

**RALPH W. BAKER, JR**

*Plaintiff*

By: Ralph W. Baker, Jr.

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U.S. DISTRICT COURT SDNY

**24 CV 8760**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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-----X Case No. RALPH W. BAKER, JR,

Plaintiff,

**COMPLAINT**  
**JURY TRIAL**  
**DEMANDED**

-against-

Nikole Hannah-Jones, Ibram X. Kendi, Keisha Blain, Ta-Nehisi P. Coates, Jason Reynolds, The New York Times Company, Bertelsmann SE & Co. KGaA, Hachette Livre, Lions Gate Entertainment Corp., Trevor Noah, Paramount Global, Roger Ross Williams, Shoshana Guy, Ms. Oprah Winfrey, Jelani Cobb, Kamilah Forbes, Chris Jackson, Nicole Counts, Victoria Matsui, The Walt Disney Company, Netflix, Inc. Claudia Rankine, Nikky Finney, Vieve Francis, Dorothy Roberts, Terrance Hayes, Khalil Gibran Muhammad, Ysef Komunyakaa, Eve L. Ewing, Leslie M. Alexander, Michelle Alexander, Barry Jenkins, Jesmyn Ward, Matthew Desmond, Janelle Bouie, Martha S. Jones, Tim Siebles, Lynn Nottage, Darryl Pinckney, Carol Anderson, Bryan Stevenson, A. Van Jordan, Terry Mcmillan, Kevin Kruse, Clint Smith, Tiya Miles, William Barber II, Donna Brazile, Kiese Laymon, Pamela Newkirk, Adam Serwer, Isabel Wilkerson, Robin D.G. Kelly, William A. Darity, Sherrilyn Ifill, Imani Perry, Peniel Joseph, Keemanga-Yamahta Taylor, Angela Davis, Alicia Garza, Michael Harriott, Carles E. Cobb, Jr., Fanonne Jeffers, Dwayne Betts, Robert Jones, Jr., Howard University, The 1619 Freedom School, Center For Journalism & Democracy, Boston University, Center for Antiracist Research, University of Pittsburgh, Brown University, Massachusetts Institute of Technology, Craig Newmark School of Journalism at the City University of New York, New York University, Columbia University, University of South Carolina, Dartmouth College, University of Pennsylvania, Harvard University, Rutgers University, Tulane University, Princeton University, Johns Hopkins University, Old Dominion University, Emory University, Stanford University, University of California, Los Angeles, Duke University, Legal Defense Fund, The University of Texas at Austin, Northwestern University, University of California, Santa Cruz, University of Chicago, Yale University, Rice University, University of Oklahoma

Defendants.

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Plaintiff Ralph W. Baker, Jr. as and for his Complaint against defendants Nikole Hannah-Jones, (“Hannah-Jones”), Ibram X. Kendi, Keisha Blain, Ta-Nehisi P. Coates, Jason Reynolds, The New York Times Company, Bertelsmann SE & Co. KGaA, Hachette Livre, Lions Gate Entertainment Corp., Joel Christian Gill, Trevor Noah, Paramount Global, Roger Ross Williams, Shoshana Guy, Ms. Oprah Winfrey, Jelani Cobb, Kamilah Forbes, Chris Jackson, Nicole Counts, Victoria Matsui, The Walt Disney Company, Netflix, Inc. Claudia Rankine, Nikky Finney, Vievee Francis, Dorothy Roberts, Terrance Hayes, Khalil Gibran Muhammad, Ysef Komunyakaa, Eve L. Ewing, Leslie M. Alexander, Michelle Alexander, Barry Jenkins, Jesmyn Ward, Matthew Desmond, Jamelle Bouie, Martha S. Jones, Tim Siebles, Lynn Nottage, Darryl Pinckney, Carol Anderson, Bryan Stevenson, A. Van Jordan, Terry Mcmillan, Kevin Kruse, Clint Smith, Tiya Miles, William Barber II, Donna Brazile, Kiese Laymon, Pamela Newkirk, Adam Serwer, Isabel Wilkerson, Robin D.G. Kelly, William A. Darity, Sherrilyn Ifill, Imani Perry, Peniel Joseph, Keemanga-Yamahta Taylor, Angela Davis, Alicia Garza, Michael Harriott, Charles E. Cobb, Jr., Fanonne Jeffers, Dwayne Betts, Robert Jones, Jr. Howard University, The 1619 Freedom School, Center For Journalism & Democracy, Boston University, Center for Antiracist Research, University of Pittsburgh, Brown University, Massachusetts Institute of Technology, Craig Newmark School of Journalism at the City University of New York, New York University, Columbia University, University of South Carolina, Dartmouth College, University of Pennsylvania, Harvard University, Rutgers University, Tulane University, Princeton University, Johns Hopkins University, Old Dominion University, Emory University, Stanford University, University of California, Los Angeles, Duke University, Legal Defense

Fund, The University of Texas at Austin, Northwestern University, and University of California, Santa Cruz, the University of Chicago, Yale University, Rice University, University of Oklahoma alleges as follows:

**PRELIMINARY STATEMENT**

Pursuant to 17 U.S. Code § 501 – Infringement of copyright states anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 122 or imports copies into the United States in violation of section 602 is an infringer of copyright or right of the author. Plaintiff also brings this Complaint for direct copyright infringement, vicarious copyright infringement, and unjust enrichment, violations of the New York and common law unfair competition laws, the Lanham Act, New York General Business Law §§ 349, 350 and 368-d, and negligence.

1. This is an action for inter alia, (1) the willful copyright infringement in Nikole Hannah Jones’ books, articles, movies, documentaries and derivative works, including but not limited to, the August 2019 New York Times Magazine articles titled, “The 1619 Project,” *The 1619 Project: A New Origin Story*, the podcast series “Listen To ‘1619,’” *The 1619 Project: Born on the Water*, *The 1619 Project: A Visual Experience*, and the Hulu docuseries, “The 1619 Project,” collectively, “1619 plagiarized works” and (2) the willful copyright infringement in Ibram X. Kendi’s books, articles, movies, documentary and derivative works, including but not limited to, *Stamped from the Beginning*, *Stamped: Racism, Antiracism, and You: A Remix of the National Book Award-winning Stamped from the Beginning*, *Stamped (For Kids)*, *STAMPED FROM THE BEGINNING A Graphic History of Racist Ideas in America*, documentary “Stamped from the Beginning” (Netflix), *FOUR HUNDRED SOULS A Community of African America, 1619-2019*,

collectively, the “Kendi plagiarized works.” The 1619 plagiarized works and the Kendi plagiarized works are together, the “plagiarized works.”

2. Without authorization, Ms. Hannah-Jones and Kendi copied portions of Ralph W. Baker, Jr.’s *Shock Exchange: How Inner-City Kids From Brooklyn Predicted the Great Recession and the Pain Ahead* (“Shock Exchange”).

3. Plaintiff alleges that over nearly a decade, Ms. Hannah Jones, Kendi and their co-conspirators deconstructed *Shock Exchange*. They copied several ideas and Plaintiff’s expressions of ideas, and copied the structure and pattern of Shock Exchange and meticulously, methodically attempted to avoid detection.

4. Throughout the plagiarized works, defendants mimicked Plaintiff’s dense, rhythmic prose – “Shock Exchange rhythmic prose and tedious talk,” copied the order of words in Plaintiff’s literary composition, and copied Plaintiff’s arrangement of words. The actions of Ms. Hannah-Jones and Kendi represent copyright infringement.

5. *Shock Exchange* was investigated and written by Plaintiff Ralph W. Baker, Jr. Plaintiff understands Ms. Hannah Jones received a bachelors degree from the University of Notre Dame and a master of arts degree from the University of North Carolina.

6. Plaintiff understands she began her career in 2003 as an education reporter in Raleigh, NC. Ms. Hannah Jones spent six years at a newspaper in Portland, OR and joined ProPublica in 2011 where she became known for investigative reporting on education.

7. Ms. Hannah Jones joined The New York Times as a staff writer in 2015. She wrote the 1619 Project in 2019; backed by the bullhorn of the New York Times, Ms. Hannah-Jones was awarded the Pulitzer Prize. The project was criticized by historians like Gordon S. Wood (Brown University) and Allen C. Guelzo (Princeton University) for being ahistorical.

8. Hannah-Jones is the Knight Chair in Race and Journalism at the Howard University School of Communications, and founded and leads the Center for Journalism and Democracy.

9. Plaintiff understands from 2009-2015 Kendi was an assistant professor of Africana Studies at various colleges and universities. From 2015 to 2017 he was assistant professor of African American Studies at the University of Florida. Kendi won the National Book Award for Fiction in 2016. In 2017 Kendi became a professor of history at American University and founded the Antiracist Research and Policy Center at American University.

10. In 2020 Kendi joined Boston University as a history professor and founded the Boston University Center for Antiracist Research.

11. *Shock Exchange* was published electronically in August 2012. A print version was completed November 2012. *Shock Exchange* was reviewed by *Library Journal* in 2013 – only the second time in history a self-published book was reviewed by a major book reviewer.

12. Plaintiff sent a copy of Shock Exchange to Cobb in 2013 when he was professor at the University of Connecticut. Plaintiff never heard back from Cobb, but apparently, he liked it .... a whole lot. Cobb contributed to the 1619 plagiarized works. Plaintiff sent Keisha Blain a copy of Shock Exchange in July 2015.

13. Ms. Blain acknowledged receipt of Shock Exchange in August 2015. Ms. Blain co-owns the copyright to FOUR HUNDRED SOULS *FOUR HUNDRED SOULS A Community of African America, 1619-2019* (“Four Hundred Souls”) with Kendi. Ms. Blaine and Kendi copied the pattern of structure of Shock Exchange throughout 400 Hundred Souls, and mimicked Shock Exchange rhythmic prose and tedious talk, copied the order of words in Plaintiff’s literary composition, and copied Plaintiff’s arrangement of words.

14. On September 19, 2022 Mr. Baker filed a complaint in the Southern District of New York against Ta-Nehisi Coates for the wholesale copying of Shock Exchange (Baker v. Coates et al, 22-CV-7986 (JPO)). Within weeks of the filing, Cobb and Ms. Hannah-Jones deleted all tweets related to Coates, destroying evidence relative to the Complaint, and Ralph W. Baker, Jr. v. Ta-nehisi P. Coates, et al, 23-7483-cv. This is evidence tampering pursuant to 18 U.S. Code § 1519, which prohibits “the destruction alteration, or falsification of records, documents, or tangible objects in relation to federal investigations or bankruptcy.”

15. Under New York Penal Law § 215.40(2) a person is guilty of tampering with physical evidence if he/she intends to “prevent the production or use of physical evidence in an official proceeding.” Here, Plaintiff asks Cobb and Ms. Hannah-Jones to produce all deleted evidence related to the Complaint, the plagiarized works and any defendants pursuant to this action.

16. In November 2022 Cobb made his Twitter account private under the guise of “rage quitting” after Elon Musk reinstated the Twitter account of former President Donald Trump. Ms. Hannah-Jones surmised aloud that she may also have to quit Twitter.<sup>1</sup> It also piqued Plaintiff’s interest into Cobb, Ms. Hannah-Jones, and other Coates “agents.”

