance to social, economic and political equality, concern about

miscegeny, attempts to purge the country of the burden of freedmen on the doles, economic gain and to eliminate any competition they might present for employment. For instance, quartermaster M.C. Megis devised a plan which would enable the freedmen to secure land in the South. Simply put he suggested that:

- 1) As a condition of receiving pardons, southerners, whose net worth exceeded \$20,000 and were not recipients of an automatic pardon as a result of Johnson's amnesty proclamation, give to each head of family of their former slaves from 5 to 10 acres of land.
- 2) The freedmen would receive full title to the land with the stipulation that the land could not be alienated during the life time of the grantee. ¹¹ "

President Johnson chose not to adopt this recommendation. However, according to Oubre, Megis' proposal may have been the inspiration for Thaddeus Stevens' confiscation plan (one of the many he proposed for black reparations). Just and well thought out I feel had it been approved Stevens' proposal may have provided a more equal distribution of wealth. The primary points of Stevens' 'confiscation plan' according to Oubre are as follows:

- 1) The government would confiscate the property of all former slaveholders who owned more than 200 acres of land.
- 2) The property seized would have been allocated to the freedmen in lots of 40 acres.
- 3) The remaining land would be sold and the monies would be used to remunerate loyalists whose property had been seized destroyed or damaged as a result of the war.
- 4) Any remaining funds would be utilized to augment the pensions of Union soldiers and to pay the national debt.

Yet another proposal suggested that the government transport the freedmen west and colonize them along the route of the Union Pacific Railroad. It was argued that to do so would prove beneficial for the railroad as well as the freedmen. The freedmen would have their land. The railroad would have both an accessible labor force and someone to protect the trains from Indian attack. Additionally, adopting this particular proposal would also bode well for the government. permitting it to keep its promise to provide land for the freedmen. Simultaneously, according to Carl Schurz and John Sprage, "this plan would serve to remove some of the "surplus" black [people] from the South." ¹²

The American Missionary Association requested, to no avail, that President Johnson reserve the land promised to the freedmen. If that was not a suitable option they further petitioned that the freedmen be provided with transportation to homestead lands in the west and provided with rations enough to sustain them until crops could be yielded. Concerned with the burgeoning African American population in Virginia, Orlando Brown proposed, that some 10,000 African American soldiers stationed in Texas, might be provided with a land bounty in Texas if they remained there and sent for their families. A similar proposal was made by "Sergeant S.H. Smothers, an African American soldier from Indiana serving with the 25th Army Corps in Texas." ¹³

But President Johnson seemed to be determined to make sure that freedmen received no land. He mercilessly vetoed any proposal having to do with providing land to the freedmen that reached his desk. Finally, Congress overrode his veto and passed a bill to extend the life of the Freedmen's Bureau. However, it contained no

provision for granting land to the freedmen, other than to provide them access to the Southern Homestead Act at the standard rates of purchase.

Bishop Henry McNeal Turner, a freedman, was a chaplain in the Union Army. Convinced that the nation had betrayed the African-Americans he called for reparations on countless occasions. But to no avail. "(H)e never forgave the nation for what he considered "ungrateful" treatment of the Negro. Years later . . . when he felt that his last days on earth were near he dragged himself off to Canada, in order not to die on American soil."

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At this point lesson #3 will be introduced to students. The purpose of this lesson is to reinforce the information students have received thur far. It is also to allow students to put the theories, ideologies, and legal definitions they have been provided to practical use.

Lesson #3

Students will be divided into three groups (those supporting the demands for 40 acres and a mule, those opposed and lastly, Supreme Court Justices) for the purpose of staging a mock trial to determine the legality of reparations to former slaves at the end of the Civil War. (The teacher will be the Chief Justice only to maintain order and establish rules). To make the lesson more interesting students will be dressed in "costumes" of the period and videotaped so the preceding may be reviewed and discussed by the class at a later date.

