Hidden Voices: Jennie June

Objective

Read about the struggle that Jennie June, a gender nonconforming New Yorker, faced in the early twentieth century.

Resources/Materials

- Transgender in Gilded New York

Activity

- Read Transgender in Gilded New York and respond to the following questions supporting your answers with evidence from the text:
  - Why did Jennie June move to New York City?
  - Why do you think that Jennie June maintained her professional life as a man but lived much of her time as Jennie June?
  - What examples from Jennie June’s life illustrate the intolerance that she faced as a “sexual and gender minority?”
  - In what ways did intolerant social practices and acts of bigotry limit Jennie June’s freedom? In what ways did she resist these limitations and create greater freedom for herself and others?
  - Why is Jennie June, a well-educated, published author, and member of the upper middle class, still a hidden voice? What does that tell us about acceptance and equality in America?
  - What does Jennie June’s life tell us about how gender non-conforming people have had to struggle for equality in the United States?

Additional Resources

- Out History: This Week in History http://outhistory.org/
- Human Rights Campaign: Glossary of Terms https://www.hrc.org/resources/glossary-of-terms
Transgender in Gilded New York

By: Museum of the City of New York

A note on pronoun usage: Jennie June had multiple public identities, two of which—Ralph Werther and Earl Lind—were male names. In much of June’s work she utilizes male pronouns and also adjectives that have evolved to have different meanings in the intervening century since June lived. While June may have identified as transgender in today’s society, we cannot, and would not want to, make that distinction on her behalf. An exploration of June’s writing reveals that she expressed an internal identification as female as well as an explicit desire to be seen as a woman. It is for this purpose that we use the female pronouns she/her to refer to Jennie June in this resource.

Secondary Source

In her life and writing, Jennie June (1874–?) was one of the earliest American advocates for sexual and gender minorities. Moving to New York City was the decisive turning point in her life, offering her spaces to explore her gender and sexuality in ways she could not in the small Connecticut town she came from. Jennie June’s two books about her life are some of the earliest surviving accounts in the words of someone whom we might now call transgender.

Jennie June was, in her own words, an “androgyne”—neither fully male nor female. She was relentlessly teased throughout her childhood and early adolescence for being a “girl-boy.” June reflected later in life, “Can the reader conjure up any worse fate for a girl... than for Nature to disguise her as a boy?”

We don’t know what male name June was given at birth, but we do know she moved to New York City at age 16. She maintained a professional life as a man, but also began living much of the time as Jennie June. She referred to herself by various terms, including “fairy” and “female impersonator,” and wore clothes considered extravagant or unconventional for men, such as red neckties and white gloves.

Learning about the lives of people who challenged gender can be difficult. We know about June because she was unusual: she told her own story in books. But her face is hidden or obscured in nearly every existing picture of her as an adult.

Most images of sexual and gender minorities in Jennie June’s time were created either by medical doctors or the police. “Loop-the-loop,” a transgender woman from Brooklyn, was the subject of an early case study by an anatomist, as was Jennie June, who the same person took photographs of in 1907, but never revealed her face. Such photographs explicitly treated their subjects as medical specimens. June nevertheless reprinted the photographs in her second book, published under multiple pseudonyms. In large cities like New York, transgender people could also be arrested under laws prohibiting cross-dressing. Geraldine Portica, a transgender Mexican

Glossary
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A woman living in San Francisco, was arrested in 1917 under similar laws and deported.

In 1890 June enrolled in a university in uptown New York, possibly Columbia. After graduating with honors, she went on to graduate study but was expelled when a doctor she had seen in hopes of curing her “sexual inversion” informed the university president about “the double life my nature forced me to lead.”

Two further incidents illustrate the mistreatment that transgender people faced in New York City at the turn of the twentieth century. Just north of 14th Street, in Stuyvesant Square Park, June socialized with a group of young men who belonged to a local Christian men’s club. Nevertheless, on at least one occasion there she was attacked by several of them, who “looked upon a fairie as necessarily a monster of wickedness” In addition, Jennie June, similar to others who were unfairly shunned, frequented the Bowery, which was also known in the 1880s and 90s as New York City’s chief red light district.

Jennie June also faced the routine threat of police harassment and arrest. One of Jennie June’s friends recounted her incarceration at a New York City house of detention, known as “The Tombs.” At The Tombs she was, “thrust into an iron-barred bus along with a score of hardened male criminals—just as if I were myself a male!”

Jennie June’s writing reflects how people’s prejudice and bigotry informed her lived experience and influenced her desire to advocate for greater public understanding through her writing. June commented on how this lack of understanding led to unjust treatment by the police and the toll it took on her psyche. She writes in her second book, *The Female-Impersonators*, “Never for a moment did I forget the possibility of being arrested. I was even hypersensitive in this matter. A common dream was that of being arrested. But this hypersensitiveness probably saved me, since others of my type were continuously being arrested and sent to the penitentiary.”

By the early 1900s, June took the nearly unprecedented step of writing about her life for the medical press, to insist on social and legal tolerance for sexual and gender minorities. She completed a draft of her autobiography by 1905, but it did not appear in print until 1918.

That same year she published her first book, *Autobiography of an Androgyne*, released by the Medico- Legal Journal. The introduction, written by a sympathetic physician, explained, “The book is published in an endeavor to obtain justice and humane treatment for the Androgynes.” Once again it was published under multiple names, this time including the pseudonym “Earl Lind.” The book was released in a limited edition of 1,000 copies, restricted largely to medical and legal audiences. Its publication likely depended on

*Adapted from the New York at Its Core exhibition at the Museum of the City of New York.*
personal contacts: scholar Randall Sell has recently discovered that Jennie June was employed as a law clerk for the publishing company’s editor, Clark Bell.

*The Female-Impersonators* was more expressly aimed at legal and social reform. In response to unfair punishment of “androgyne,” as well as several murders and suicides of gender-variant people discussed in newspapers, June aspired to make the book available to a general audience. Turned away by the mainstream press, it was finally published again by the *Medico-Legal Journal*.

