

**LEGAL INSURRECTION FOUNDATION**  
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Mia Howerton  
U.S. Department of Education  
400 Maryland Avenue SW, Room 3C152  
Washington, DC 20202

Re: Proposed Rule “Proposed Priorities-American History and Civics Education,”  
Docket ID No. ED-2021-OESE-0033

Dear Ms. Howerton,

I write as President of The Legal Insurrection Foundation (“LIF”), a Rhode-Island tax exempt corporation established exclusively for charitable purposes to educate and inform the public on legal, historical, economic, academic, and cultural issues related to the Constitution, liberty, and world events.

LIF strongly opposes the “Proposed Priorities-American History and Civics Education,” Docket ID No. ED-2021-OESE-0033 (the “Proposed Rule”) because it incorporates the historically inaccurate and ideologically-driven 1619 Project and the discriminatory and misleadingly titled Critical Race Theory concept of “anti-racism” which actually is neo-racist as commonly used. For the reasons detailed below, LIF urges the Department of Education to withdraw the Proposed Rule.

**I. Proposed Priority 1 Promotes Historically Inaccurate And Ideologically-Drive Doctrines**

Proposed Priority 1- Projects That Incorporate Racially, Ethnically, Culturally and Linguistically Diverse Perspectives into Teaching and Learning, seeks to indoctrinate America’s children with an ideological agenda. The Background section of this Proposed Priority is especially concerning given its references to both the 1619 Project and Ibram X. Kendi. Furthermore, given the radical buzzwords in the language of this Proposed Priority, it is virtually assured that the successful applicants who will receive federal taxpayer monies will be ideologues seeking to undermine the core foundational educational principles that have been at the bedrock of public-school curricula for decades.

**A. The 1619 Project is Narrative-Building Masquerading as History**

The 1619 Project is a political project first published in August 2019 by *New York Times Magazine* that seeks to change the historical narrative of the United States. Its goal is to reinvent

American history by asserting claims that have been widely debunked by historians and scholars across the political spectrum. For example, two Pulitzer Prize winning historians who are generally considered to be liberal called the 1619 Project “so wrong in so many ways” and an “unbalanced, one-sided account” that “left most of the history out.”<sup>1</sup> Even the World Socialist Website called the 1619 Project “a radical falsification of history.”<sup>2</sup> It is impossible to detail all of the inaccuracies in the 1619 Project in this comment letter, but we urge you to review and consider the website <https://criticalrace.org/the-1619-project/> containing a compilation of reading material, criticisms, and other resources debunking the premises of the 1619 Project.

For example, after withering criticism from historians, *The New York Times*, and the 1619 Project’s lead author Nikole Hannah-Jones tried to walk back the project’s central claim that United States’ actual founding was in 1619, when the first chattel slave ship arrived from Africa. Another thesis of the 1619 Project, that the colonial rebellion against the British was an attempt to protect slavery against abolition was quietly withdrawn.<sup>3</sup> Jones herself admitted that the 1619 project was a work of narrative building, not history, in her now deleted tweets, all posted on July 27, 2020:<sup>4</sup>

**Tweet 1:** “The fight over the 1619 Project is not about history. It is about memory.”

**Tweet 2:** “I’ve always said that the 1619 Project is not a history. It is a work of journalism that explicitly seeks to challenge the national narrative and, therefore, the national memory. The project has always been as much about the present as it is the past.”

**Tweet 3:** “The crazy thing is, the 1619 Project is using history and reporting to make an argument. It never pretended to be a history. We explicitly state our aims and produced a series of essays. Critique was always expected, but the need to discredit it speaks to something else.”

“Further, the curriculum is supplementary and cannot and was never intended to supplant US history curriculum (which is pretty terrible but none of these folks seem concerned about that.). Teachers have used it in English, social studies, art, foods classes.”