Students on each of the opposing sides will be responsible for preparing their arguments/points etc., as a group. The Supreme Court Justices will be responsible for "hearing" the case, taking notes, and preparing questions [in advance of and during the trial] to be presented to each side.

The outcome (i.e. verdict) will be determined by which side presents the most convincing arguments based sound legal and historical theories.

B. African American Quest for Reparations Beyond Emancipation

Despite opposition to the question of reparations for African Americans it is an issue that refuses to die. Throughout the years many of its proponents have been members of mainstream America (renowned business, political, civic, social and intellectual leaders). Thus, categorizing the movement as radical or fanatic in nature has proven to be at the very least an arduous task. Among the noteworthy to lobby for reparations were Dr. Martin Luther King, Jr., James Forman, the Newark Black Power Conference and Whitney Young.

In 1963, in his book *Why We Can't Wait*, Dr. Martin Luther King, Jr. proposed a Bill of Rights for the Disadvantaged (whites as well as African Americans). Contained in this proposed Bill of Rights, however, Dr. King made a clear call for reparations for both the victimization and exploitation of our ancestors and present day degradations:

"Few people consider the fact that, in addition to being enslaved for two centuries, the Negro was during all of those years robbed of wages of his toil. No amount of gold could provide adequate compensation for the exploitation and humiliation of the Negro in America down through the centuries. Not all the wealth of this affluent society could meet the bill. Yet a price can be placed on the unpaid wages. The ancient common law has always provided a remedy for the appropriation of the labor of one human being by another. This law should be made to apply for the American Negroes." ¹⁵

King even suggested the nature of the payment, noting that his proposed compensation would be cheaper than reimbursing African Americans for 200 years of unpaid wages and the interest which has accrued.

“The payment should be in the form of a massive program, by the government, of special compensatory measures which could be regarded as a settlement in accordance with accepted practices of common law The moral justification for special measures for Negroes is rooted in the robberies inherent in the institution of slaveryIt is a simple matter of justice.” ¹⁶

In addition to being quite surprised to find that Dr. King had advocated such a ‘radical’ plan as reparations, I was equally fascinated to discover that he felt the ultimate effects of receiving long awaited reparations would have an overwhelming impact on the self-esteem of the proposed recipients:

“The most profound alteration would not reside so much in the specific grants as in the basic psychological and motivational transformation of the Negro.” ¹⁷

Dr. King argued that such a boost to the collective psyche of African Americans would bring about a marked decline in many social ills (i.e. broken homes, school drop-outs, etc.) One can only wonder if he would have succeeded had he survived.

The late 60’s signified a more militant period in African American History. Militant groups were increasingly prominent. The frustrations of African Americans were reflected in the nature and methods they applied to rectify the inequalities which were prevalent in the country. One group, the National Black Economic Development Conference, adopted a Black Manifesto on April 26, 1969. Presented to the conference by James Forman, the Manifesto echoed concerns that were over 100 years old:

“For centuries we have been forced to live as a colonized people inside the United States, victimized by the most vicious, racist system in the world . . . [yet] we have helped to build the most industrial country in the world.” ¹⁸

What made the nation take notice (if only for a moment) was the fact that the Manifesto included a demand that white churches and synagogues “pay \$500,000,000” in reparations to African Americans residing in the United States. The amount, according to Forman and the NBEDC (based on a calculation of \$15 for each of the estimated 20-30,000,000 ¹⁹ African Americans residing in the United States at the time) was only the beginning of the amount owed to African Americans. The money, once received, would be used to establish:

1. A Southern land bank
2. Major printing and publishing companies in Detroit, Atlanta, and Los Angeles
3. A television network in Detroit, Chicago, Cleveland and Washington, D.C.
4. A research center
5. A training center
6. A National Black Labor Strike and Defense Fund

In May of 1969, James Forman shocked the country when he interrupted Sunday service at Riverside Church, in New York, to announce the demands of the group. For the most part the reaction was one of outrage. The N.Y. Times countered with an editorial (which clearly missed the point) suggesting that reparations were sought to rectify only past injustices. A very small number of churches and synagogues responded with financial 'donations'. Nothing close to \$500,000,000 was collected. The demands of James Forman and the NBEDC were soon relegated to history like the many others that preceded them.