June planned a third book, *The Riddle of the Underworld*, but while she signed a contract and advertised the volume, it was never published. Scholar Randall Sell only recently uncovered the manuscript at the National Library of Medicine.

Little is known about June’s life after 1922. It’s possible she died before her third book could be published. She left instructions for a plaque to be created in her memory near the site of her “debut”—where she first took the name Jennie June. She asked it be placed on the Grand Street facade of a new police building—a powerful commentary on the social and legal reforms she pursued.
Hidden Voices: Eliza Jennings Graham

Objective

Consider how the power of individuals to change rules and laws has been a significant enduring issue through the history of one individual, Eliza Jennings Graham.

Resources/Materials

- A 19th-Century Rosa Parks

Activity

- Read A 19th-Century Rosa Parks and respond to the following questions supporting your answers with evidence from the text:
  - What challenges did Elizabeth Jennings face growing up during the 1800s?
  - How did Elizabeth Jennings’s family respond to her experience?
  - Why did Elizabeth Jennings describe herself as ‘respectable’?
  - How did Elizabeth Jennings demonstrate the responsibilities of individuals?
  - How did the Jennings v. Third Avenue Railroad Company (1854) NYS Supreme Court case change the policies of the company?
  - How did Elizabeth Jennings’s resistance influence civil rights in New York City during the 1800s?
  - Did the rules and laws of 1800s New York City protect all of its citizens?
A 19TH Century Rosa Parks

By: Museum of the City of New York

This resource was adapted from the New York at its Core exhibition at the Museum of the City of New York.

Secondary Source

1850s New York was full of contradictions for its black citizens—a place of growing community and opportunity, but also of discrimination. Elizabeth Jennings (1827–1901) attacked this problem head-on. In 1854, Jennings, a young schoolteacher, refused to be removed from a streetcar on the basis of her race. What happened next revealed the dilemmas of race and segregation in antebellum New York.

As a young woman in New York, Jennings was a schoolteacher, church organist, and activist. Elizabeth lived with her family on Church Street, with her father, mother, brothers William and Thomas, Jr., and sister Matilda. The family was a part of a burgeoning class of well-to-do free black families. Elizabeth’s father, Thomas L. Jennings, was a war veteran and activist who made his living as a tailor. He made history as the first African American to receive a U.S. patent—for a dry cleaning technique called “dry scour.” Jennings began teaching at the age of 19 in 1849, and the following year she was transferred to the Promotion Society’s School No.1, in the basement of St. Philip’s Church. Less than 2% of the city’s black children were enrolled in school, but as the daughter of a well-known activist and professional, Elizabeth had received an extensive education. Charles B. Ray established the school where Jennings taught in 1849. Like Elizabeth’s father, Ray was a businessman and community leader, who was a founding member of the New York Society for Promotion of Education Among Colored Children. In addition to her duties as a schoolteacher, Elizabeth also served as organist for the First Colored American Congregational Church, located on E. 6th St. near the Bowery. Elizabeth married Charles Graham in 1860. The couple lived at a boardinghouse operated by her mother at 541 Broome Street, between Sullivan and Varick Streets.

Although slavery ended in New York in 1827, discrimination remained. Laws barred black men from voting, and black New Yorkers were excluded from the schools, concert halls, and in some cases, the city’s growing railway system. Leaders like editor Samuel Cornish advised black New Yorkers to boycott the streetcars, urging readers of the Colored American newspaper to “go by foot, Brethren.” In 1827 Samuel Cornish co-founded the first black-owned and -operated newspaper in the United States. Freedom’s Journal was

Adapted from the New York at Its Core exhibition at the Museum of the City of New York.
intended to provide information and news on the black community in New York, the United States, and internationally. The paper ceased production in 1829, but Cornish’s example inspired other black journalists to start their own papers.

On July 16th, 1854 Jennings was traveling to church with her friend Sarah E. Adams. The women decided to catch the horse-drawn trolley car on Third Avenue. Although they were initially permitted on the streetcar, the conductor eventually grew confrontational. As Jennings later reported in both the New York Tribune and Frederick Douglass’ Journal, the confrontation quickly escalated. Follow her account, in Jennings’s own words, of how she resisted the conductor’s attempt to throw the two women off the car:

“I held up my hand to the driver. The conductor told us to wait for the next car. I told him that I could not wait.”

“The driver said to me ‘Well, you may go in, but if passengers raise any objections you shall go out, or I’ll put you out.’”

“I told him not to lay hands on me; he took hold of me and I took hold of the window sash and held on.”

“Then both seized hold of me by the arms and pulled and dragged me flat down.”

“I went again in the car, and the conductor said ‘you shall sweat for this.’”

“They got an officer. He thrust me out, and then pushed me, and tauntingly told me to get redress if I could.”

New York’s black community was outraged over the incident. Elizabeth and her father assembled a delegation to the offices of Culver, Parker, and Arthur, who were known for taking abolitionist cases. The case was assigned to the firm’s youngest partner Chester A. Arthur (who would go on to become U.S. President in 1881). They went to trial on February 22, 1855. The jury ruled in Jennings’s favor, declaring that “colored persons, if sober, well-behaved, and free from disease, had the same rights as others.” Though Elizabeth Jennings had sued for $500, she only received $225. Elizabeth’s father founded an
A 19TH Century Rosa Parks

By: Museum of the City of New York

organization called the Legal Rights Association to help others fighting racial discrimination.

But the Jennings decision only desegregated the Third Avenue Line. Further challenges were quickly brought to the courts against other rail lines. Reverend James W.C. Pennington was forcibly removed from a horsecar in 1855. He sued, and offered in print to file complaints for others at the mayor’s office. He lost his case. Thomas Downing, a well-known black caterer, rode the streetcars regularly. He protested attempts to throw him off and reportedly prevailed because of his social prominence. The Legal Rights Association’s treasurer, Peter Porter, sued the 8th Ave. Railroad Co. in 1856, and succeeded in changing the company’s policy. When Dr. James McCune Smith needed to reach patients uptown at the Colored Orphan Asylum during a measles epidemic, conductors refused to let him ride. The Asylum paid for a private carriage instead.