17. Plaintiff began a painstaking investigation into Ms. Hannah-Jones, Kendi and Cobb. Due diligence revealed pursuant to the 1619 plagiarized works, Ms. Hannah-Jones copied the structure and pattern of Shock Exchange and added thousands of words on slavery as a crude effort to create the appearance of dissimilarity.

18. Plaintiff alleges throughout the 1619 plagiarized works that Ms. Hannah-Jones (and others) mimicked Shock Exchange rhythmic prose and tedious talk, copied the order of words in Plaintiff’s literary composition, and copied Plaintiff’s arrangement of words.

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<sup>1</sup> Jelani Cobb, “Why I Quit Elon Musk’s Twitter,” The New Yorker, November 27, 2022.

19. Pursuant to the Kendi plagiarized works, Kendi copied the pattern and structure of Shock Exchange and added thousands of words about racism and antiracism as a crude effort to create the appearance of dissimilarity.

20. Plaintiff alleges that over the course of nearly decade Ms. Hannah Jones and Kendi copied a substantial portion of *Shock Exchange*, and meticulously tried to mask the piracy.

21. The New York Times Magazine, owned by The New York Times Company, through The New York Times, published “The 1619 Project” as a series of articles beginning in August 2019. The New York Times Company has been publicly silent.

22. The New York Times Company continues to profit from sales of *The 1619 Project: A New Origin Story*, the podcast series “Listen To ‘1619,’” *The 1619 Project: Born on the Water*, *The 1619 Project: A Visual Experience*, and the Hulu docuseries, “The 1619 Project” via book sales, advertising revenue, subscription fees, et al. The New York Times Company has been publicly silent.

23. Penguin Random House, owned by Bertelsmann SE & Co. KGaA (“Bertelsmann”), published *The 1619 Project: A New Origin Story*, *The 1619 Project: Born on the Water*, and 400 Hundred Souls. Bertelsmann continues to profit from sales of these plagiarized books and has not denounced Ms. Hannah-Jones or Kendi for their theft.

24. *The 1619 Project: A Visual Experience* was published by Clarkson Potter, an imprint of Crown Publishing Group (“Crown”). Crown is owned by Bertelsmann. Bertelsmann continues to profit from the sale of Ms. Hannah-Jones’ plagiarized books and has not denounced Ms. Hannah-Jones for her theft.

25. *Stamped from the Beginning*, *Stamped: Racism, Antiracism, and You: A Remix of the National Book Award-winning Stamped from the Beginning*, and *Stamped (For Kids): Racism,*

*Antiracism, and You* were all published by Hachette Book Group, owned by Hachette Livre (“Hachette”). Hachette continues to profit from the sale of these plagiarized works and has not denounced Kendi for his theft.

26. *STAMPED FROM THE BEGINNING A Graphic History of Racist Ideas in America* was published by an imprint of Crown, owned by Bertelsmann. Bertelsmann continues to profit from the sale of this plagiarized material and has not denounced Kendi or the book’s co-owner, Joel Christian Gill, for their theft.

27. The Walt Disney Company is the majority owner of Hulu, which distributed the docuseries “The 1619 Project.” The Walt Disney Company continues to profit from sale and distribution of the docuseries. It has not denounced Ms. Hannah-Jones or the New York Times Company for their theft.

28. Lions Gate Television Inc. owns the copyright for docuseries “The 1619 Project.” Lions Gate Entertainment Corp. (“Lions Gate”), which owns Lions Gate Television Inc., continues to profit from sales of the docuseries. Lions Gate has been publicly silent. It has not denounced Ms. Hannah-Jones or the New York Times Company for their theft.

29. Netflix Worldwide Entertainment, LLC owns the copyright for the documentary *STAMPED FROM THE BEGINNING A Graphic History of Racist Ideas in America*. Netflix, Inc. (“Netflix”), which owns Netflix Worldwide Entertainment, LLC, continues to profit from sales, advertising and subscription revenue pursuant to the documentary. Netflix has been publicly silent. It has not denounced Kendi for his theft.

## **PARTIES**

30. Ms. Hannah-Jones (“defendant”) is the Knight Chair in Race and Journalism at Howard University School of Communications, and leads the Center for Journalism and Democracy.

Upon information and belief she resides in Brooklyn, NY.

31. Ibram X. Kendi (“Kendi” or “defendant”) is a history professor at Boston University and founder of the Boston University Center for Antiracist Research. Plaintiff understands Kendi

owns or co-owns the copyright for the Kendi plagiarized works except for the Netflix documentary.

32. Keisha Blain (“defendant”) is professor of Africana Studies and History at Brown University. Plaintiff understands she co-owns the copyright for *Four Hundred Souls*.

33. Ta-Nehisi P. Coates (“Coates” or “defendant”) is writer-in-residence at Howard University and holds the Sterling Brown chair in the English Department. Plaintiff understands Coates attended Howard University with Kamilah Forbes and Jelani Cobb, and formerly worked at *The Washington City Paper* with Cobb. Plaintiff understands Coates co-wrote *The Water Dancer* (“Water Dancer”), published by One Word (imprint of Penguin Random House) in 2019, with editors Chris Jackson, Nicole Counts and Victoria Matsui.

34. Jason Reynolds (“Reynolds” or “defendant”) is an author and poet. Plaintiff understands Reynolds co-wrote *Stamped: Racism, Antiracism, and You: A Remix of the National Book Award-winning Stamped from the Beginning* with Kendi. Reynold’s co-owns the copyright to the book.

35. The New York Times Company (or “defendant”) is mass media company that publishes The New York Times and its associated publications, and other media properties. The New York Times Company owns the copyright for *The 1619 Project: A New Origin Story*, and *The 1619*

*Project: Born On The Water*. The purported mission of The New York Times is, “We seek the truth help people understand the world.”<sup>2</sup>

36. Bertelsmann SE & Co. KGaA (“Bertelsmann” or “defendant”) is a leading “media, services and education company” with operations in about 50 countries. Its operations include the entertainment group RTL Group, Random House, the music group BMG, the service provider Arvato, printing, education and investment services.

37. Hachette Livre (“Hachette” or “defendant”) is a French publishing group located in Paris France.

38. Lions Gate (or “defendant”) is a Canadian-American entertainment company headquartered in Santa Monica, CA.

39. Trevor Noah (“defendant”) is a comedian, writer, producer, actor, and television host. He previously hosted *The Daily Show* on Comedy Central from 2015 to 2022.

40. Paramount Global is an American multinational mass media and entertainment conglomerate, which also owns Comedy Central.

41. Roger Ross Williams (“Ross Williams” or “defendant”) is an executive producer for the 1619 docuseries on Hulu, and an executive producer for the TV adaptation of Coates’ *Between the World and Me* on HBO.

42. Shoshana Guy (or “defendant”) is the showrunner for the 1619 docuseries on Hulu.

43. Ms. Oprah Winfrey (“Ms. Winfrey” or “defendant”) is an executive producer for the 1619 docuseries on Hulu. Ms Winfey also owns the movie rights and/or production rights for *Water Dancer*.

44. Jelani Cobb (“Cobb” or “defendant”) is the Dean of Journalism at Columbia University.

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<sup>2</sup> <https://www.nytc.com/company/mission-and-values/>

45. Kamilah Forbes (“defendant”) is the executive producer at The Apollo. She directed the sold-out world premiere and tour of the theatrical adaptation of *Between the World and Me* at the Apollo, the Kennedy Center and Atlanta Symphony Hall. Ms. Forbes is executive director of HBO’s TV adaptation of the book. Alongside Coates and his wife, Kenyatta Matthews, Ms. Forbes is a collaborator in the production company Maceo-Lyn. Ms. Forbes is expected to be executive producer on *Water Dancer* movie adaptation.

46. Chris Jackson (“Jackson” or “defendant”) is vice president, publisher and editor-in-chief of Random House’s One World imprint. One World has published books for Coates, Kendi and Ms. Hannah-Jones. Chris Jackson co-wrote *Water Dancer* with Coates, Nicole Counts and Victoria Matsui.

47. Nicole Counts (“Counts” or “defendant”) is Senior Editor of One World. She co-wrote *Water Dancer* with Coates, Chris Jackson and Victoria Matsui.

48. Victoria Matsui (“Matsui” or “defendant”) was previously a senior publishing manager at One World.

49. The Walt Disney Company (“Disney” or “defendant”) is an American mass media and entertainment company headquartered in Burbank, CA.

50. Netflix, Inc. (“Netflix” or “defendant”) is an American media company that offers a streaming service and video-on-demand. Netflix is headquartered in Los Gatos, CA. adaptation of *The Water Dancer*.

51. Claudia Rankine (“defendant”) is a poet and professor in the Creative Writing Program at New York University.

52. Nikki Finney (“defendant”) is a poet and professor of English at the University of Kentucky.

53. Vievee Francis (“defendant”) is a poet and associate professor of English and creative writing at Dartmouth College.

54. Dorothy Roberts (“defendant”) is a law professor at the University of Pennsylvania.

55. Terrance Hayes (“defendant”) is a poet and teacher at New York University.

56. Khalil Gibran Muhammad (“defendant”) is an African American studies professor at Princeton University.

57. Ysef Komunyakaa (“defendant”) is a poet and teacher at New York University.

58. Eve L. Ewing (“defendant”) is an author and professor at the School of Social Service Administration at the University of Chicago.

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59. Leslie M. Alexander (“defendant”) is a professor of history at Rutgers University.

60. Michelle Alexander (“defendant”) is an author, attorney and civil rights activist.

61. Barry Jenkins (“defendant”) is an American filmmaker.

62. Jesmyn Ward (“defendant”) is an author and English professor at Tulane University.

63. Matthew Desmond (“Desmond” or “defendant”) is an author and sociology professor at Princeton University.

64. Jamelle Bouie (“defendant”) is a columnist for the New York Times.

65. Martha S. Jones (“defendant”) is a history professor at Johns Hopkins University.

66. Tim Seibles (“defendant”) is a poet and English professor at Old Dominion University.

67. Lynn Nottage (“defendant”) is an award-winning American playwright.

68. Darryl Pinckney (“defendant”) is a novelist and playwright.

69. Carol Anderson (“defendant”) is a professor of African American studies at Emory University.

70. Bryan Stevenson (“defendant”) is a lawyer and law professor at New York University school of law.
71. A. Van Jordan (“defendant”) is a poet and professor at Stanford University.
72. Terry McMillan (“defendant”) is an American novelist.
73. Kevin Kruse (“defendant”) is a history professor at Princeton University.
74. Clint Smith (“defendant”) is an author and poet and winner of the 2021 National Book Critics Circle Award for Nonfiction.
75. Tiya Miles (“defendant”) is a history professor at Harvard University.
76. William Barber II (“defendant”) is a minister and founding director of the Center for Public Theology & Public Policy at Yale Divinity School.
77. Donna Brazile (“defendant”) is a political strategist and campaign manager.
78. Kiese Laymon (“defendant”) is an author and an English and creative writing professor at Rice University.
79. Pamela Newkirk (“defendant”) is a journalism professor at New York University.
80. Adam Serwer (“defendant”) is a staff writer for The Atlantic.
81. Isabel Wilkerson (“defendant”) is an author an winner of the Pulitzer Prize in journalism and the National Book Critics Circle Award for Nonfiction.
82. Robin D.G. Kelly (“defendant”) is a historian and history professor at the University of California, Los Angeles.
83. William A. Darity (“Darity” or “defendant”) is a professor of pubic policy, African American studies and economics at Duke University.