But requests for African American reparations continued to crop up. The Civil Liberties Act (August 10, 1988) awarded an apology and \$20,000 to each Japanese American who had been placed in detention/concentration camps during World War II. It also renewed the struggle for African Americans to obtain reparations. The National Coalition of Blacks for Reparations has utilized the case as a precedent and requested \$4 trillion be paid to descendants of African slaves in the United States.

On November 20, 1989, Congressman John Conyers resurrected the issue of reparations by introducing a bill (H.R. 374-5 101st Cong., 1st Session, 135 Cong. Rec H9154) designed to:

- examine the institution of slavery in America;
- consider the subservient racial and economic discrimination experienced by African Americans;
- and the effects of the aforementioned on African Americans residing in the U.S. today.

The bill did not survive the House Committee on the Judiciary. On April 10, 1991, Conyers (with 25 cosponsors) reintroduced his reparations bill (H.R.1684, 102 Cong. 1st Session, 137 Cong. Rec H2134 [1991]). Despite support from such sources as the Louisiana legislature, city councils of Inglewood, CA; Detroit, MI; Washington, D.C.; the Southern Christian Leadership Council (SCLC) and the Detroit chapters of the NAACP and ACLU, this bill also died in the House Judiciary Committee.

Also in 1991, Massachusetts State Senator William Owens proposed a reparations bill. On January 30, he submitted a bill (S298, 191 Mass. S.B.) requisitioning payment of reparations to people of African descent either born or living in America as redress for the slave trade, slavery and years of discrimination. Owens' bill was referred to the Joint Committee on Federal Financial Assistance.

C. Japanese Detention and Redress

After providing students with this overview of the history of African Americans' struggle for reparations, I feel the next logical step is to examine the Japanese position during World War II. The reason for this is because the Japanese while not forcefully taken from their country were nonetheless taken from their homes and businesses at which time they were "detained". Like African Americans they were denied their constitutional and human rights. The reparations awarded to the Japanese in 1988 set a precedent for African Americans seeking reparations. Therefore, I feel it is important that students are able to review the experiences of Japanese-Americans during World War II.

At the onset of World War II America's relationship with Japan was tenuous. It disintegrated. completely on December 7, 1941 when Japan bombed Pearl Harbor. Needless to say this act of aggression on the part of Japan was sufficient enough for America to respond with a declaration of war against Japan and her allies (Germany and Italy) the very next day. However, its subsequent response was quite unexpected and its application in the long run proved to be unconstitutional. In order to protect the country against "espionage and possible sabotage" during a time of war, on February 19, 1942 (little more than two months after the

attack on Pearl Harbor) President Franklin D. Roosevelt signed Executive Order 9066. Just short of declaring martial law Roosevelt with this order:

“ . . . authorize[ed] and direct[ed] The Secretary of War and the Military Commanders whom he may from time to time designate . . . such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded . . . the right of any person to enter, remain or leave shall be subject to whatever restrictions the Secretary of War . . . may impose in his discretion. The Secretary of War is hereby authorized to provide for residents, of any such area who are excluded therefrom such transportation, food, shelter and other accommodations as may be necessary ” ²⁰

In March of 1942 these orders were ratified by Congress who authorized prosecution of violators.