While legal victories in integrating public transportation were a step forward in racial justice, New York City’s African-American community still faced discrimination and violence in other areas. Jennings won her day in court, but the battle for racial equality was still not won. In 1856 another black woman was thrown from the Eighth Avenue Railroad. Cultural institutions like the New York Zoological Society denied entry to African Americans. The segregated racial climate of New York exploded into violence with the Draft Riots of 1863. Mobs protesting the Civil War draft rioted for five days, killing more than 100 people. The mob targeted free black individuals and families, and burned down the Colored Orphans Asylum. During the riots, Jennings’s son died of illness; he was buried while the city was still in a shambles. The segregation and violence prompted more than 20% of New York’s black population to leave the city by 1865.

Jennings’s ejection from a streetcar is remembered as revealing the racial inequality of New York City before the Civil War. In 2007, a group of third and fourth grade students from Lower Manhattan’s P.S.361 successfully gathered petition signatures and pressured local politicians to get a street named after Elizabeth Jennings.
Civics for All: The United States Census

Objective

Analyze U.S. Census data for an NYC neighborhood and make recommendations to the City Council to help improve the lives of residents.

Resources/Materials

- Sample Census Data Dossier
- Census Data Exploration Tool

Activity

- Read the directions for the Sample Census Data Dossier and glance at each page. The sample we’ve provided is for the Jackson Heights neighborhood in Queens. If you would like, you can visit https://cbb.census.gov/rae/# to locate the data for your neighborhood. This activity will ask you to consider the following questions:
  – Based on the Census, who is represented in your community?
  – Based on the Census, what are the most pressing needs of your community?
  – What is one thing that the City Council could do to address the need you identified in the community.
- Use the Census Data Exploration Tool to help you analyze the Sample Census Data Dossier and make recommendations to the City Council.

Extension

- Use your complete Census Data Exploration Tool to write a letter to the city councilmember representing the neighborhood you completed this activity for.

Additional Resources

- New York City Council: Members & Districts https://council.nyc.gov/districts/
The city councilmember representing City Council District 25 has asked you and your team to examine 2010 Census data on Jackson Heights, identify the needs of constituents in the area, and develop a proposal to bring to the City Council to help improve the lives of residents of Jackson Heights.

## Demographic Characteristics—Age

### City Council District 25—Jackson Heights, Queens

<table>
<thead>
<tr>
<th>Census Track</th>
<th>Total Population</th>
<th>Percent under 5 years</th>
<th>Percent under 18 years</th>
<th>Percent 21 years and over</th>
<th>Percent 65 years and over</th>
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<td><strong>Citywide Avg.</strong></td>
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<td><strong>6.5%</strong></td>
<td><strong>21%</strong></td>
<td><strong>75.5%</strong></td>
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## Demographic Characteristics – Race & Ethnicity

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<tr>
<th>City Council District 25 – Jackson Heights, Queens</th>
<th>Census Track</th>
<th>White</th>
<th>Black or African American</th>
<th>Asian</th>
<th>Hispanic (of any race)</th>
<th>Two or more races</th>
<th>Native Hawaiian and Other Pacific Islander</th>
<th>American Indian and Alaska Native</th>
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### Notes
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<tr>
<th>Census Track</th>
<th>Percent high school degree or higher</th>
<th>Percent Bachelor's degree or higher</th>
<th>Percent with health coverage</th>
<th>Percent employed</th>
<th>Percent in poverty</th>
<th>Homeownership rate</th>
<th>Percent foreign born</th>
<th>Percent disabled</th>
<th>Percent with health coverage</th>
<th>Veterans 273</th>
<th>City Council District 25—Jackson Heights, Queens</th>
<th>Citywide Avg.</th>
<th>Borough Avg.</th>
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<td>61.6%</td>
<td>79.8%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Percent employed</td>
<td>70.4%</td>
<td>41.5%</td>
<td>90.8%</td>
<td>52.6%</td>
<td>10.5%</td>
<td>7.6%</td>
<td>11.6%</td>
<td>15.9%</td>
<td>32.6%</td>
<td>1.6%</td>
<td>61.6%</td>
<td>79.8%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Homeownership rate</td>
<td>15.5%</td>
<td>7.2%</td>
<td>15.9%</td>
<td>7.9%</td>
<td>8.2%</td>
<td>5.3%</td>
<td>11.1%</td>
<td>15.9%</td>
<td>32.6%</td>
<td>1.6%</td>
<td>61.6%</td>
<td>79.8%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Percent foreign born</td>
<td>18.6%</td>
<td>7.2%</td>
<td>15.9%</td>
<td>7.9%</td>
<td>8.2%</td>
<td>5.3%</td>
<td>11.1%</td>
<td>15.9%</td>
<td>32.6%</td>
<td>1.6%</td>
<td>61.6%</td>
<td>79.8%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Percent disabled</td>
<td>18.6%</td>
<td>7.2%</td>
<td>15.9%</td>
<td>7.9%</td>
<td>8.2%</td>
<td>5.3%</td>
<td>11.1%</td>
<td>15.9%</td>
<td>32.6%</td>
<td>1.6%</td>
<td>61.6%</td>
<td>79.8%</td>
<td>11.1%</td>
</tr>
</tbody>
</table>

Census Data Exploration Tool

Use this organizer to explore the Sample Census Data Dossier on Jackson Heights. Identify the needs of constituents in the area and develop a proposal to bring to the City Council to help improve the lives of residents of Jackson Heights.

Describe your constituency...

1. Based on the Census, who is represented in who your community?
   a. Which groups (by age, race/ethnicity, and socioeconomic) are the most represented?
   b. How is your community similar to/different from your borough?
   c. How is your community similar to/different from the whole city?

Identify the needs of your constituents...

2. Based on the Census, what are the most pressing needs of your community?
   a. In which categories does your constituency fall below the city-wide and borough averages?
   b. Of those places where the community falls below city-wide or borough averages, which are the most striking? Why?