84. Sherrilyn Ifill (“defendant”) is a law professor, the Vernon E. Jordan, Jr., Esq. Endowed Chair in Civil Rights at Howard University, and former president of the NAACP Legal Defense Fund.

85. Imani Perry (“defendant”) is professor in Studies of Women, Gender, and Sexuality, and in African and African American Studies at Harvard University.

86. Peniel Joseph (“defendant”) is a professor of history and public affairs at the University of Texas at Austin.

87. Keemanga-Yamahta Taylor (“Taylor” or “defendant”) is an African American studies professor at Princeton University.

88. Angela Davis (“defendant”) is director of the feminist studies department at the University of Los Angeles, Santa Cruz.

89. Alicia Garza (“defendant”) is co-founder of Black Lives Matter.

90. Michael Harriot (“Harriot” or “defendant”) is a columnist for thegrio.com

91. Charles E. Cobb, Jr. (“defendant”) is a journalist and visiting professor at Brown University.

92. Fanonne Jeffers (“defendant”) is a poet, novelist and English professor at the University of Oklahoma.

93. Dwayne Betts (“defendant”) is a poet and legal scholar.

94. Robert Jones, Jr. (“defendant”) is a novelist and public speaker.

95. The 1619 Freedom School (“defendant”) is an after-school literacy program based in Waterloo, IA. The school was started by Ms. Hannah-Jones.

96. Center For Journalism & Democracy (“defendant”) purports to use “traditions of the Black press” to shape American media. It was founded by Ms. Hannah-Jones and is located at Howard University.

97. Center for Antiracist Research (“defendant”) was founded by Kendi and is located at Boston University.

98. Howard University (“defendant”) is a private federally chartered research institution located in Washington, DC.

99. Boston University (“defendant”) is a private Ivy League research university located in Providence, RI.

100. University of Pittsburgh is a state-funded university in Pittsburgh, PA.

101. Massachusetts Institute of Technology (“MIT”) is a private research university in Cambridge, MA.

102. Craig Newmark School of Journalism at the City University of New York (“Newmark School of Journalism” or “defendant”) is a public graduate journalism school in New York city.

103. New York University (“NYU” or “defendant”) is a private research university in New York city.

104. Columbia University (“Columbia” or “defendant”) is a private Ivy League research university in New York city.

105. University of South Carolina (“defendant”) is a public university in Columbia, SC.

106. Dartmouth College (“Dartmouth” or “defendant”) is a private Ivy League research university in Hanover, NH.

107. University of Pennsylvania (“defendant”) is a private Ivy League university in Philadelphia, PA.

108. Harvard University (“Harvard” or “defendant”) is a private Ivy League research university located in Cambridge, MA.
109. Rutgers University (“Rutgers” or “defendant”) is a state college located in New Jersey.
110. Tulane University (“Tulane” or “defendant”) is a private research university in New Orleans, LA.
111. Princeton University (“Princeton” or “defendant”) is a private Ivy League research university in Princeton, NJ.
112. Johns Hopkins University (“Johns Hopkins” or “defendant”) is a private research university in Baltimore, MD.
113. Old Dominion University (“ODU” or “defendant”) is a public research university in Norfolk, VA.
114. Emory University (“Emory” or “defendant”) is a private research university in Atlanta, GA.
115. Stanford University (“Stanford” or “defendant”) is a private research university in Stanford, CA.
116. University of California, Los Angeles (“UCLA” or “defendant”) is a public research university in Los Angeles, CA.
117. Duke University (“Duke” or “defendant”) is a private research university in Durham, NC.
118. Legal Defense Fund (“defendant”) is a legal organization that fights for racial justice headquartered in Washington, DC.
119. The University of Texas at Austin (“defendant”) is a public research university in Austin, TX.
120. Northwestern University (“Northwestern” or “defendant”) is

121. University of California, Santa Cruz (“UC-Santa Cruz” or “defendant”) is a public land-grant university in Santa Cruz, CA.

122. University of Chicago (“defendant”) is a private research university in Chicago, IL.

123. Yale University (“Yale” or “defendant”) is a private Ivy League research university in New Haven, CT.

124. Rice University (“Rice” or “defendant”) is a private university in Houston, TX.

125. University of Oklahoma (“defendant”) is a public research university in Norman, OK.

126. Mr. Baker resides in Brooklyn, New York. He owns copyright registration TXu001822615 for *Shock Exchange*, registered with the United States Copyright office August 1, 2012.

127. JOHN DOES 1-50, upon information and belief, are individuals and/or entities, related to the facts, allegations and causes of action, presently unnamed but who may be named as additional defendants as a result of discovery, investigation, or other legal endeavors directed at, inter alia, the assessment of their respective or joint liabilities.

### **JURISDICTION AND VENUE**

128. This action arises under 17 U.S.C. § 101, *et seq.* for defendants’ authorship, publication, and sale of *The Water Dancer*, *Between the World and Me*, *We Were Eight Years In Power*, *Black Panther* comic book, *Captain America* comic book, various articles for *The Atlantic* and *Black Panther* movie in violation and infringement of Plaintiff’s copyright in *Shock Exchange*.

129. Injunctive relief, profits and actual damages or statutory damages are sought pursuant to 17 U.S.C. §§ 502-504.

130. Costs, plaintiff’s time and efforts and attorneys’ fees are sought pursuant to 17 U.S.C. § 505.

131. The court has jurisdiction of this action pursuant to 28 U.S.C. § 1331.

132. Venue in this Court is proper pursuant to U.S.C. § 1391 (b).

**FACTUAL BACKGROUND PURSUANT TO THE PLAGIARIZED WORKS**

133. *Water Dancer* was written by Coates and One World editors Chris Jackson, Nicole Counts, and Victoria Matsui. They confessed to (i) stealing Plaintiff's identity and his "special knowledge" (ii) copying Plaintiff's language, word choice, literary writing style, and arrangement of words, (iii) forging documents, and (iv) going through pains to mask the piracy – *See Exhibit A*. The Second Circuit ruled rap lyrics are may be properly admitted at trial “where they are relevant and their probative value is not substantially outweighed by the danger of unfair prejudice.” U.S. v. Pierce, 785 F.3d 832, 841(2d Cir. 2015). The confession establishes the element of a crime, and proves motive and intent, "You can certainly not say when somebody writes about killing snitches, that it doesn't make the fact that they may have killed a snitch more probable .... " U.S. v. Stuckey, 253 F. App'x 468 (6th Cir. 2007).

134. Coates, Chris Jackson, Nicole Counts and Victoria Matsui confessed to being part of an army of secret agents – Ms. Hannah-Jones, Kendi, Cobb, Matthew Desmond, Darity, et al. – at war with the Plaintiff. Ms. Hannah-Jones and Cobb have attempted to cut Coates loose, in Coates' recent writings he described Ms. Hannah-Jones as “my homegirl” and confessed to collaborating with her on *The 1619 Project*, and claimed he watched her build the project, and that she sent him “texts with highlighted pages from history books” – *See Exhibit A*.

135. Coates' recent confession serves as a double entendre of sorts. He (i) wanted Plaintiff and the Court to know that *The 1619 Project* was also plagiarized, and (ii) signaled to Ms. Hannah-Jones, Cobb (and other agents) that if he went down for the wholesale copying of Shock Exchange, he would not go alone.

136. The confession establishes the element of a crime, and provides “proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident . . .” U.S. v. Stuckey, 253 F. App’x 483 (6th Cir. 2007). U.S. v. Stuckey also held that, “You can certainly not say when somebody writes about killing snitches, that it doesn’t make the fact that they may have killed a snitch more probable . . . .” U.S. v. Stuckey, 253 F. App’x 468 (6th Cir. 2007).

**FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO “THE 1619 PROJECT” ESSAYS**

**A. “The 1619 Project” Represents Comprehensive Non-Literal Similarity**

137. Professor Nimmer Professor Nimmer distinguishes between two types of similarity: (1) comprehensive nonliteral similarity and (2) fragmented literal similarity. “‘Comprehensive nonliteral similarity’ best describes the situation ‘where the fundamental essence and structure of one work is duplicated in another.’ While comprehensive similarity is present, there is no word for word or other literal similarity. If such duplication or structure or essence is literal or verbatim, then clearly substantial similarity results. Importantly, the mere fact that a defendant has paraphrased rather than literally copied will not preclude a finding of substantial similarity.” Feder, 697 F. Supp. at 1172. Plaintiff also “succeeds under this doctrine when it shows that the pattern or sequence of the two works is similar.” Arica, 970 F.2d at 1073.

138. Although Plaintiff understands Professor Nimmer’s copyright infringement doctrine of “comprehensive non-literal similarity” to be far less well known than the doctrine of fragmented literal similarity (the latter of which includes only verbatim copying), the Second Circuit in Arica expressly adopted Professor Nimmer’s doctrine of comprehensive non-literal similarity.

139. Ms. Hannah-Jones and her other agents – Mary Elliott, Jazmine Hughes, Matthew Desmond, Jamelle Bouie, et al. – copy the pattern and structure of Shock Exchange’s expression

on various topics, running afoul of comprehensive non-literal similarity. Arica. They then several pages about slavery as a crude effort to create the appearance of dissimilarity – *See Exhibit B.*

Business Trends Analysts v. Freedonia Group, 887 F.2d 399 (2d Cir. 1989).

140. The “1619 Project” does represent fair use. Defendants not only copied the most-important parts of Shock Exchange, they practically copied the entire book with the goal of superseding it. Folsom v. Marsh, 9 F. Cas. 342 (1841). Pursuant to 17 U.S. Code § 107, factors considered in determining fair use of a work include the purpose and character of the use, amount and substantiality of the portion used, and the effect of the use on the potential market or value of the copyrighted work.

141. The concepts and ideas in Shock Exchange, and the way the ideas are arranged are original and creative. Feist Publ’ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991). The concepts espoused in Shock Exchange are consistent with this lived experience, and/or his explanation on how the economy works and the measures policymakers need to take to fix it. Plaintiff predicted the next recession and why, and that social unrest occurring in North Africa and China would metastasize to the U.S. and why. These predictions are happening as Shock Exchange predicted. Shock Exchange is one of two self-published books in history ever to have been reviewed by a major book reviewer; there was nothing in the marketplace like Shock Exchange before it was published. Shock Exchange is “special.” Coates, Chris Jackson, Nicole Counts, and Victoria Matsui confessed to copying Plaintiff’s “special knowledge.” (Cmplt. Exhibit A).

142. “The 1619 Project” is not designed for critique or commentary. It was created for a profit motive only. The essays and the New York Times Magazine including the essays have been best sellers. They transformed Ms. Hannah-Jones as into a media darling. The New York Times

Company shoe-horned the project into school curricula throughout the country and refused to remove these plagiarized works even after they were criticized by historians as “ahistorical.” The New York Times Company also helped greenlight the Pulitzer Prize for Ms. Hannah-Jones.