At first glance Executive Order 9066 may appear to some to be a reasonable piece of legislature in a time of war. However, its application which resulted in the internment of approximately 110,000-120,000 Japanese Americans (70,000 of whom were American citizens) for years during World War II for no reason other than their ancestry, makes this policy questionable to say the least. This is especially true when it is taken into consideration that there were at least two other ethnic groups (Italians and Germans) who could just as easily been considered a threat. In some cases they proved to be much more of a threat than the Japanese American citizens. “[T]he FBI had apprehended two major German spy rings . . . ” ²¹ The Justice Department, satisfied that the German and Italian nationals were a risk to national security, promoted legislation which would necessitate that approximately “10,000 Germans and Italians” ²² leave the West Coast. Claiming under the circumstances military authority superseded that of the Justice Department Lt. General J. L. DeWitt, Military Commander of the Western Defense Command countermanded their efforts.

Instead, Lt. General DeWitt chose to name only “all persons of Japanese ancestry, both alien and nonalien as [the locus] of security measures.” ²³ It is important to note that he did this despite the fact that the FBI and the FCC had ascertained that these people posed no threat and during the preceding months not one individual of Japanese ancestry had been found to be involved in any clandestine activity. As a matter of fact of the “56 individuals arrested by the FBI for espionage between 1941 and 1942,” ²⁴ not a single one was of Japanese heritage. No Japanese American was ever convicted of espionage or treason.

Thus during World War II the military, under the auspices of the federal government, forcibly removed somewhere between 110,000 and 120,000 men women and children from their homes, jobs, schools, etc. Without so much as an indictment, trial, conviction or formal charge (other than they were of Japanese ancestry) these people were shipped to detention camps in the Western interior. (See Appendix B) There they were confined for nearly 4 years. Despite their amazing lack of allies, the Japanese did not quietly accept this unlawful treatment. Four cases contesting the constitutionality of the military’s actions were argued before the Supreme Court: *Hirabayashi v. United States* (1943); *Yasui v. United States* (1943); *Korematsu v. United States* (1944) and *Hohri v. United States* (1987) While all of the plaintiffs in these cases asserted the unconstitutionality of the military regulations, justice was not meted out until the late 1980’s when reparations were finally adjudicated.

The conclusion of the war did not bring about an end to the contentions that the constitutional right of Japanese Americans had been violated. Instead demands for reparations resounded. In an attempt to provide a semblance of redress Congress passed the Japanese-American Evacuation Claims Act. Under this act people of Japanese descent who had been ‘evacuated’ to detention camps had the right to be reimbursed, by the

Government for any “real and personal property losses”²⁵ they may have suffered as a result of their incarceration. Claims for loss of income, however, were disallowed. Additionally, because the Act required such a complex system of confirmation of claims, the total outlay for the government (no where near the scope of actual losses) was only \$37,000,000.

The debt was yet to be settled as far as the victims, who continued to struggle for just reparations, were concerned. As time went on many of the original victims passed away, but their progeny continued the struggle. In 1983, Congress established a Commission to decide if indeed the rights of the people removed from the West Coast had been violated. The Commission concluded that the evacuation/detention of the Japanese Americans during World War II was not justified by any military necessity. It also stated: “The broad historical causes which shaped these decisions were race prejudice, war hysteria and failure of political leadership.”²⁶ It went on to propose reparations which would include the following:

- Compensatory payments of \$20,000 to every living victim of Order 9066
- A presidential pardon to anyone who had been convicted of breaking the law with regard to this Order.
- “Favorable review by executive agencies of applications by Japanese Americans petitioning for restitution of positions, status or entitlements forfeited as a result of actions taken under Order 9066.”²⁷
- Lastly, an apology from the government.

The measure was passed on August 10,1988.

The preceding ‘list’ along with Appendix A will be passed out to the class for discussion. This will allow students to voice their reactions to the events they have just studied. It will also allow the teacher to ascertain whether or not each student has a clear understanding of the issues presented thus far and are capable of drawing any parallels between the Japanese experience and that of the African American.