Citation: “Census Data Exploration Tool.” Civics For All. (New York City: New York City Department of Education)
Develop a proposal...

3. What is one thing that the City Council could do to address the need you identified in the community?
   a. What would you call this proposal/initiative?
   b. What does this proposal entail? What need is it addressing?
   c. Make the case for your proposal, why this particular need?
   d. Who would be positively affected by this proposal? How many people would benefit from your proposal?
   e. Are there potential negative effects this proposal may have on other people in the community that should be considered?

Citation: “Census Data Exploration Tool.” Civics For All. (New York City: New York City Department of Education)
Civics for All: Legal Tests & Private Property

2 Day

Objective

Review Supreme Court cases to develop a legal test for the question: was the public use sufficient to authorize the taking of property?

Apply your legal test to court cases involving questions of private property.

Resources/Materials

- The Fifth Amendment and Eminent Domain
- Takings Clause Legal Test
- Eminent Domain Supreme Court Cases
- How would you Rule? Scenario set

Activity

Day 1

- A legal test is a set of expectations, rules, or logics based on prior court rulings that judges use to decide on a legal question in a case. Today you will look at how Supreme Court rulings relating to the Fifth Amendment to the Constitution have impacted the legal test applied to questions regarding people’s property.

- Read The Fifth Amendment and Eminent Domain and answer the following questions:
  - What is the purpose of this excerpt of the Fifth Amendment to the Constitution?
  - What are takings?
  - What is public use?
  - What is eminent domain?
  - What is a legal test?

- Review Takings Clause Legal Test and Eminent Domain Supreme Court Cases. For each case, answer the adjoining questions and add the modifications to the legal test onto the Takings Clause Legal Test sheet.
Day 2

- Review your Taking Clause Legal Test and answer the following questions:
  - According to your test, under what conditions would a takings be justified?
- Complete the How would you Rule? Scenario set using your legal test as a basis for your ruling.
- Reflect on the following questions:
  - What trend(s) did you notice across the course of the Supreme Court rulings?
  - What communities or groups of people were most significantly affected by the eminent domain cases you examined?

Extension

- Watch the Washington Post’s video on the Keystone XL pipeline [https://www.youtube.com/watch?v=svrC9p8N_4s](https://www.youtube.com/watch?v=svrC9p8N_4s).
- Conduct research into the facts of some of the court cases related to the Keystone XL pipeline.
- Apply your legal test to decide on the facts of the case.
The Fifth Amendment and Eminent Domain

Fifth Amendment to the United States Constitution
No person shall be ...deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Eminent Domain and the Fifth Amendment
“For hundreds of years, royalty and sovereigns claimed the right to seize private property from people for what they claimed was the greater good of society. This process was known as eminent domain. The phrase, “eminent domain” is not specifically mentioned in the Fifth Amendment of the U.S. Constitution. However, language from the final part of the amendment, “...nor shall private property be taken for public use, without just compensations” has been used throughout American history to justify the taking of private property. This is referred to as the Takings Clause. This legally enables the government to force the sale (the “taking”) of private property for public use.

However, determining what counts as public use has created disagreement and controversy. After the ratification of the Fifth Amendment in 1791, it was generally believed that the federal government could only exercise eminent domain in federally-owned territories. As individual states ratified their own constitutions after 1791, they added public use clauses to allow the legal taking of private property within their own borders. By the late 1800s, many state supreme courts ruled that public use required that the government continue to own property that was taken, or that the new private owners used the property to serve the public (i.e. utilities like power stations or water treatment facilities).

At the heart of determining whether the exercise of eminent domain was reasonable (legal and just under the Fifth Amendment) or unreasonable (in violation of the Fifth Amendment) were legal tests. These legal tests were based on a set of fundamental questions: Was the public use sufficient to authorize the taking of property? Did this qualify as a taking? Were people justly compensated? With subsequent court cases and rulings, the understanding of these legal tests grew and changed.

Citation: “The Fifth Amendment and Eminent Domain.” Civics For All. (New York City: New York City Department of Education, 2019).
As you read through the Eminent Domain cases, develop the legal test below by expanding or qualifying what public use is and who/what it can be exercised for.

<table>
<thead>
<tr>
<th>Was the public use sufficient to authorize the taking of property?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Public use” has been broadly interpreted to mean anything that might potentially benefit the public in some way.</td>
</tr>
<tr>
<td>•</td>
</tr>
<tr>
<td>•</td>
</tr>
<tr>
<td>•</td>
</tr>
<tr>
<td>•</td>
</tr>
</tbody>
</table>
**Eminent Domain Supreme Court Cases**

**Berman v. Parker (1945)**

Congress passed the District of Columbia Redevelopment Act, creating the District of Columbia Redevelopment Land Agency, whose purpose was to identify “blight” (i.e. an economically depressed area, generally inhabited by poor minority communities) in Washington, D.C. and redevelop those areas by beautifying them and constructing middle-class housing. Congress gave the new agency the power of eminent domain and it displaced some 5,000 poor African Americans as well as businesses. Berman and the other appellants (plaintiffs) owned one of the successful department stores in an area targeted by the commission and objected to the seizing of their property solely for beautification of the area. The United States Supreme Court found that Congress has the ability to take private property for the beautification of the District of Columbia, stating that when the “legislature has spoken . . . the public interest has been declared in terms well-nigh conclusive.” Essentially, deciding that any legislative goal qualifies as public use. In this case, the legislature decided that it wanted to address blight in Washington D.C. and so that qualified as public use.\(^1\)

| What private property is at stake in this case and who is the target(s) of the taking? |
| What justification was offered for the taking of private property for public use? |
| How did the ruling of this court case change what counts as sufficient public use for the Takings Clause Legal Test? |