143. The project destroyed the market for Shock Exchange and the marketability of Plaintiff’s future work. Coates, Chris Jackson, Nicole Counts and Victoria Matsui confessed that their stated goal was to destroy Plaintiff and his work – “Soon this became a regular labor ... each week I fitted myself to the costume ... I nearly loved them. My work demanded no less: I must reach beyond all my particular hatred and pain, see them in their fullness, and then, with my pen, strike out and destroy them . . . We returned the documents edited and augmented. Our forgeries encouraged feuds ... My anger was now free and ranged beyond Maynard and my father, aimed now at all Virginia ...” U.S. v. Stuckey, 253 F. App’x 468 (6<sup>th</sup> Cir. 2007). (Cmplt. Exhibit A).

144. Ms. Hannah-Jones structures her essay as a memoir – as if she had formerly been a slave girl. This mirrors Shock Exchange which was also a memoir. Ms. Hannah-Jones tries to create the total concept and feel of Shock Exchange by meticulously, methodically describing her family to mirror Plaintiff’s description of his grandparents and his father. Roth Greeting Cards v. United Card Co., 429 F.2d 1106 (9<sup>th</sup> Cir. 1970). (Cmplt. Exhibit B, ¶¶ I-IV). Ms. Hannah-Jones **make up a narrative** that her father spent his youth in Jim Crow Mississippi, which had a near-majority black population, similar to how Prince Edward County, VA was 68% black. (Cmplt. Exhibit B, ¶¶ I-II). Actually, her father spent his youth in Waterloo, IA after his family left Mississippi at age 2: “Milton Hannah, then 27, had pale eyes and a sad smile. He live in Waterloo, on the East Side, where his family had settled after leaving Mississippi when he was 2 years old.”<sup>3</sup>

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<sup>3</sup> Marc Weitzmann, *The Making of Nikole Hannah-Jones*, Tablet Magazine, September 28, 2022.

145. About 91% of Iowa’s population is white – the country’s seventh largest – behind Maine, Vermont, West Virginia, New Hampshire, Idaho and Wyoming.<sup>4</sup>

146. Ms. Hannah-Jones describes the special way she pronounced her grandmother’s name (“Grandmama”), how her grandmother lived in a segregated section of Waterloo, and her father’s time in the military. There is little to no mention of her mother or her mother’s side of the family in Ms. Hannah-Jones’ memoir. She amplifies those facts – and arranges them – to mimic Plaintiff’s description of his family. Ms. Hannah-Jones clearly uses Plaintiff’s plan and arrangement in imitating the description of is family. Nutt v. National Institute Incorporated for the Improvement of, 31 F.2d 236 (2d Cir. 1929).

147. “The 1619 Project” copies the pattern and structure of Plaintiff’s description of (i) Reconstruction, (ii) social unrest, riots, uprisings and clashes with the police, (iii) Newt Gingrich and the Republican Revolution of the early ‘90s, (iv) redlining, the housing market and housing wealth, (vi) bailouts and financial crises, (vii) banking regulation, mortgage-backed securities, and Glass-Steagall, the black church, and mass incarceration.

148. Ms. Hannah-Jones copied the pattern and structure of Plaintiff’s language – Shock Exchange rhythmic prose and tedious talk. Arica. Defendant copied the order of words in Plaintiff’s literary composition and Plaintiff’s arrangement of words. Jefferys v. Boosey, 4 H.L.C. 815, 867, Holmes v. Hurst, 174 U.S. 82(1899), Nutt v. National Institute Incorporated for the Improvement of Memory, 31 F.2d 236 (2d Cir. 1929).

149. Ms. Hannah-Jones’ language through her essays is incoherent and has no forward movement. The only purpose it serves it to mimic Shock Exchange rhythmic prose and tedious talk, copy Plaintiff’s arrangement of words, and steal Plaintiff’s identity.

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<sup>4</sup> <https://www.indexmundi.com/facts/united-states/quick-facts/all-states/white-population-percentage>

150. The New York Times Magazine essay, *It Is Time For Reparations*, represents comprehensive non-literal similarity. Arica. Ms. Hannah-Jones copies Plaintiff's expression pursuant to redlining and the map(s) used to deny loans to creditworthy black borrowers. Defendant's focus of redlining is only on blacks. However, whites lived in redlined areas also. Ms. Hannah-Jones never asserts that whites lived in redlined areas or that whites deserved reparations – copying Plaintiff's errors and anomalies. The similitude can only be explained through copying. *Steinberg v. Columbia Pictures Industries*, 663 F. Supp. 706 (S.D.N.Y. 1987).

151. Defendant's focus of reparations is also underpinned by housing and housing wealth. In using housing wealth as a marker, Ms. Hannah-Jones copies Plaintiff's expression verbatim.

Arica. Shock Exchange explains the economy through the eyes of the kids of the New York Shock Exchange who studied housing starts and auto sales. Shock Exchange also describes how the housing market and housing wealth cratered leading up to the Financial Crisis of 2008. Ms. Hannah-Jones cites William A. Darity, and pretends as if she never heard of Ralph Baker or Shock Exchange. Darity clearly knows who Plaintiff is because in *Four Hundred Souls*, Darity copied Plaintiff's description of Reconstruction and the important of the Readjuster Party in Virginia.

152. Ms. Hannah-Jones also copies Plaintiff's description of reparations. Shock Exchange describes how Virginia Governor Harry Byrd closed public schools to undermine *Brown v. Board of Education*. During the 2005-2006 school year Virginia established the *Brown v. Board of Education* scholarship fund for individuals negatively impacted by the lockout; according to Julian Bond, "it would become the first Civil Rights-era reparations in U.S. history."<sup>5</sup>

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<sup>5</sup> "Virginia is proof that reparations for slavery can work," Ken Woodley, *The Washington Post*, July 19, 2019.

153. Ms. Hannah-Jones, Darity and Coates were aware of reparations to students in Prince Edward County. When describing examples of reparations during a 2017 Harvard interview, Coates “coily” described reparations to Virginia students during the school lockout – Coates: “Yeah ... I think they may have begun to do something about this ... if you think about what happened in Virginia with mass resistance, wherein you had people responding to Brown v. Board by effectively shutting down the public school system. (Around the 42 minute mark).<sup>6</sup>

154. In excluding reparations to Prince Edward County students from the essay and citing Darity, it represented a crude attempt by Ms. Hannah-Jones attempted to create the appearance of dissimilarity. Business Trends.

155. Ms. Hannah-Jones also copied Plaintiff’s arrangement of words. Holmes. There is a substantial similarity between the top five-most repeated words, and next four most-repeated words in defendant’s dissection vis-à-vis Shock Exchange – *See Exhibit C. Jefferys, Holmes, Nutt*.

**B. The 1619 Project: A New Origin Story, podcast series “Listen To ‘1619,’” The 1619 Project: Born on the Water, and The 1619 Project: A Visual Experience Represent Comprehensive Non-Literal Similarity**

156. Excluding the New York Times Magazine essays, the 1619 plagiarized works are derivatives of the essays. Pursuant to 17 U.S. Code § 103(a), the subject of a copyright includes compilations and derivative works. Protection for the plagiarized works does not extend to material defendants used unlawfully. Pursuant to 17 U.S. Code § 106, the owner of a copyright of a literary work has the exclusive rights to prepare derivative works, and to publicly display and perform the copyrighted work.

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<sup>6</sup> Ta-Nehisi Coates speaks at Harvard “Universities and Slavery” Conference, YouTube, May 17, 2017.

157. *The 1619 Project: A New Origin Story* represents comprehensive non-literal similarity. Arica. Like all of the 1619 plagiarized works, the book is unoriginal. It copies the structure and pattern of Plaintiff's description of (i) Reconstruction, (ii) social unrest, riots, uprisings and clashes with police, (iii) Newt Gingrich and the Republican revolution of the early '90s, (iv) redlining, the housing market, housing wealth, and reparations, (v) the black church, (vi) mass incarceration, (vii) civil rights, (viii) and Plaintiff's language. The book does not represent fair use. Defendants' goal was to supersede Shock Exchange. Folsom v. Marsh, 17 U.S. Code § 107.

158. The book also copies Plaintiff's arrangement of words. Jefferys, Holmes, Nutt.

159. "The 1619 Project" docuseries on Hulu represents comprehensive non-literal similarity.

Arica. It copies the Plaintiff's expression of Reconstruction, social unrest, riots, uprising and clashes with police, redlining, the housing market, housing wealth, reparations, the banking industry, the black church, black music, civil rights, and mass incarceration. The docuseries does not represent fair use. It is unoriginal and the only purpose is to supersede Shock Exchange. Folsom v. Marsh, 17 U.S. Code § 107.

160. *The 1619 Project: Born on the Water* and *The 1619 Project: A Visual Experience* copy the structure and pattern of Shock Exchange. Arica. They copy Plaintiff's descriptions of mass incarceration, civil, Reconstruction, social unrest, riots, uprisings, reparations, the black church, and/or copy Plaintiff's arrangement of words. These plagiarized works do not represent fair use and their only goal was to supersede Shock Exchange. 17 U.S. Code § 107.

Ms. Hannah-Jones also copied Plaintiff's arrangement of words. Holmes. There is a substantial similarity between the top five-most repeated words, and next four most-repeated words in defendant's dissection vis-à-vis Shock Exchange – *See Exhibit C*.

**FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO THE KENDI  
PLAGIARIZED WORKS**

**C. The Kendi Plagiarized Works Represent Comprehensive Non-Literal Similarity**

161. The Kendi plagiarized works represent comprehensive non-literal similarity. Arica. The book, *Stamped from the Beginning*, copies the pattern and structure of Shock Exchange pursuant to (i) Reconstruction, (ii) civil rights, (iii) riots, social unrest, police brutality, (iv) mass incarceration, (v) New Gingrich and the Republican revolution of the early '90s, (vi) Reagan's war on drugs, (vii) Reagan's economic policies and welfare queens, (viii) civil rights, (ix) mass resistance, (x) *Brown v. Board of Education*, and (xi) Martin Luther King's non-violent resistance. Coates, Chris Jackson, Nicole Counts, and Victoria Matsui confessed to copying Plaintiff's special knowledge. U.S. v. Stuckey.

162. The book is unoriginal and a slavish imitation of Shock Exchange. It does not represent fair use. Its only goal is to supersede Shock Exchange. 17 U.S. Code § 107. The book adds thousands of words about slavery and incessant talk of "racism and antiracism" as a crude attempt to create the appearance of dissimilarity. Business Trends.

163. *Four Hundred Souls* copies the structure and pattern of Plaintiff's expression of redlining, the property market, the housing market, reparations, civil rights, *Brown v. Board of Education* and resistance to segregation in Prince Edward County, VA, riots, social unrest and police misconduct, Reconstruction, the rise of the Readjuster party in Virginia. Arica.

164. The book also copies Plaintiff's arrangement of words. Jefferys, Holmes, Nutt.

165. The remaining Kendi plagiarized works are derivatives of *Stamped from the Beginning*. Pursuant to 17 U.S. Code § 103(a), the subject of a copyright includes compilations and derivative works. Protection for the plagiarized works does not extend to material defendants

used unlawfully. Pursuant to 17 U.S. Code § 106, the owner of a copyright of a literary work has the exclusive right to prepare derivative works, and to publicly display and perform the copyrighted work.