D.Native American Struggles for Redress in Connecticut

Lesson #4

Students will learn of the gains and set-backs made by Native Americans in Connecticut through active research. They will be directed to go to the library and collect copies of newspaper articles pertaining to the struggle of Native Americans here in Connecticut to regain their land rights and tribal recognition from both the State and Federal governments. The purpose of this lesson/exercise is manifold:

1. Provide students with as much opportunity a possible to hone their research skills;
- 2 . Hopefully obtain a cross-section of articles
3. Encourage collaborative study

Once students have collected their articles they will come together as a group to share/compare and sort through the material collected. The most pertinent articles collected will be compiled in to a booklet which will be photocopied so that each student receives a copy. Students will then be responsible for reading the articles

so that they may actively participate in class discussion and write a position paper (i.e. paper voicing their opinion about the issue) using the articles collected as support material.

A field trip to a Native American Pow-wow in the surrounding area will be planned. This will provide students with an opportunity to experience the culture of Native Americans first hand. Expectations of the students during the trip will be that they 'interview' at least one Native American individual and get their perspective of the issues discussed in class. To make such a requirement of the students will make it possible for interaction and give them an opportunity to see similarities between the new people they will meet and themselves.

E. Restitution To The Jewish Survivors of Nazi Germany

In tandem with required reading designated by English teachers at the Cooperative High School for the Arts And Humanities students will be expected (assigned) to read Anne Frank 's *Diary of a Young Girl* . On completion they will be required to list the atrocities endured by the people of Jewish heritage in Nazi Germany. They will also view the documentary video *The Life of Anne Fran k*.

Lesson #5

To facilitate this lesson and help bring the experience to life for them, a senior citizen who survived life in Nazi Germany will be invited to share with them, first hand, their account of the Jewish holocaust. After completing the aforementioned activities, students will be instructed to write a research paper of no less than five (5) pages about the Jewish Holocaust.

F. Conclusions

Lesson #6

As a group the class will prepare a chart listing the experiences of each group (African American, Japanese American, Native American and Jewish) which caused them to seek reparations. The purpose of this exercise is two-fold:

1. It allows students to look at the situations, experiences, etc. common to each group.
- 2 . Will provide them with information that will be useful to them in the next and final exercise.

Lesson #7

A second "mock trial" will be conducted. This time in the 'present'. Set up and procedure will be the same as in lesson 3. Students will use the balance to the knowledge they have gained in this curriculum to argue the case for or against reparations to African Americans today. As before the 'trial' will be videotaped. The final outcome of the trial will be decided on the merits of the arguments presented.

Appendix A:

PRO

1. Germany paid reparations to the Jews after the holocaust. Native Americans (Mohawks, etc.) and Japanese Americans (after WW II) received reparations from America, have therefore set a precedent for African Americans.
2. Slaves were not compensated for over 265 years of labor resulting in loss of any possibility of inheritance for their descendants.
3. The progeny of slave owners inherited the benefits gleaned from the labor of the slaves and which rightfully belongs to the descendants of the slaves
4. The American government reneged on its promise (made by Gen. Sherman acting under the authority of the War Department) to pay freedmen 40 acres and a mule.
5. Systematic institutional and government sanctioned economic, political and social oppression based on race hindered (if not at least for a time negated for many) efforts of self-determination by African Americans and made it all but impossible to share fully in the affluence of the country

CON

1. Reparations will probably never be awarded since it has not happened in all these year.
2. Any African American who was a slave has long been dead. Present day African Americans were never slaves, so why pay them?
3. White Americans living today never owned slaves and should not be held accountable for the ' sins of their fathers' .
4. Demands for reparations are unwarranted, foster alienation and are extraneous.The government never actually promised the freedmen 40 acres and a mule.
5. African Americans need to stop looking for a free-ride and become self sufficient.
6. In light of today' s economy (national debt, etc.) reparations will never be awarded. It would bankrupt the country.