---

### Eminent Domain Supreme Court Cases

#### Hawaii Housing Authority v. Midkiff (1984)

After extensive hearings in the mid-1960s, the Hawaii legislature discovered that while Federal and State governments owned nearly 49 percent of the land in Hawaii, another 47 percent was owned by only 72 private landowners. To combat this concentration of private ownership, the legislature passed the Land Reform Act of 1967. The Act sought to redistribute lands from the lessors (owners) to people leasing (paying rent) homes on the land. Frank E. Midkiff, a landholder, challenged the Act. The United States Supreme Court decided unanimously that it was within the right of the Hawaii Housing Authority to take the land for redistribution to reduce the concentration of ownership as long as the owners were provided with just compensation. The Court also found that “debates over the wisdom of takings” were best carried out by legislatures, not by federal courts. This gave legislatures the power to determine what was for the public good over the judiciary (courts). Lastly, The Court held that the taking of property for private beneficiaries did not necessarily mean the law has a solely private purpose.²

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>What private property is at stake in this case and who is the target(s) of the taking?</td>
<td></td>
</tr>
<tr>
<td>What justification was offered for the taking of private property for public use?</td>
<td></td>
</tr>
<tr>
<td>How did the ruling of this court case change what counts as sufficient public use for the Takings Clause Legal Test?</td>
<td></td>
</tr>
</tbody>
</table>

---

### Eminent Domain Supreme Court Cases


| New London, a city in Connecticut, used its eminent domain authority to seize private property to sell to private developers. The city said developing the land would create jobs and increase tax revenues. Susette Kelo and others whose property was seized sued New London. The property owners argued the city violated the Fifth Amendment, which guaranteed the government will not take private property for public use without just compensation. Specifically, the property owners argued taking private property to sell to private developers was not public use. The Supreme Court of The United States found that the transfer of property in this case was indeed for the “public benefit,” and therefore satisfied the Fifth Amendment’s “public use” requirement. The Court supported that cities could take private property and give it to private developers as long as the new development would provide more revenue and benefits to the city.³ |
| What private property is at stake in this case and who is the target(s) of the taking? |
| What justification was offered for the taking of private property for public use? |
| How did the ruling of this court case change what counts as sufficient public use for the *Takings Clause Legal Test*? |

---

How Would You Rule?

Examine the have facts for the scenarios below involving the exercise of eminent domain. Using the legal test you developed as a class, review the facts and come to a decision on how you would rule, if this case was brought before you today.

<table>
<thead>
<tr>
<th>Scenario I: Seneca Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>In 1845, New York City, which only included the island of Manhattan at the time, was in the process of being transformed. Its hills and farmland were cleared to make way for the city’s level thoroughfares and grid plan which ran from Houston Street up to 155th street. To make way for Central Park, the state legislature authorized the use of eminent domain to force the sale of lands including Seneca Village in 1853. This part of New York City began to form in 1825 and was the largest community of free African-American property owners in New York. In the 1830s and 1840s, it saw a large increase in the number of Irish and German immigrants, as well. In total, approximately 1600 people who owned, lived and/or worked on the 843-acre tract of land had to move when the Park was created.</td>
</tr>
</tbody>
</table>

Apply your legal test to make a ruling.

This exercise of eminent domain is . . . (circle one).

<table>
<thead>
<tr>
<th>Reasonable</th>
<th>Unreasonable</th>
</tr>
</thead>
</table>

Justify your ruling (why did you come to this ruling? How did prior court cases impact your decision?)
How Would You Rule?

Examine the have facts for the scenarios below involving the exercise of eminent domain. Using the legal test you developed as a class, review the facts and come to a decision on how you would rule, if this case was brought before you today.

Scenario II: Lincoln Square

Amid massive renewal projects in New York City during the 1950s and 1960s, many parts of New York City were designated as “blighted” and targeted for clearance. One such neighborhood, formerly known as San Juan Hill, was transformed into the Lincoln Square that is recognizable today. Eminent domain was used widely as part of the 1949 Federal Housing Act to evict thousands of lower-class, predominately black and Hispanic families in the area to make way for the Lincoln Center for the Performing Arts and new housing and facilities, none of which were intended for the previous residents who primarily moved to other black and Hispanic enclaves in Harlem and the Bronx.4

Apply your legal test to make a ruling.

This exercise of eminent domain is . . . (circle one).

Reasonable Unreasonable

Justify your ruling (why did you come to this ruling? How did prior court cases impact your decision)?

How Would You Rule?

Examine the have facts for the scenarios below involving the exercise of eminent domain. Using the legal test you developed as a class, review the facts and come to a decision on how you would rule, if this case was brought before you today.

**Scenario III: Keystone XL Pipeline**

In order to complete the Keystone XL Pipeline, which runs from Alberta, Canada through Montana, South Dakota, and Nebraska, a foreign company TransCanada Pipeline Co. needs to acquire land rights in all of the U.S. states in its path. However, one group of 90 farmers and ranchers in Nebraska are refusing to sign their land over to the private foreign company. TransCanada is petitioning the U.S. Government to exercise eminent domain to acquire the land they need. The pipeline would transport tar sands from Alberta, Canada to refineries in the U.S.. Proponents of the pipeline argue that it will create many construction jobs for Americans and opponents argue that those jobs and the associated economic benefits would only be temporary.

**Apply your legal test to make a ruling.**

This exercise of eminent domain is . . . (circle one).

<table>
<thead>
<tr>
<th>Reasonable</th>
<th>Unreasonable</th>
</tr>
</thead>
</table>

Justify your ruling (why did you come to this ruling? How did prior court cases impact your decision)?
How Would You Rule?

Examine the have facts for the scenarios below involving the exercise of eminent domain. Using the legal test you developed as a class, review the facts and come to a decision on how you would rule, if this case was brought before you today.

<table>
<thead>
<tr>
<th>Scenario IV: 2nd Avenue Subway</th>
</tr>
</thead>
</table>
| The 2nd Avenue subway was first proposed in the 1920’s. However, the Great Depression, World War 2, and NYC’s financial crisis of the 1970s all helped to derail the project until the first part was finally completed in 2016. The Upper East Side used to have elevated trains on Second and Third avenues, but they were removed in the 1940s and 1950s. Many people and businesses were displaced during the construction of the tunnels that made up Phase 1 of the 2nd Avenue subway. In some cases, the displacement was temporary—one or two months. In all 24 properties have been seized by the MTA and many people fear that as the subway expands into Phase 2, 3, 4 (extending the subway from 125th Street to the Financial District in Lower Manhattan), the costs and the displacement will increase.  