166. The Netflix documentary, STAMPED FROM THE BEGINNING A Graphic History of Racist ideas in America copies the pattern and structure of Plaintiff's expression of mass incarceration, riots, social unrest, and Reagan's war on drugs. Arice. It adds information about slavery nonsense related to racism and antiracism to create the appearance of dissimilarity. Business Trends. The document does not represent fair use and its aim is to supersede Shock Exchange. 17 U.S. Code § 107.

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**FOR THE CAUSE OF ACTION AGAINST KENDI AND NIKOLE HANNAH-JONES  
(Copyright Infringement And Unfair Competition)**

167. Plaintiff repeats and realleges all of the foregoing allegations as if fully set forth herein.

168. Plaintiff owns a registered copyright in *Shock Exchange*.

169. Plaintiff owns the exclusive rights to *Shock Exchange*, and has not transferred any such rights to any individual or entity.

170. Defendants stole a substantial portion of *Shock Exchange*. They also stole the most unique aspects of *Shock Exchange*.

171. Defendants' theft was obvious, despite attempts to mask the piracy.

172. In all instances of defendants' copyright infringement, they were stealing from the heart of *Shock Exchange*.

173. Taken collectively, defendants' copying constitutes a gross and willful violation of Plaintiff's copyright.

174. Defendants, through his books and articles copied from *Shock Exchange* engaged unfair

competition with Plaintiff and *Shock Exchange* pursuant to the Lanham Act, New York and common law unfair competition laws, New York General Business Law §§ 349, 350 and 368-d, and negligence.

175. Plaintiff has been damaged financially and emotionally. As a direct and proximate result of defendants' conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

176. Plaintiff demands a permanent injunction on the sale, marketing and promotion of books, comic books, articles, movies, sound recordings and music related to defendants.

177. Plaintiff demands the copyright for books, music, sound recordings, movies, articles et. al, associated with defendants be transferred to him immediately. These include the 1619 plagiarized works, the Kendi plagiarized works, and the plagiarized works.

178. Defendants' actions have shown a total disregard for the copyright laws of this country. Plaintiff demands a permanent injunction against defendant owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that defendants are involved with or associated with also be precluded from receiving a copyright.

179. Plaintiff demands 100 percent of all revenue defendants own, attempt to own or consult with in perpetuity.

180. Plaintiff is forced to sue co-defendants of Ms. Hannah-Jones and Kendi lest the confusion in the marketplace will continue and defendants and his employers and business partners will argue that Plaintiff is copying them.

**FOR THE CAUSE OF ACTION AGAINST THE "AGENTS"**

181. The following defendants are also known as “agents”: Nikole Hannah-Jones, Ibram X. Kendi, Keisha Blain, Ta-Nehisi P. Coates, Jason Reynolds, Trevor Noah, Roger Ross Williams, Shoshana Guy, Ms. Winfrey, Jelani Cobb, Kamilah Forbes, Chris Jackson, Nicole Counts, Victoria Matsui, Claudia Rankine, Nikky Finney, Vievee Francis, Dorothy Roberts, Terrance Hayes, Khalil Gibran Muhammad, Ysef Komunyakaa, Eve L. Ewing, Leslie M. Alexander, Michelle Alexander, Barry Jenkins, Jesmyn Ward, Matthew Desmond, Jamelle Bouie, Martha S. Jones, Tim Siebles, Lynn Nottage, Darryl Pinckney, Carol Anderson, Bryan Stevenson, A. Van Jordan, Terry Mcmillan, Kevin Kruse, Clint Smith, Tiya Miles, William Barber II, Donna Brazile, Kiese Laymon, Pamela Newkirk, Adam Serwer, Isabel Wilkerson, Robin D.G. Kelly, William A. Darity, Sherrilyn Ifill, Imani Perry, Peniel Joseph, Keemanga-Yamahta Taylor, Angela Davis, Alicia Garza, Michael Harriott, Carles E. Cobb, Jr., Fanonne Jeffers, Dwayne Betts, Robert Jones, Jr.

182. Plaintiff demands that all agents not be allowed to own a copyright in perpetuity or teach at a college, university, or high school in perpetuity. Plaintiff demands 100 percent off all revenue from any copyright agents own, attempt to own, or consult with.

**FOR THE CAUSE OF ACTION AGAINST “COLLEGE AGENTS”**

183. The following defendants are known as “college agents”: Howard University, The 1619 Freedom School, Center For Journalism & Democracy, Boston University, Center for Antiracist Research, University of Pittsburgh, Brown University, Massachusetts Institute of Technology, Craig Newmark School of Journalism at the City University of New York, New York University, Columbia University, University of South Carolina, Dartmouth College, University of Pennsylvania, Harvard University, Rutgers University, Tulane University, Princeton University, Johns Hopkins University, Old Dominion University, Emory University, Stanford University,

University of California, Los Angeles, Duke University, Legal Defense Fund, The University of Texas at Austin, Northwestern University, University of California, Santa Cruz, University of Chicago, Yale University, Rice University, University of Oklahoma.

184. College agents have acted in a “for profit” manner in competing against the Plaintiff. Plaintiff demands college agents lose their not-for-profit status, retroactive to 2016 when Kendi and Ms. Hannah-Jones’ theft began. Plaintiff demands that not-for-profit status be revoked for the latter of 10 years or when they college agents settle with Plaintiff.

185. College agents had the right and ability to supervise the infringement of Plaintiff’s work by their agents and employees.

186. Plaintiff demands that college agents lose their accreditation for each department or field of study the agents participated in during their employ. For instance, Plaintiff demands that any department of field of study Ta-Nehisi Coates worked in for defendants like MIT or Howard University be shut down in perpetuity.

**FOR THE CAUSE OF ACTION FOR THE NEW YORK TIMES COMPANY**

187. Plaintiff demands that The New York Times Company transfer all copyrights pursuant to the 1619 plagiarized works, or any of the plagiarized works to Plaintiff. Plaintiff demands 100 percent of all revenue from the 1619 plagiarized works and the plagiarized works.

188. Plaintiff demands The New York Times Company books division be shut down in perpetuity. Plaintiff demands 100 percent of all revenue from any book owned by The New Times Company or any book it generates revenue from in perpetuity.

189. Plaintiff demands a black out people for The New York Times newspaper and digital newspaper each Thursday and Friday of each week for the next decade.

**FOR THE CAUSE OF ACTION AGAINST BERTELSMANN SE & CO. KGaA**

190. Bertelsmann demands an injunction against Bertelsmann publishing or distributing any new books in the U.S. for the next 50 years. That includes any new copyrights generated by artificial intelligence from Bertelsmann's existing catalogs.

191. Plaintiff demands that Bertelsmann transfer the copyright for the 1619 plagiarized works, the Kendi plagiarized works, and all plagiarized works to Plaintiff. Plaintiff demands 100 percent of all revenue from the plagiarized works in perpetuity.

192. Bertelsmann and the "agents" have created a business model from stealing Plaintiff's intellectual property. Plaintiff demands 10x the value of Bertelsmann's books division – including Penguin Random House, and Crown Books. Plaintiff understands the books division was valued at approximately \$2.3 billion when Bertelsmann purchased the remaining stake from its former business partners. That would equate to \$23 billion being transferred from Bertelsmann to Plaintiff.

**FOR THE CAUSE OF ACTION AGAINST HACHETTE LIVRE**

193. Plaintiff demands Hachette Livre force Hachette Books to transfer the copyright to the Kendi plagiarized works and all plagiarized works to Plaintiff. Plaintiff demands 100 percent of all revenue for the plagiarized works in perpetuity.

194. Plaintiff demands an injunction against any new books being published or distributed by Hachette Livre or its affiliates for the next 10 years. This includes any potential books or copyrights generated via artificial intelligence from existing catalogs.

**FOR THE CAUSE OF ACTION AGAINST LIONS GATE ENTERTAINMENT CORP.**

195. Plaintiff demands the copyright for the 1619 plagiarized works and the plagiarized works be transferred to Plaintiff immediately. Plaintiff demands 100 percent of all revenue from the 1619 plagiarized works and the plagiarized works in perpetuity.

196. Plaintiff demands an injunction against Lions Gate owning or distributing any new documentaries for the next decade.

**FOR THE CAUSE OF ACTION AGAINST PARAMOUNT GLOBAL**

197. Plaintiff understands Paramount Global owns the Comedy Central Network, which broadcasts *The Daily Show*. Plaintiff filed a copyright complaint against Ta-Nehisi Coates (and others) September 19, 2022. Plaintiff understands Trevor Noah, former host of *The Daily Show*, announced his departure from the show by the end of September 2022. Plaintiff understands Coates appeared on the show hosted by Trevor Noah eight times – a record. Plaintiff understands Ms. Hannah-Jones also appeared on the show with Trevor Noah to promote the 1619 plagiarized work(s).

198. Plaintiff understands Trevor Noah has published books with the One World imprint – the same imprint for the 1619 plagiarized work(s). The fact pattern suggests appearances by Coates and Ms. Hannah-Jones may not have been “real news and commentary,” but attempts by Mr. Noah to help his imprint fence stolen property.

199. Plaintiff demands (i) the copyright and (ii) 100 percent of the revenue from each episode Coates and Ms. Hannah-Jones appeared on *The Daily Show* hosted by Mr. Noah.

200. Plaintiff demands a blackout period for Comedy Central from 6:00PM to 4:00AM, Monday through Friday for the next decade.

**FOR THE CAUSE OF ACTION AGAINST DISNEY**

201. Plaintiff demands the copyright and 100 percent of all revenue from the 1619 plagiarized works and all plagiarized works.

202. Plaintiff demands an injunction from Disney or any of its companies, divisions or affiliates – including Hulu – from owning or distributing any new documentaries for the next decade.

**FIRST CAUSE OF ACTION**  
**Direct Copyright Infringement (17 U.S.C. § 101 et seq.)**  
**(Against All Defendants)**

203. Plaintiff repeats and realleges each allegation above as if fully set forth herein.

204. *Shock Exchange* is original, creative, and copyrightable subject matter under the laws of the United States.

205. The owner of Shock Exchange is the Plaintiff Ralph W. Baker, Jr.

206. The copyright in Shock Exchange is registered, and the Copyright Office has issued valid Certificates of Registration for the Shock Exchange.

207. By its actions, alleged above, defendants have infringed and will infringe the publishers' copyrights in and to Shock Exchange by, inter alia, reproducing, distributing, publicly displaying, publicly performing, and making derivative works of the works without any authorization or permission from Plaintiff.

208. Each infringement of the rights of Plaintiff in one of the works or Shock Exchange constitutes a separate and distinct act of infringement.

209. Defendants' infringement of Plaintiff's copyrights, including the Plaintiff's works or Shock Exchange, is willful.

210. Upon information and belief, as a direct and proximate result of its wrongful conduct, defendants have and will obtain benefits, including, but not limited to, profits to which defendants is not entitled.

211. As a direct and proximate result of defendants' wrongful conduct, Plaintiff has been, and will continue to be, substantially and irreparably harmed in an amount not readily capable of determination. Unless restrained by this Court, defendants will cause further irreparable injury to Plaintiff.

212. As a direct and proximate result of defendants' infringement, Plaintiff is entitled to recover statutory damages, pursuant to 17 U.S.C. § 504(c), with respect to each work infringed. Alternatively, at the election of Plaintiff, pursuant to 17 U.S.C. § 504(b), Plaintiff is further entitled to recover from defendants the damages he has sustained and will sustain, as well as any gains, profits and advantages obtained by defendants because of their acts of infringement alleged above. At present, the amount of such damages, gains, profits, and advantages cannot be fully ascertained by Plaintiff.