Appendix B:

W.W. II JAPANESE DETENTIONS CENTERS IN THE UNITED STATES & THE NUMBER OF DETAINEES IN EACH

Detention Center	Location (State):	# of Detainees
Manzanar	California:	10,046
Tule Lake		18,789
Poston	Arizona:	17,814
Gila River		13,348
Topaz	Utah:	8,130
Minidoka	Idaho:	9,397
Granada	Colorado:	7,318
Heart Mountain	Wyoming:	10,767
Rohwer	Arkansas:	8,475
Jerome		8,497

Notes

- 1) Richard Bardolph, *The Civil Rights Record Black Americans and the Law 1849-1970* , 20.
- 2) Derrick Bell, *Race, Racism & American Law* 11.
- 3) Ibid. 54.
- 4) Richard Bardolph, *The Civil Rights Record Black Americans and the Law 1849-1970* , 21.
- 5) Ibid.
- 6) Lerone Bennett, Jr., *Before the Mayflower* , 380.
- 7) Claude F. Oubre, *Forty Acres and a Mule: The Freedmen's Bureau and Black Land Ownership* , 18
- 8) Ibid. 19
- 9) Ibid. 49
- 10) Ibid. 49-51
- 11) Ibid. 71
- 12) Ibid. 73
- 13) Ibid. 29
- 14) Ibid. 226.
- 15) Martin Luther King, Jr., *Why We Can't Wait* , 150-2
- 16) Ibid.
- 17) Ibid. 151.
- 18) Ibid.
- 19) Boris I. Bittker, *A Case for Black Reparations* , 167-8.
- 20) Tsuchida, Nobuya, *American Justice: Japanese American Evacuation and Redress Cases* , 29.
- 21) Norgren Jill and Serena Nanda, *American Cultural Pluralism and Law* , 52.
- 22) Ibid, 53.

23) Ibid, 52.

24) Ibid.

25) Tsuchida, Nobuya, *American Justice: Japanese American Evacuation and Redress Cases* , 1.

26) Norgren Jill and Serena Nanda, *American Cultural Pluralism and Law* , 64.

27) Ibid, 65.

Annotated Bibliography

African

1. Bardolph, Richard. *The Civil Rights Record: Black Americans and the Law 1849-1970* . New York, NY. Thomas Y. Crow & Co., 1970

Presents an extensive and detailed chronicle of Black America's changing legal status. Bardolph draws upon an excess of 500 laws, judicial decisions, administrative directives and other pronouncements to demonstrate the manifold facets of the situation at hand

“the black man, the courts and the laws.”

2. Bell, Derrick, *Race Racism and American Law* . Boston, MA. Little, Brown & Co. Law Book Division. 1992 .

A textbook “intended to spark study and discussion at both a scholarly level and . . . the more pragmatic level that lawyers may find useful . . . Includes citations and summaries of a representative group of more important civil rights cases decided during the last decade . . . “In addition to which it includes historical perspectives and “Racism Hypos” to facilitate in depth discussion.

3. Bennet, Lerone. *Before the Mayflower: A History of the American Negro in America 1619-1964* . Chicago, IL. Johnson Publishing, Co., 1966 Bennett provides a brief historical overview of Africa prior to the arrival of the whites before delving into a rather in depth examination of the history of Africans in the United States.

4. Bittker, Boris I. *A Case for Black Repatriations* . New York, N.Y. Random House. 1973.

During a seminar at the Yale Law school an African student asked Dr. Bittker: “Would the courts award damages to my people for the value of their labor during the days of slavery?” Although he answered “No” Bittker pondered the question and eventually researched the subject and the end product (this book) “ . . . an inquest” designed to initiate discussion germane to the notion of black reparations.

5. Finkelman, Paul. *Emancipation and Reconstruction* : Vol. 3. Race, Law and American History 1700-1990. New York, NY. Garland Pub. 1992.

Reviews such legislature passed (having a direct effect on Africans in the U.S. as the Freedman’s Bureau Act of 1865; 14th Amendment , Dred Scott decision Brown vs Board of Education, etc.