Apply your legal test to make a ruling.
This exercise of eminent domain is . . . (circle one).

<table>
<thead>
<tr>
<th>Reasonable</th>
<th>Unreasonable</th>
</tr>
</thead>
</table>

Justify your ruling (why did you come to this ruling? How did prior court cases impact your decision)?

---

Civics for All: Government Intervention

Objective

Examine documents from the New Deal and World War II to understand scope and nature of government intervention.

Resources/Materials

- Ready to Serve
- WPA Poster Set

Activity

- One of the ways the government supported Americans during the Great Depression was by training people to fill jobs in many sectors of society. Ready to Serve was advertising the Household Service Demonstration Project, which trained women in skills necessary for domestic employment. FDR created many government programs through his New Deal to support struggling Americans. These included agencies to support farm prices, employ young men (the Civilian Conservation Corps), assist in business/labor, and aid the unemployed. Job creation was a key way the government was able to step in and to this day many presidential candidates across different political parties propose creating more jobs as their campaign’s solution to lower contemporary unemployment rates. In this activity you will look at a series of posters from this era to think about the scope and nature of government intervention.

- Examine each poster from the WPA Poster Set and record your answer to the following questions:
  - What do you see? What type of intervention does this poster show?
  - Based on the details you noticed, why do you think this document was made?
  - How would it solve some of the problems the Great Depression created for Americans?

- Look over your notes and reflect on the following:
  - What are some ways the government can step in to address the problems the nation faces?
  - When is government intervention warranted and when is it not? Should there be limits on what that involvement looks like?
  - What role should the public play in determining the scope or nature of government intervention?
Ready to Serve

http://www.loc.gov/pictures/collection/wpapos/item/98509717/
WPA Poster Set

Federal Theatre Presents Bernard Shaw’s “On the Rocks”

Learn To Swim Campaign Classes for All Ages Forming In All Pools

Civics for All: Investigating Interest Groups
3 Day

Objective

Learn about the role of interest groups in government.

Research what interest groups are and identify an interest group to focus on.

Resources/Materials

- *When Lobbyists Literally Write The Bill*

- *How We Uncovered 10,000 Times Lawmakers Introduced Copycat Model Bills—And Why It Matters*

- *You Elected Them To Write New Laws, They’re Letting Corporations Do It Instead*

- *Research Resource Chart*

- *Interest Group Research Tracker*

Activity

Day 1

- Read *When Lobbyists Literally Write The Bill, How We Uncovered 10,000 Times Lawmakers Introduced Copycat Model Bills—And Why It Matters, and You Elected Them To Write New Laws, They’re Letting Corporations Do It Instead.*

- Answer the following questions and support your answers with evidence from the texts:
  - What problem do these articles identify?
  - What is the extent of the issue, according to the articles?
  - Who are the parties identified as being responsible?
  - How does this practice affect the everyday American?
  - What potential implications does this have for our democracy?
Civics for All: Investigating Interest Groups

3 Day

Day 2

- Review each step on the Research Resource Chart and their corresponding questions on the Interest Group Research Tracker.
- Complete Phase I: What are interest groups? And Phase II: Select an Interest group on the Research Resource Chart answering accompanying questions on the Interest Group Research Tracker.
- Reflect on the following questions:
  - What were 3 things you learned today that were important to help understand what interest groups are and their impact on our democracy?
  - What were 2 things you learned that you didn’t previously know?
  - What was 1 thing that motivated your choice of a particular interest group for further research?

Day 3

- Review your answers to Phase I: What are interest groups? And Phase II: Select an Interest group on the Interest Group Research Tracker.
- Use Phase III: Investigative Impact of the Research Resource Chart to answer the corresponding questions on Phase III: Investigative Impact of the Interest Group Research Tracker.
- Reflect on the following question, “Do interest groups ultimately help or harm American democracy and society?” Explain with a written paragraph

Extension

- Use your completed Interest Group Research Tracker to develop a full argumentative essay that answer the question, “Do interest groups ultimately help or harm American democracy and society?”

Additional Resources

- Crash Course Government and Politics: Interest Groups
  https://www.youtube.com/watch?v=bOvBA7oIlgc
Civics for All: Investigating Interest Groups

3 Day

- Crash Course Government and Politics: Interest Group Formation
  [https://www.youtube.com/watch?v=BG09Asfwric](https://www.youtube.com/watch?v=BG09Asfwric)
# Research Resource Chart

*Directions: Utilize the resources below to help you complete your research on interest groups and the Interest Group Research Tracker. You may need to locate additional sources beyond those listed here to help you complete your research.*