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<sup>1</sup> <https://www.wsj.com/articles/the-1619-project-gets-schooled-11576540494>

<sup>2</sup> <https://www.wsj.com/articles/the-1619-project-gets-schooled-11576540494>

<sup>3</sup> <https://legalinsurrection.com/2020/09/ny-times-and-nikole-hannah-jones-quietly-dropping-central-claims-of-1619-project/>

<sup>4</sup> <https://legalinsurrection.com/2020/07/1619-project-creator-admits-it-is-not-a-history-but-a-fight-to-control-the-national-narrative/>

**Tweet 4:** “The fight here is about who gets to control the national narrative, and therefore, the nation’s shared memory of itself. One group has monopolized this for too long in order to create this myth of exceptionalism. If their version is true, what do they have to fear of 1619?”

The author admits that the 1619 Project is historically inaccurate and should not be a part of the national American History curriculum. Her admission raises the question as to how and perhaps more importantly, why, the 1619 Project is being pushed by the Department of Education on Americans as an educational resource on history? A discredited political project does not belong in our schools.

In addition to falsifying history, the 1619 Project is also being used as an instrument of hate. When it was suggested that the Black Lives Matter and Antifa riots that swept the nation in the summer of 2020 could be called the 1619 riots, Ms. Hanna-Jones tweeted that “It would be an honor. Thank you”.<sup>5</sup> The numbers 1619 have been graffitied onto toppled statues of Presidents and Generals across the country.<sup>6</sup> Per the National Association of Scholars, the 1619 Project was intended to be a “revolution...imposed on America’s children to despise their country.”<sup>7</sup> It has no place in our public elementary and secondary schools.

### **B. Ibram X. Kendi is an Ideologue Advocating A Neo-Racist Agenda**

In his book, How to Be an AntiRacist, Kendi states, “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.”<sup>8</sup> Kendi has made a career of pitting Americans against each other based on race and creating artificial distinctions that make our society less cohesive. He divides the world into ‘racists’ and ‘anti-racists’ with no middle ground allowed for people who are merely “not racist.” One can’t simply be “not racist” by treating people fairly because according to Kendi, equality rather than equity is inherently racist. Under Kendi’s formula, those who have the traditional American civil rights notion that we treat people based upon the content of their character, not the color of their skin are racist. Kendi’s teachings have the effect of creating a coercive dynamic that is unhealthy to an educational environment, especially for children.

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<sup>5</sup> <https://nypost.com/2020/06/19/call-them-the-1619-riots/>;  
[https://wcfcourier.com/opinion/columnists/column-violence-targeting-monuments-hard-to-stop/article\\_44a13916-6af6-5cce-952e-a28ad64c7951.html](https://wcfcourier.com/opinion/columnists/column-violence-targeting-monuments-hard-to-stop/article_44a13916-6af6-5cce-952e-a28ad64c7951.html);

<sup>6</sup> [https://richmond.com/news/virginia/lee-jackson-statues-in-charlottesville-vandalized-with-graffiti-over-the/article\\_1a3b207d-4425-5d6e-8f4b-819617efed64.html](https://richmond.com/news/virginia/lee-jackson-statues-in-charlottesville-vandalized-with-graffiti-over-the/article_1a3b207d-4425-5d6e-8f4b-819617efed64.html); <https://merionwest.com/2020/06/24/and-theyve-come-for-the-founders/>

<sup>7</sup> <https://www.nas.org/blogs/article/kick-the-1619-project-out-of-schools>

<sup>8</sup> <https://www.penguin.co.uk/articles/2020/june/ibram-x-kendi-definition-of-antiracist.html>

## **II. Proposed Priority 2 is implicit bias training for children**

Proposed Priority 2- Promoting Information Literacy Skills, is a benign name for a dangerous concept. Ironically, while warning “how inaccurate information may be used to manipulate individuals” it seeks applicants to propose projects that will bring race-shaming, racial identity politics, racial stereotyping and racial demonization into the classroom under the banner of “critical thinking.” This is a march towards “white fragility” and similar race-shaming trainings in our nation’s public schools, which is a danger to the First Amendment rights of students and parents alike. The Department of Education should not be promoting or providing the foundation for having children separated by race or skin color or shamed because they are a certain race.

## **III. Conclusion**

For all the reasons above, the Department of Education should withdraw the Proposed Rule “Proposed Priorities-American History and Civics Education.”

Respectfully Submitted,

*William A. Jacobson*

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President, Legal Insurrection Foundation