6. King, Martin Luther. *Why We Can’t Wait* . New York, NY. Harper & Row, Publishers, 1963.

A Collection of essays by Dr. Martin Luther King relating to the Civil Rights Movement, Included in this book is his famous “Letter from a Birmingham Jail.

7. Morgan, Francis Davis. *The Redneck Liberal: Theodore G. Bilbo & the New Deal* . Baton Rouge L.A. Louisiana State University Press. 1985.

Examines the career and live of Theodore G. Bilbo one of the nations most ardent segregationists.

8. Oubre, C. F. *Forty Acres and a Mule: The Freedmen’s Bureau and Black Land Ownership* . Baton Rouge, LA. Louisiana State University Press. 1978.

This book seeks to explore answers to such questions as: “Did the Freedmen’s Bureau fail to fulfill its obligation to help the freedmen secure land? If so, wherein did it fail? If not why were the majority of freedmen not landowners by 1870? The book concentrates on the Freedmen’s Bureau as the agency directly concerned with the land programs. Because the actions of Congress, Presidents Lincoln and Johnson, the military , northern and southern whites also affected the success or failure of efforts to assist the freedmen they are also perused. An extensive bibliography as well as maps and tables are included.

Japanese

1. Chandras, Kananur V. *Racial Discrimination Against Neither-White-Nor Black American Minorities: (Native Americans, Chienese Americans, Mexican Americans, Puerto Ricans and East Indian American* . San Francisco, CA. R&E Research Associates, Inc. 1978.

“Two main themes run through the book—racial prejudice and discrimination against neither-white-nor-black groups in American society. Explored are the economic, political and social institutions of American society and the efforts of these neither-white-nor-black people to find, through nonviolent means their rightful places within those institutions.”

2. Norgren, Jill and Serena Nanda. *American Cultural Pluralism and Law* . New York, NY. Praeger Publishers. 1988.

Book is comprised of a series of essays pertaining to the interaction of law and cultural pluralism in the United States. Of particular focus is the continual negotiation that has occurred between culturally different groups and the larger society. The book is divided into four (4) sections: Race; Religion; Gender and Community. It touches on such topics as the first Americans, Segregation of Black Americans, Japanese Americans and the Law, the Mormons, Gays, Women and Language, Culture and the Courts.

3. Tsuchida, Nobuya. *American Justice: Japanese American Evacuation and Redress Cases* . Minneapolis, Minn.: Asian/Pacific American Learning Resource Ctr., University of Minnesota. 1988.

Provides in depth review and analysis of the Japanese evacuation/detention cases which rose as a result of Executive Order 9066. Copies of this and other proclamations affecting Japanese Americans during this time are also included.

Jewish

1. *The Life of Anne Frank* . Princeton, NJ. Films for Humanities & Sciences.

This 25 minute, color documentary video provides a historical backdrop for the *Diary of Anne Frank* . It examines Germany, where Anne was born in 1929; anti-Semitism as a plank in Nazi policy; the Frank family's escape to Holland; the persecution of the Jews in Holland after German conquest; the family's existence in hiding until they were betrayed and Anne was deported to Bergen-Belsen.

2. Frank, Anne. *The Diary of A Young Girl* . Garden City , NY. Doubleday 1956.

The diary of a young girl Jewish girl in Nazi Germany serves as a moving account of one family's struggle to survive this infamous period in world history. Translated from the Dutch by B.M. Moyart with introduction by Eleanor Roosevelt.

General

1.Black, Henry Campbell. *Black's Law Dictionary Fifth Edition* . St. Paul, Minn.West Publishing Co. 1979.

Legal dictionary.

2.Grove, Philip Babcock, Ph.D., Ed. *Websters Third New International Dictionary of the English Language Unabridged* . Springfield, Mass. . & C. Merriam Co. Pub. 1981.

English language dictionary.

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