<table>
<thead>
<tr>
<th>Phase I: What are interest groups?</th>
<th>Resource</th>
<th>Description</th>
<th>Links</th>
</tr>
</thead>
<tbody>
<tr>
<td>How Do Citizens Connect With Their Government?</td>
<td>This article provides a short overview of interest groups: what they are, what they do, how they form.</td>
<td><a href="http://www.ushistory.org/gov/5c.asp">http://www.ushistory.org/gov/5c.asp</a></td>
<td></td>
</tr>
<tr>
<td>PBS: Interest Groups</td>
<td>This Crash Course video by PBS provides an overview of interest groups and their role in American politics.</td>
<td><a href="https://www.youtube.com/watch?v=bOvBA7ollgc">https://www.youtube.com/watch?v=bOvBA7ollgc</a></td>
<td></td>
</tr>
<tr>
<td>PBS: Interest Group Formation</td>
<td>This Crash Course video by PBS provides an overview of interest groups, how they form, function, and their role in American politics and government.</td>
<td><a href="https://www.youtube.com/watch?v=BGo9Asfwric">https://www.youtube.com/watch?v=BGo9Asfwric</a></td>
<td></td>
</tr>
<tr>
<td>Who Controls The States?</td>
<td>The No Jargon podcast by the Scholar Strategy Network looks at ideological interest groups and their role in State politics and policy.</td>
<td><a href="https://scholars.org/podcast/who-controls-states">https://scholars.org/podcast/who-controls-states</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase II: Select an Interest Group</th>
<th>Resource</th>
<th>Description</th>
<th>Links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Groups by Sector</td>
<td>The Center for Responsive Politics maintains a list of different interest groups by sector. Review the list to help you identify an interest group to focus on.</td>
<td><a href="https://www.opensecrets.org/industries/slist.php">https://www.opensecrets.org/industries/slist.php</a></td>
<td></td>
</tr>
<tr>
<td>National Special Interest Groups</td>
<td>A comprehensive list of interest groups. Be alert when browsing that some entries on the list are out-of-date.</td>
<td><a href="https://votesmart.org/interest-groups#.XNI28PlKiUI">https://votesmart.org/interest-groups#.XNI28PlKiUI</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase III: Investigate Impact</th>
<th>Using the name of your interest group, you can access a content analysis of the topics for which your group lobbied.</th>
<th><a href="https://www.lobbyview.org/#/">https://www.lobbyview.org/#/</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lobby View</td>
<td>Includes several links to accessible research on the tactics, methods, and efficacy of interest groups.</td>
<td><a href="https://www.opensecrets.org/resources/learn/academic.php?type=lb">https://www.opensecrets.org/resources/learn/academic.php?type=lb</a></td>
</tr>
<tr>
<td>Center for Responsive Politics, Academic Research</td>
<td>Provides the official record for proceedings and debates in Congress. Use the search feature to locate particular topics, people, or organizations that testified before Congress.</td>
<td><a href="https://www.govinfo.gov/app/collection/CREC/">https://www.govinfo.gov/app/collection/CREC/</a></td>
</tr>
<tr>
<td>Congressional Record</td>
<td>The Campaign Finance Institute organizes this database of campaign donations at state and local levels.</td>
<td><a href="https://www.followthemoney.org/">https://www.followthemoney.org/</a></td>
</tr>
<tr>
<td>Follow the Money</td>
<td>Allows you to search the language of bills passed at state and federal levels.</td>
<td><a href="https://legiscan.com/">https://legiscan.com/</a></td>
</tr>
<tr>
<td>Legiscan</td>
<td>A searchable database of pending legislation organized by issue.</td>
<td><a href="https://www.countable.us/">https://www.countable.us/</a></td>
</tr>
<tr>
<td>Countable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

# Interest Group Research Tracker

Directions: Use this tracker and the Research Resource Chart to help you organize your research. Cite evidence for your answers and because you are conducting web-based research, use the Four Moves + 1 Habit process to help you assess the reliability and validity of the information you encounter. This tracker is for keeping general notes. You may need additional space to record your findings.

## Phase I: What are interest groups?

<table>
<thead>
<tr>
<th>Question</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is an interest group?</td>
<td></td>
</tr>
<tr>
<td>What is the purpose of an interest group?</td>
<td></td>
</tr>
<tr>
<td>How do interest groups form? Who do they represent?</td>
<td></td>
</tr>
<tr>
<td>How do interest groups meet their political objectives? Who is involved?</td>
<td></td>
</tr>
<tr>
<td>How are they involved?</td>
<td></td>
</tr>
<tr>
<td>What are some of the benefits of and drawbacks to interest groups in a democracy?</td>
<td></td>
</tr>
</tbody>
</table>
**Phase II: Select an Interest Group**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the name and primary webpage of the interest group you are researching?</td>
<td></td>
</tr>
<tr>
<td>What is the mission of your interest group? What is the nature (or sector) of your interest group?</td>
<td></td>
</tr>
<tr>
<td>What are the current political objectives and policy priorities of your interest group?</td>
<td></td>
</tr>
<tr>
<td>Does your interest group make any model legislation or model policy accessible to the public? If so, where? If not, does your interest group have any political/policy/research arms associated with them?</td>
<td></td>
</tr>
<tr>
<td>Who are some of the key figures or people that work for your interest group? Which politicians (locally, state-wide, or federally from New York state) has your interest group endorsed?</td>
<td></td>
</tr>
</tbody>
</table>
### Phase III: Investigate Impact

What lobbying firms or lobbyists represent your interest group? Is there any reporting on these firms or individuals? If so, what stories are being reported about their work?

Does any person, term, or concept related to your interest group appear in the Congressional Record? What was the nature of their appearance?

To whom does your interest group donate most?

Which New York local, state, and federal representatives receive money from your interest group? What bills have these politicians sponsored or voted on that relate to the mission of your interest group? What public statements have they made or positions have they taken that are related to your interest group?

Does it appear that there is any model legislation that your interest group has had success passing at the state and local level in New York?
Civics for All: Op-Eds and Letters to the Editor

Objective

Read models of op-eds or letters to the editor to better understand how to write in these genres.

Resources/Materials

- Crafting an Op-Ed
- Crafting a Letter to the Editor
- Case Study: New York City and Amazon
- Op-Ed & Letter to the Editor Case Study Questions

Activity

- Decide whether you want to learn how to write op-eds or letters to the editor and review either Crafting an Op-Ed or Crafting a Letter to the Editor.
- Depending on your selection, read either the op-eds or letters to the editor listed in Case Study: New York City and Amazon twice and answer the Op-Ed & Letter to the Editor Case Study Questions for each reading.
- Once you’ve had enough time to read and answer the questions, consider the following:
  - What did you notice about the form and structure of the op-eds or letters to the editor?
  - Who was writing these op-eds and letters to the editor?
  - What seemed to be the attitudes of people toward the issue in this case study?
  - What did people advocate doing in response to the issue in this case study?