213. Plaintiff is entitled to recover his attorney's fees and costs.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Ralph W. Baker, Jr., respectfully requests judgment against defendants as follows:

213. Declaring that the practices of defendants in connection with Shock Exchange constitute willful copyright infringement.

214. Issuing a preliminary and permanent injunction enjoining defendants, and its agents, servants, employees, attorneys, successors and assigns, and all persons, firms and corporations acting in active concert or participation with it, from directly or indirectly reproducing, distributing, publicly displaying, creating derivative works, otherwise infringing, or causing, enabling, facilitating, encouraging, or inducing the reproduction, distribution, public display, creation of derivative works, or other infringement of, any of the respective copyrights owned or exclusively controlled, in whole or in part, by Plaintiff, whether now in existence or hereinafter created, and ordering that all unlawful copies be destroyed;

215. Entering judgment for Plaintiff against for statutory damages in an amount based upon defendant's willful acts of infringement of *Shock Exchange*, as alleged above, pursuant to the Copyright Act, 17 U.S.C. §§ 101, et seq.

216. Entering judgment for Plaintiff against defendants for statutory damages in an amount based upon defendants' willful acts of infringement of *Shock Exchange*, as alleged above, pursuant to the Copyright Act, 17 U.S.C. §§ 101, et seq.

217. Awarding Plaintiff the costs and disbursements of this action, including reasonable attorney's fees, pursuant to 17 U.S.C. § 505.

218. Awarding Plaintiff pre-judgment and post-judgment interest, to the fullest extent available, on the foregoing; and

219. Granting such other further and different relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

220. Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a jury trial on all issues so triable in this action.

**Dated:** November 16, 2024

**RALPH W. BAKER, JR. – PLAINTIFF**

Ralph W Baker

11/16/24

Name:

Date:

### EXHIBIT A

*Water Dancer* was written by Coates, Chris Jackson, Nicole Counts and Victoria Matsui. They confessed to being part of an army of secret agents at war with the Plaintiff.

<i>The Water Dancer</i>
<p>(I) "... It is a blessing to be here, <b>to be at war with them</b>. We are an outpost in that army that you now know as the Underground. Everyone living here is part of that army, though we can give no tell of such things ... <b>They're all agents</b>, though they work in different ways. Some of them work the house. They are read, as you are, and have put that skill to use. Paper is important in this – freedom papers, wills and testaments ... The house agents always got an ear to the ground. They study. They know the gossip. They know the journals. They know of influence in their region, but no one in the region really knows them. <b>And then there are others.</b>"</p> <p>P.161</p>
<p>(II) "But there are others who cannot be remanded to the house, for they feel the walls pushing in. They are the ones who remember the first time they ran, and it was so glorious to them, to be in defiance against everything they had ever been told ... That is the field agent. The <b>field agents</b> are different. They go into plantations and lead the Task up off of them. The field agents are daring ... And we need each other. We work together. Same army ..."</p> <p>P.162</p>
<p>(III) So I trained to be an agent, trained in the Mountains at Bryceton, Corrine's family stead, along with other agents recruited for the Underground. You will <b>forgive me for not saying much about my fellow agents</b> ... We are not yet past a time when scores are settled and vengeance sought, do many of us must, even in this time, remain Underground.</p> <p>P.163</p>

Coates, Chris Jackson, Nicole Counts, and Victoria Matsui confessed to (i) forging documents, (ii) stealing Plaintiff's identity, (iii) learning Plaintiff's language, (iv) copying Plaintiff's arrangement of words, and word choice, (vi) stealing Plaintiff's "special knowledge" and masking the piracy.

<i>The Water Dancer</i>
<p>(IV) "But I have not let them dictate to me, Hiram," she said, holding the envelope. "And I have not simply read, my boy. I have learned their language and custom – even those that should be beyond my station, especially those that should be beyond my station, and that has been the seed of my liberty."</p> <p>She walked over and placed the package before me.</p>

“Open it,” she said.

This I did and found inside of it a life of a man. There were letters to family. There were authorizations. There were certificates of sale.

“This is yours for the week,” she said. We can’t hold on to this man’s effects forever. What we have here is a selection, random enough so that its absence should not alarm him.”

“And what am I to do?” I asked.

“Learn him, of course,” she said. “This is a lesson in their customs. A way of comprehending all of those things beyond your station. He is a gentleman, of some education and schooling, as are many of the great slave-holders in this country.”

I must have looked confused because Corrine now said, “What do you think you’ve been studying down here?”

I said nothing. She continued on, “What we do is not idle exercise, nor Christian improvement. First you learn what they know, in the general. And then you learn them in the specific – their words and their hand. Own the man’s special knowledge and you shall own the measure of the man. Then you might fashion the costume, Hiram, and make it yours to fit.”

I began to study the very next day. Quickly I ascertained that all the documents were drawn up by the same hand. Studying them, a portrait began to emerge. From the artifacts of the author’s life – the balance of his ledgers, his communications with his wife, his journal entries upon certain deaths, the accounting off consecutive harvests – the man, in all his traits and foibles, was summoned before me. I saw his daily habits, his routines, his particular philosophy, and by the final hour, having never know him, I could render nearly all his features.

Corrine met me again, a week later, in the library. I provided her with all I had ascertained, and under her rigorous interrogation, I provided even more. What was his wife’s favorite flower? How regular were their departures? Did this man love his father? Had he yet turned gray? Where did he stand in society? And how ancient was his fortune? Was he given to the infliction of random cruelties? I responded to every query – I had, with my gift of memory, inhaled all the facts of the man’s life. But Corrine pushed on to questions that went beyond the facts that might be committed to memory to matters of interpretation. Was he a good man? What did he covet in life? Was he the sort to revel in perceived wrongs? The next night she picked up this line of inquiry and pushed me to construct the man down to the last loose thread of his waistcoat. On the following night of interrogation, I found that the more speculative questions came easier, and then by the last night they were so easy that I felt them to matters of my own life. And that was the point of it all.

“Now,” she said. “You have read well enough to know this man to be in possession of a particular property of which he is most fond.”

“The jockey, yes.” I replied. “Levity Williams.”

“The same,” she said. “This man will need a day-pass for the road, a letter of introduction for the further portion, and finally free papers signed by his master. You will provide these.”

She pulled from the case a tin and handed it to me. Opening it, I saw a fine pen, and by handling, it, I knew it was the same weight as the one often employed by the object of my study.

“Hiram, the costume must fit,” she said. “The day-pass must be done with the same hurried disregard, the letters must have all that official flourish, and the freedom papers the same arrogance that is surely the right of these vile people.”

There was still the practical fact of copying his signature and penmanship. But here my memory and gift of mimicry triumphed. It was no different than what I’d done all those years ago, when Mr. Fields showed me the image of the bridge. Harder were the man’s beliefs and passion, and my ability to convey them with confidence and ease, as though they were my own. I never forgot that lesson. It was essential to what I became, to what I unlocked and saw.

I don’t know if those documents ever loosed Levity Williams. Everything we did was done under so much secrecy. But still, in forging these documents I felt something new arising in me and the new thing was power. The power extended out from my right arm, projected itself through the pen, and shot out through the wilderness, right at the heart of those who condemned us.

Soon this became a regular labor. Every few weeks, Corrine presented me with a new package. And each week I fitted myself to the costume, so that when I finished, I was sometimes unsure of where I ended and the Taskmaster began . . . I nearly loved them. My work demanded no less: I must reach beyond all my particular hatred and pain, see them in their fullness, and then, with my pen, strike out and destroy them . . .

And we did much more than that. We returned the documents edited and augmented. Our forgeries encouraged feuds. We altered inquests. We lent proof of fornication. My anger was now free and ranged beyond Maynard and my father, aimed now at all Virginia, an anger I sated each night, under the lanterns, at the long library table.

Pages 166-169

Coleman Hughes of The Free Press explains how Coates collaborated with fellow agents Ms. Hannah-Jones (and others) on *The 1619 Project*:

Coleman Hughes, *The Fantasy World of Ta-Nehisi Coates*, The Free Press,  
October 2, 2024

(4) Mythmaking, rather than history, dominates the book's third essay, "Bearing the Flaming Cross," where we learn that Coates had an intimate view of *The 1619 Project* as it was being created by Nikole Hannah-Jones ... As Coates tells it, the backlash to *The 1619 Project* practically fell out of the sky ... resulted from a characteristically American unwillingness to face our past.

"Nikole is my homegirl," Coates writes. And he "had the great fortune of watching her build 'The 1619 Project,' of being on the receiving end of texts with highlighted pages from history books," and more. "Seeing the seriousness of effort, her passion for it, the platform she commanded, and the response it garnered," Coates realized that "a backlash was certain to come."

P.8

**EXHIBIT B – Essays From New York Times Magazine**

Ms. Hannah-Jones and her co-defendants copied the pattern and structure of Shock Exchange pursuant to memoir, reconstruction, mass incarceration, social unrest – uprisings by Blacks, protests, riots, police brutality and clashes between Blacks and the police – the Black church Ms. Hannah-Jones also copied Plaintiff’s arrangement of words – Shock Exchange rhythmic prose and tedious talk.

The 1619 Project and Shock Exchange both began with a section based on memoir.

<i>1619 Project</i>	<i>Shock Exchange</i>
<p>(I) My dad was born into a family of sharecroppers on a white plantation in Greenwood, Mississippi, where Black people bent over cotton from can’t-see-in-the-morning to can’t-see-at-night, just as their enslaved ancestors had done long before. The Mississippi of my dad’s youth was an apartheid state that subjugated its <b>near-majority black population</b> through breathtaking acts of violence. White residents in Mississippi lynched more Black people than those in any other state in the country, and the white people in my dad’s county lynched more Black resident than any other county in Mississippi, for such “crimes” as entering a room occupied by white women, bumping into a white girl, or trying to start a sharecroppers union. My dad’s mother, like all Black people in Greenwood, could not vote, use the public library, or find work other than toiling in the cotton fields or toiling in white people’s houses. In the 1940s, she packed up her few belongings and her three small children and joined the flood of Black Southerners fleeing to the North. She got off the Illinois Central Railroad in Waterloo, Iowa, only to have her hopes of the mythical Promised Land shattered when she learned that Jim Crow did not end at the Mason-Dixon Line.</p> <p>Grandmama, as we called her, found a Victorian house in a segregated Black</p>	<p>Farmville was made famous amongst African Americans by W.E.B. Du Bois in 1898 when he wrote <i>The Negroes of Farmville: A Social Study</i>. Du Bois’ aim was to study the economic condition of the American Negro. Under the direction of the U.S. commissioner of Labor, <i>The Farmville Negro</i> was the first of a series of small, well-defined studies of Negroes in the U.S. and predates Du Bois’ more famous study, <i>The Philadelphia Negro</i> which was published in 1899. It is no wonder that Du Bois’ focus was on Farmville, because Prince Edward was a happening place for blacks at the time. In 1790 <b>the county’s population was 8,100 and about half was black</b>. By 1890, the population had grown to almost 15,000 and <b>approximately 68% was black</b>.</p> <p>P.2</p> <p>... the density of African Americans in Southside Virginia, <b>as high as 60% of the population</b> in some areas, made white residents vehemently opposed to school segregation.</p>

