

COLOR-CONSCIOUS OR COLOR-BLIND: THE ROLE OF RACE IN POLITICAL REPRESENTATION

TEACHER INSTRUCTIONS

OVERVIEW

This exercise explores the role of race in political representation. Through facilitated discussion focused on a series of texts, students will discuss multiple perspectives, share alternative views and identify points of agreement and disagreement on this profoundly divisive issue.

STRATEGY

To prepare responsible citizens in an ideologically diverse society, students need to know how to discuss as well as debate controversial issues. Law-related education often asks students to identify reasons on different sides of controversial issues and to construct arguments which justify their views. Yet because ideas, options, and even vocabulary are often associated with one side of an issue, students have few opportunities for the thoughtful exchange of ideas. This lesson is an example of how to use reflection in law-related education.

INSTRUCTIONS

- (1) Explain to students the purposes of the exercise: to draw out multiple perspectives on the texts; to support all interpretations by textual evidence and clear reasoning; to explore alternative views; to think about substantive agreement and disagreement; and to gain new insights.
- (2) Distribute copies of "Color-Conscious or Color-Blind, Texts for Discussion." Give students a few minutes to read each of the texts and the "Guidelines for Discussion."
- (3) Begin discussion with some opening questions. Suggested questions are:
 - What does Congress want to accomplish in the text selected from the Voting Rights Act (text 1)? Can you give an example to support your view?
 - What do you think the terms "color-conscious" and "color-blind" mean in this context? How do they apply to texts 2–5? Do you think these texts are valid? Do you think they are accurate?
 - What might you assume about the authors of the texts?
 - Do you see any long-term effects that this issue might have on the fabric of our democracy? Would you consider these effects positive or negative? Can you offer an example for discussion?
- (4) Conclude by identifying the authors of all the texts (see box below). Ask the students whether their responses might have been different had they known this information and have them reflect on why this knowledge sometimes changes opinions.

SOURCES: (1) U.S.C.A. Title 42 § 1971 ("The Voting Rights Act of 1965"); (2) Newt Gingrich, Chapter 13, "Individual Versus Group Rights," *To Renew America* (1995); (3) Justice Stevens (dissenting), *Shaw v. Reno*, 509 US __, 125 L Ed 2d 511, 113 S Ct 2816 (1993); (4) Justice O'Connor, *Shaw v. Reno*, 509 US __, 125 L Ed 2d 511, 113 S Ct 2816 (1993); (5) Clarence Page, "Supreme Court Adds Confusion to Racial Redistricting," (editorial), *Chicago Tribune*, December 10, 1995.

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TEXTS FOR DISCUSSION

- (1) "All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation by any State or Territory, or by or under its authority, to the contrary notwithstanding." — U.S.C.A. Title 42 § 1971 ("The Voting Rights Act of 1965")
- (2) "One of the great debates of the near future will be individual versus group rights. It is a debate that must end decisively in favor of the individual.... The very concept of group rights contradicts the nature of America. America is about the future, about 'the pursuit of happiness,' while group rights are about the past. America asks who you want to be. Group rights ask who your grandparents were."
- (3) "If it is permissible to draw boundaries to provide adequate representation for rural voters, for union members, for Hasidic Jews, for Polish Americans, or for Republicans, it necessarily follows that it is permissible to do the same thing for members of the very minority group whose history in the United States gave birth to the Equal Protection Clause. A contrary conclusion could only be described as perverse."
- (4) "Put differently, we believe that reapportionment is one area in which appearances do matter. A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid. It reinforces the perception that members of the same racial group—regardless of their age, education, economic status, or the community in which they live—think alike, share the same political interests, and will prefer the same candidates at the polls.... By perpetuating such notions, a racial gerrymander may exacerbate the very patterns of racial bloc voting that majority minority districting is sometimes said to counteract.... This is altogether antithetical to our system of representative democracy."
- (5) "When Sen. Phil Gramm (R Texas), now a GOP presidential candidate, was a U.S. representative, his district stretched all the way up to Dallas and all the way down to Houston, conveniently offering Gramm two major media markets in which to publicize himself.... Some of today's deep thinkers argue that any form of ethnic gerrymandering is wrong. Even if that were true (although it seems to have worked fine up until now) I wonder suspiciously why that challenge is being heard now that finally, after years of hard won victories, it is beginning to benefit people of color? Could it be R A C I S M?"

GUIDELINES FOR DISCUSSION

- 1) Refer to the text when needed during the discussion. The conversation is not a test of memory. You are aiming at understanding ideas, values, and issues.
- 2) Discuss ideas rather than each other's opinions.
- 3) It's OK to "pass" when asked to contribute.
- 4) Don't stay confused; ask for clarification.
- 5) Stick to the point; make notes about ideas you want to come back to.
- 6) Speak up so that all can hear you.
- 7) Listen carefully.
- 8) Talk to each other, not just to the leader. Everyone is responsible for the discussion.