Extension

- Complete the activity for the other genre (op-eds or letters to the editor) and consider the following:
  - What do you think are the benefits and drawback of using op-eds and letters to the editor to influence wider audiences? Why?
  - What type(s) of issues do you think would be most appropriate for using these methods to raise awareness?
Crafting an Op-Ed

An **op-ed** is a short personal or explanatory essay (approximately 800-word) on current events, cultural trends, or social issues. The purpose is to offer an opinion. Published op-eds are generally written by people who have standing—experience or special knowledge about the thing they write about—and sometimes challenge conventional wisdom on a topic. Op-eds are powerful tools to bring your point of view or position on a pressing topic to a broader audience and influence public opinion.

Op-eds follow a similar structure:

- **Lede:** A brief, provocative statement that introduces the topic or set’s the scene. It is designed to capture the reader’s attention.
- **Hook:** Provides context (a clear link to the news of the day or a broader perennial concern) to establish the conversation (issue or topic).
- **Position:** A statement establishing your *standing* and your point of view on the issue or topic.
- **Argument:** Offer several supporting points for your *position* and evidence to support each point. Evidence should be grounded in factual, credible information that addresses demographic, attitudinal, behavioral, and/or knowledge concerns (e.g. statistical data from published studies, quotations from relevant experts, etc.)
- **Prolepsis:** Summarize and refute the opposition’s strongest argument against your *position*, and identify any flaws or weaknesses in your *argument*.
- **Take Away:** Suggest a call to action or challenge readers to rethink their assumptions or positions based on your *argument*.

continued on next page
Tips for publishing an op-ed:

- **Be concise.** You do not have a lot of words to work with and your readers can easily decide to stop reading, so every sentence and word has to count. Cut out any fluff or redundancy. Read your work aloud to yourself, friends, and family.

- **Be timely.** News cycles are short and change from day-to-day and week-to-week. One important factor editors consider when selecting which editorials to publish is whether the topic matters *today*.

- **Keep up.** Newspapers and other publications have a broader conversation around all sorts of issues that happen over time. Before drafting your op-ed, read any published op-eds or editorials on similar topics. Your piece should contribute something new to the existing conversation rather than discuss old ideas.

- **Be local.** While the New York Times and other major publications sound like enticing options for publication, your message might have greater impact and a higher likelihood of being published in weekly community or neighborhood publications.

Citations: Adapted from Irene Daly and Aoife Brophy Haney, *53 Interesting Ways to Communicate Your Research* (Suffolk: The Professional and Higher Partnership Ltd., 2014).


# Case Study

## New York City and Amazon

<table>
<thead>
<tr>
<th>Op-Ed</th>
<th>Letter to the Editor</th>
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<tr>
<td>2. Amazon is a blessing. Let’s not look a gift horse in the mouth <a href="https://www.crainsnewyork.com/op-ed/amazon-blessing-lets-not-look-gift-horse-mouth">Link</a></td>
<td>2. Corporations are People <a href="http://www.qchron.com/opinion/letters_to_the_editor/corporations-are-people/article_2f00e7d4-74c0-5cd6-b153-ff046ba31512.html">Link</a></td>
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Crafting a Letter to the Editor

A letter to the editor is a short letter (150–175 words) in response to a recent article—published within the last 7 days—or about programs, people, ideas, or issues. The purpose is to offer an opinion, challenge a claim, start a conversation in your community, promote the work your group has done, and/or influence public opinion. Letters to the editor are a strong additional step beyond writing letters to your members of Congress because they reach a wider audience and are often monitored by elected officials.

Letters to the Editor follow a similar structure:

- **Salutation:** Write a standard letter greeting like “To the Editor of _____,” or “Dear Editor of ____.” It helps if you know the editor’s name, but it will not disqualify you if you do not.

- **Lede:** A brief, provocative statement that introduces the topic or sets the scene. It is designed to capture the reader’s attention, and should tell readers what you are writing about.

- **Explanation:** Tell readers why this issue is important. The reason may seem clear to you, but imagine that the reader does not know much about what you know or disagrees with you.

- **Argument:** Offer your opinion (you might be writing in support of or to criticize a recent action or policy) or challenge/expand on a recent article. Regardless of what your argument is, provide evidence to support it. Evidence should be grounded in factual, credible information that addresses demographic, attitudinal, behavioral, and/or knowledge concerns (e.g., statistical data from published studies, quotations from relevant experts, etc.). If you are challenging an article or expanding on it you can offer new evidence that was not included in the original article.

- **Take Away:** Suggest what could be done in response to your argument.

- **Closing:** End your letter with a formal closing like: Best, Fond Regards, Respectfully, etc. and your name.
Tips for publishing a letter to the editor:

• **Write for your audience.** Use plain language that most people will understand. This is not an academic essay.

• **Be brief.** Letters to the editor are tricky in that you do not have a lot of word space to work with to make your point. Every word should be doing a lot of work and you cannot afford to have any unnecessary words or sentences.

• **Make it personal.** People care about issues affecting their lives, their homes, and their communities. Make your argument and examples relevant to people’s personal experience.

• **Be local.** While the New York Times and other major publications sound like enticing options for publication, your message might have greater impact and a higher likelihood of being published in weekly community or neighborhood publications.

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**Citations:**


## Op-Ed & Letter to the Editor Case Study Questions

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<tr>
<td><strong>First Reading</strong></td>
<td>- To what extent does this op-ed follow similar structures that op-eds tend to follow?</td>
<td>- To what extent does this letter follow similar structures that letters to the editor tend to follow?</td>
</tr>
<tr>
<td></td>
<td>- What is it missing? What structures or rules does this op-ed bend or break?</td>
<td>- What is it missing? What structures or rules does this letter to the editor bend or break?</td>
</tr>
<tr>
<td><strong>Second Reading</strong></td>
<td>- Who is the author? Do they have standing?</td>
<td>- Who is the author and what is their background?</td>
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<tr>
<td></td>
<td>- What is the author’s perspective on the topic?</td>
<td>- What is the author’s perspective on the topic?</td>
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<td>- How does the author handle prolepsis?</td>
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