<p>neighborhood on the city’s east side and found the work that was considered Black women’s work no matter where Black women lived: cleaning white people’s homes. Dad, too, struggled to find promise in this land. In 1962, at age seventeen, he signed up for the army. Like many young men, he joined in hopes of escaping poverty. But he went into the military for another reason as well, a reason common to Black men: Dad hoped if he served his country, his country might finally treat him as an American.</p> <p>Nikole Hannah-Jones Pages 1-2.</p>	
<p><b>(II)</b> My dad was born into a family of sharecroppers on a white plantation in Greenwood, Mississippi, where Black people bent over cotton from can’t-see-in-the-morning to can’t-see-at-night, just as their enslaved ancestors had done long before. <b>The Mississippi of my dad’s youth</b> was an apartheid state that subjugated its Black residents - almost half of the population – through breathtaking acts of violence. White residents in Mississippi lynched more Black people than those in any other state in the country, and the white people in my dad’s county lynched more Black resident than any other county in Mississippi, for such “crimes” as entering a room occupied by white women, bumping into a white girl, or trying to start a sharecroppers union.</p> <p>Nikole Hannah Jones Pages 1-2</p>	<p>I stayed quiet but thought to myself, “Boy you had better calm down before you get some tea.” I suddenly realized what a long way from home I was and wondered, “How in the heck did I get here?” I also wondered if I would ever see Farmville again. Yet <b>the Farmville I longed for was that of my youth</b> – softball games on Mother’s Day or singing at Mercy Seat while Annie Mae looked on approvingly. The little boy was still crying and acting up while the mother shouted something in a foreign language. The Swiss speak about five different languages, but whatever she was saying, I was certain it involved some “tea.” Lake Geneva seemed as if it would go on forever.</p> <p>P.</p>
<p><b>(III)</b> Grandmama, as we called her, found a Victorian house in a <b>segregated Black neighborhood</b> on the city’s east side and found the work that was considered Black women’s work no matter where Black women lived: cleaning white people’s homes.</p> <p>Nikole Hannah-Jones P.2</p>	<p>And that is saying a lot because <b>Prince Edward was all black</b>. I actually <b>thought blacks ran the world</b>. Just about everybody I came into contact with at church, at school and in the neighborhood <b>was black</b>.</p> <p>P.27</p>
<p><b>(IV)</b> Grandmama, as we called her, found a Victorian house in a segregated Black</p>	<p>She (Gramma) spent her life pretty much taking care of others. She <b>worked as a</b></p>

<p>neighborhood on the city’s east side and found the work that was <b>considered Black women’s</b> work no matter where Black women lived: <b>cleaning white people’s homes.</b></p> <p>Nikole Hannah-Jones P.2</p>	<p><b>housekeeper</b> for a few families in Farmville and the Hampden-Syney area – the Marks and Newmans to name a few.</p> <p>P.9</p>
<p>(V) Dad, too, struggled to find promise in this land. In 1962, <b>at age seventeen, he signed up for the Army.</b> Like many young men, he joined in hopes of escaping poverty. But he went into the military for another reason as well, a reason common to Black men: Dad hoped if he served his country, his country might finally treat him as an American. The Army did not end up being his way out. He was passed over for opportunities, his ambition stunted. He would be discharged under murky circumstances ...</p> <p>Nikole Hannah Jones P.2</p>	<p><b>Having served in Vietnam after being drafted into the Navy at age 19,</b> My Daddy tried to run our house like the military. I have never physically been to Vietnam my father took us there thousands of times. His buddies from basic training, mostly teenagers, became his best friends. Their primary job was to keep each other alive ... the first month after entering Vietnam, half his company was killed. ... For some odd reason it was important to him for us to know what he went through in Vietnam ...</p> <p>P.22</p>

Below are snippets on Reconstruction from both works.

**1619 Project [Snippet on Reconstruction]**

During this nation’s brief period of Reconstruction, from 1865 to 1877, formerly enslaved people zealously engaged with the democratic process. With federal troops tempering widespread white violence, black Southerner started branches of the Equal Rights League — one of the nation’s first human rights organizations — to fight discrimination and organize voters; they headed in droves to the polls, where they placed other formerly enslaved people into seats that their enslavers had once held. The South, for the first time in the history of this country, began to resemble a democracy, with black Americans elected to local, state and federal offices. Some 16 black men served in Congress — including Hiram Revels of Mississippi, who became the first black man elected to the Senate. (Demonstrating just how brief this period would be, Revels, along with Blanche Bruce, would go from being the first black man elected to the last for nearly a hundred years, until Edward Brooke of Massachusetts took office in 1967.) More than 600 black men served in Southern state legislatures and hundreds more in local positions. These black officials joined with white Republicans, some of whom came down from the North, to write the most egalitarian state constitutions the South had ever seen. They helped pass more equitable tax legislation and laws that prohibited discrimination in public transportation, accommodation and housing. Perhaps their biggest achievement was the establishment of that most democratic of American institutions: the public school. Public education effectively did not exist in the South before Reconstruction. The white elite sent their children to private schools, while poor white children went without an education. But newly freed black people, who had been prohibited from learning to read and write during slavery, were desperate for an education.

So black legislators successfully pushed for a universal, state-funded system of schools — not just for their own children but for white children, too. Black legislators also helped pass the first compulsory education laws in the region. Southern children, black and white, were now required to attend schools like their Northern counterparts. Just five years into Reconstruction, every Southern state had enshrined the right to a public education for all children into its constitution. In some states, like Louisiana and South Carolina, small numbers of black and white children, briefly, attended schools together.

Nikole Hannah Jones, 10 - 11

### **Shock Exchange [Dissection on Reconstruction]**

Harry Byrd was a Virginia Democratic senator when the *Brown* decision was rendered. His father was a wealthy apple planter in the Shenandoah Valley section of the state and publisher of the *Winchester Star*, which Byrd later inherited. At the time, the *Winchester Star* was heavily in debt. To save the paper, Byrd repaid indebtedness out of cash flow from operations. As state senator (1915-1925), he upgraded many of Virginia's secondary roads paid for by cash receipts generated by the state or new taxes levied to cover such construction. In addition, Byrd served as governor (1926-1933), and U.S. Senator (1933-1965). Prior to the Conservative Democrats gaining favor in the late 1880s, Virginia politics was controlled by the Readjuster Party, co-founded by Confederate General Robert William Mahone and Harrison Riddleberger, a lawyer from Woodstock, Virginia. After the Civil War, Virginia was left with debt of approximately \$50 million.

The majority of that indebtedness was incurred from infrastructure investments like roads and railroads. After West Virginia seceded from the state, 'Readjusters' felt the debt should be readjusted downward and West Virginia should pay its fair share of the debt burden. Mahone and Riddleberger formed coalitions with progressive thinking factions and took advantage of blacks' growing political power. William E. Cameron was elected governor from the Readjuster Party in 1882. At the time, three state senators and 11 delegates were black. Cameron's administration passed progressive legislations like the abolition of anti-black voting regulations, the establishment of Virginia State University, and increased funding for public schools. Both Republicans and Democrats alike wanted to quell black advancement, which meant destroying the Readjuster Party. By 1883 the Readjusters had lost majority control of the state legislature and the governorship to the Conservative Democrats. By 1902 the state legislature passed laws which eliminated voting rights of blacks, and stated for the first time that the races were to be educated at separate schools.

During Byrd's rise to power in the 1920s he used his web of connections, mainly in the rural areas of the state, to control Virginia politics for over 40 years and vigorously maintain segregation.

P.6

<i>1619 Project</i>	<i>Shock Exchange</i>
<p>(VI) During this nation's brief period of <b>Reconstruction</b> ... formerly enslaved people zealously engaged in the democratic process ... they (blacks) headed to the polls, where they placed formerly enslaved people into seats that their enslavers once held. N. Hannah Jones, P. 10</p>	<p>In the late 1880s Virginia politics was ruled by the Readjuster Party, which took advantage of blacks' growing power in the general assembly.</p>
<p>(VII) The South ... began to resemble a democracy, with black Americans elected to local, state and federal offices. Some 16 black men served in Congress – including Hiram Revels who became the first black man elected to the Senate. (Demonstrating just how brief this period would be, Revels, along with Blanche K. Bruce, would go from being the first black man elected to the last for nearly a hundred years, until Edward Brooke of Massachusetts took office in 1967.) N. Hannah Jones Pages 10-11</p>	<p>By the time William Cameron was elected governor from the Readjuster Party in 1882, three state senators and 11 delegates were Black.</p>
<p>(VIII) Demonstrating just how brief this period would be, Revels, along with <b>Blanche K. Bruce</b>, would go from being the first black man elected to the last for nearly a hundred years ... N. Hannah Jones Pages 10-11</p>	<p><b>Blanche K. Bruce</b>, the first black man elected to the U.S. senate (1875-1881) grew up about five minutes from my house. P. 1</p>
<p>(IX) Perhaps their biggest achievement was the establishment of that most democratic of American institutions: <b>the public schools</b>. Public education effectively did not exist in the South before Reconstruction ... newly freed black people, who had been prohibited from learning to read and write during slavery, were desperate for an education. So black legislators successfully pushed for a universal, <b>state-funded system of schools</b> ... N. Hannah Jones P.11</p>	<p>Cameron's administration passed progressive legislations like the abolition of anti-black voting regulations, the <b>establishment of Virginia State University</b>, and increased <b>funding for public schools</b>. P.6</p>
<p>(X) Led by black activists and a Republican party ... the years directly after slavery saw the <b>greatest expansion of human and civil rights</b> this nation would ever see ... In 1870, Congress passed the 15th Amendment, guaranteeing the most critical aspect of democracy and citizenship – <b>the right to vote</b> – to all men regardless of “race, color, or previous condition of servitude.”</p>	<p>Cameron's administration <b>passed progressive legislations</b> like the abolition of <b>anti-black voting regulations</b>, the establishment of Virginia State University, and increased funding for public schools. P.6</p>

<p>N. Hannah Jones P.12</p> <p><b>(XI)</b> White Southerners ... thanks in significant part to <b>the progressive policies and laws</b> black people championed, experience substantial improvement in their lives even as they forced black people back into quasi slavery.</p> <p>N. Hannah Jones P.12</p>	<p>Cameron’s administration <b>passed progressive legislations</b> like the abolition of anti-black voting regulations, the establishment of Virginia State University, and increased funding for public schools.</p> <p>P.6</p>
<p><b>(XII)</b> The many gains of Reconstruction were met with fierce resistance throughout the South, including unthinkable violence ... wide-scale voter suppression, electoral fraud and ... the overthrow of democratically elected <b>biracial governments</b>.</p> <p>N. Hannah Jones P.12</p>	<p>Both Republicans and Democrats alike wanted to quell black advancement, which meant destroying the <b>Readjuster Party</b>.</p> <p>P.6</p>
<p><b>(XIII)</b> ... starting in the late 1880s, Southern states passed a series of laws and codes meant to make slavery’s racial cast system permanent ... <b>They passed literacy tests to keep black people from voting and created all-white primaries</b> for elections ... local school boards in Illinois and New Jersey mandated <b>segregated schools</b> for black and white children.</p> <p>N. Hannah Jones Pages 13-14.</p> <p>The <b>post-Reconstruction</b> plundering of black wealth was not just a product of spontaneous violence, but etched in law and public policy. “A vast wealth gap, driven by segregation, redlining, evictions and exclusion, separates black and white America,” Trymaine Lee, August 19, 2019.</p>	<p>By 1902 the state legislature <b>passed laws eliminating voting rights</b> for blacks, and stated for the first time the races were to be <b>educated at separate schools</b>.</p>
<p><b>(XIV)</b> Woodard’s blinding is largely seen as one of the catalysts for the decades-long rebellion we have come to call the <b>civil rights movement ... this was the second mass movement for black civil rights, the first being Reconstruction</b> ... For the most part, black Americans fought back alone. Yet we never fought only for ourselves. The bloody freedom struggles of the civil rights movement laid the foundation for every other modern rights struggle.</p> <p>N. Hannah Jones Pages 15-16.</p>	<p>By 1902 the <b>state legislature passed laws which eliminated the voting rights of blacks, and stated for the first time that the races were to be educated at separate schools</b>.</p> <p>During Byrd’s rise to power in the 1920s, he used his web of connections, mainly in rural areas of the state, to control Virginia politics for over 40 years and vigorously maintain racial segregation ... <b>the five-year war of attrition between black students in Prince Edward and the state of Virginia broke the</b></p>

	<p><b>Byrd Machine.</b> By the early 1960s state and federal courts had rendered many of Byrd’s mass resistance laws “null and void.” P.[ ]</p>
<p><b>(XV) Our unemployment is nearly twice that of white Americans,</b> yet we are still the most likely of all groups to say the nation should take in refugees.</p> <p>N. Hannah Jones P.16</p>	<p>The <b>target unemployment rate in the U.S. was around 5%</b> ... The other epiphany came when Hendley told us that the <b>unemployment rate for African Americans has historically been 4%-5% higher than our white counterparts.</b> P.51</p>

Police brutality, police surveillance, uprisings, revolts, social unrest. Below is a snippet related to Rodney King from Shock Exchange:

A year after graduating college, the famous **Rodney King** incident occurred. After a high-speed chase, King was pulled over and **beaten down by several members of the LAPD.** The incident was captured on video; the footage was shocking to watch and television stations around the country replayed it for weeks. California has always had an image as being the “Sunshine State,” offering limitless possibilities. However, I had also heard rumblings of **police brutality** and **racial profiling.** Former Oakland Raiders running back, Marcus Allen, had gotten stopped so often while driving his Lamborghini that he had to get a special license plate. That way, the LAPD would recognize him in advance. African Americans in Southern California had complained publicly for years about **police brutality**, but their complaints had fallen on deaf ears. A year after the King incident, a jury found the members of the LAPD “not guilty” of police brutality. The controversial verdict set off a week of **rioting** in Southern California that resulted in 50 deaths and property damage of around \$1 billion. P.45

In 2011 the world witnessed **civil unrest** that overthrew the governments of Egypt and Libya, and sparked the beginning of the end to President Bashar al-Assad’s reign in Syria. In January 2011, **protests** actually broke out across parts of Northern Africa – Tunisia, Yemen, Jordan, Algeria and Egypt. The uprisings in Tunisia were so strong that they forced President Zine al-Abdine Ben Ali to flee the country by mid-January. Egyptian activists planned a **protest** in Cairo to coincide with Police Day, a national holiday held every January 25<sup>th</sup> to honor police. Just a year earlier **Khaled Said**, a young man from Alexandria, had **been beaten to death** by police and portrayed as an outlaw. To activists, Said was a symbol of their frustrations against the establishment. A Facebook page called **“We Are All Khaled Said”** became a conduit for them to organize and vent their frustrations. The combination of **Said’s beating**, November 2010 elections that the populace viewed as rigged by Hosni Mubarak’s ruling Democratic Party, and the success of **uprisings** in Tunisia caused millions of Egyptians to **flock to the streets in protest** ... the country’s appearance of being a corrupt police state where a few select insiders thrived, while 80 million residents lived in poverty, proved too much ...

Teenager Khaled Said in Egypt:

The success of **Egyptian uprisings** spilled over into Libya in the form of peaceful demonstrations. **Protestors** gained worldwide sympathy after Libya’s leader, Muammar Gaddafi, tried to **quell the demonstrations** through violence. P.295

Plaintiff’s prediction of social unrest in the U.S.:

The U.S. has all but escaped the recent **violent demonstrations** that have occurred in China, Russia and North Africa. Thus far, anger at Wall Street has involved rhetoric and peaceful demonstrations. While some are emboldened by the country’s ability to avoid **violent conflict**, it may simply be the calm before the storm. P.328

Double-digit interest rates, debt-to-GDP ratios approaching 100%, untenable rates of unemployment, and deflation in the housing sector while big business swims in billions of taxpayer funds, will be **more powerful than 500 pounds of iron sash weights**. P.330

<p><b>(XVI)</b> In 1846, Col. Henry W. Adams, of the 168th Regiment, Virginia Militia, started a slave patrol in Pittsylvania County, Va., that would “visit all Negro quarters and other places suspected of entertaining unlawful assemblies of slaves ... as aforesaid, unlawfully assembled, or any others strolling from one plantation to another, <b>without a pass from his or her master or mistress or overseer</b>, and take them before the next justice of the peace ...” Slave patrols throughout the nation were created by white people who were fearful of rebellion and were seeking to protect their human property ... <b>slave patrols tried to enforce laws that limited the movement of the enslaved community ...</b></p> <p>Essay By Mary Elliott and Jazmine Hughes</p>	<p>... I had also heard rumblings of <b>police brutality and racial profiling</b>. Former Oakland Raiders running back, Marcus Allen, <b>had gotten stopped so often</b> while driving his Lamborghini that he had to get a <b>special license plate</b>. That way, the LAPD would recognize him in advance. African Americans in Southern California had complained publicly for years about <b>police brutality</b>, but their complaints had fallen on deaf ears.</p> <p>P.45</p>
<p><b>(XVII)</b> The many gains of Reconstruction were met with fierce resistance throughout the South, including <b>unthinkable violence ...</b> Faced with this <b>unrest</b>, the federal government decided that black people were the cause of the problem and that for unity’s sake, it would leave the South to its own devices.</p> <p>N. Hannah Jones P.12</p>	<p>After a high-speed chase, King was pulled over and <b>beaten down by several members of the LAPD ...</b> A year after the King incident, a jury found the members of the LAPD “not guilty” of police brutality. The controversial verdict set off a week of <b>rioting</b> in Southern California that resulted in 50 deaths and property damage of around \$1 billion.</p> <p>P.45</p>

<p>(XVIII) ... Woodard got into a brief argument with the white driver after asking if he could use the restroom. About half an hour later, the driver stopped again and told Woodard to get off the bus ... before he could speak, one of the <b>officers struck him in the head with a billy club, beating him unconscious</b>. The blows to woodard's head were so severe that when he woke in a jail cell the next day, he could not see ... At 26, Woodard would never see again. There was nothing unusual about Woodard's <b>horrific maiming</b>. It was part of a wave of violence deployed against black Americans after Reconstruction.</p> <p>N. Hannah Jones P.13</p>	<p>After a high-speed chase, King was pulled over and <b>beaten down by several members of the LAPD</b>. P.45</p> <p>Just a year earlier <b>Khaled Said</b>, a young man from Alexandria, had <b>been beaten to death</b> by police and portrayed as an outlaw. P.295</p>
<p>(XIX) During the height of racial terror in this country, <b>black Americans were not merely killed</b> but castrated, burned alive and dismembered with their body parts displayed in storefronts.</p> <p>N. Hannah Jones Pages 14-15.</p> <p>In response to black demands for these rights, white Americans <b>strung them from trees, beat them</b> and dumped their bodies in muddy rivers, assassinated them in their front yards, firebombed them on buses, mauled them with dogs, peeled back their skin with fire hoses and murdered their children with explosives set off inside a church.</p> <p>N. Hannah Jones P.16</p>	<p>The controversial verdict set off a week of rioting in Southern California that resulted in <b>50 deaths</b> and property damage of around \$1 billion. P.45</p>
<p>(XX) Sometimes <b>black cane workers resisted</b> collectively by striking during planting and harvesting time – threatening to ruin the crop ... other times workers met swift and violent reprisals. After a major insurgency in 1887, led by Knights of Labor, a national union, at least 30 black people – some estimated hundreds – were killed in their homes and on the streets of Thibodaux, La.</p>	<p>... the meeting still did not assuage employees' fears of losing their jobs and pensions from a Jianlong takeover. That afternoon, employees confronted Mr. Chen and beat him severely ... With Mr. Chen still missing and Jianlong executives fearing the worst, local government officials made a public announcement that Jianlong's planned takeover had been scrapped. Nonetheless, by the time the rioting had subsided and authorities were able to reach Mr. Chen, the</p>

<p>“The Enslaved Pecan Pioneer,” Tiya Miles.</p>	<p>father of two was already dead. The Tonghua incident has since become a symbol of <b>worker resistance</b> to Chinese industrial reform. P.304</p>
<p><b>(XXI)</b> The museum tells of the <b>everyday struggles and resistance of black people</b> who didn’t lose their dignity even when they lost everything else. The museum also sits across the river from the site of the German Coast uprising in 1811, one of the <b>largest revolts</b> of enslaved people in United States history. As many as 500 sugar rebels joined a liberation army heading toward New Orleans, only to be cut down by federal troops and local militia ... About a hundred were killed in battle or executed later, many with their heads severed and placed on pikes throughout the region ... the execution tally was nearly twice as high as the number in <b>Nat Turner’s more famous 1831 rebellion</b>. “The sugar that saturates the American diet has a barbaric history as ‘the white gold’ that fueled slavery.”</p> <p>Khalil Gibran Muhammad</p> <p>The shooters didn’t even cover their faces ... “He was too successful to be a Negro,” someone who knew Bolling told a newspaper at the time. <b>When Bolling was killed</b>, his family he had as much as \$40,000 in the bank and more than \$5,000 in assets ...</p> <p>Essay By Trymaine Lee</p> <p>Armed white people stormed prosperous majority-black Wilmington, N.C., in 1898 to <b>murder dozens of black people</b>, force 2,000 others off their property and overthrow the city government.</p> <p>Essay By Trymaine Lee</p> <p>In the Red Summer of 1919, at least <b>240 black people were murdered</b> across the</p>	<p>The combination of Said’s beating, November 2010 elections that the populace viewed as rigged by Hosni Mubarak’s ruling Democratic Party, and the success of <b>uprisings</b> in Tunisia caused millions of Egyptians to <b>flock to the streets in protest ...</b> P.295</p> <p>The success of Egyptian <b>uprisings</b> spilled over in the form of peaceful demonstrations. P. 295</p> <p>... China experienced a wave of <b>violent unrest</b> that required riot police to quell ... <b>they all involved citizens who felt denied rights expected in an industrialized nation. Each protest</b> was triggered by a specific flashpoint – a pregnant street vendor assaulted by security or the death of a man in police custody who had challenged a land deal. Each of <b>the protests</b> resulted in <b>violent clashes with police</b>, local authorities or employers – all symbols of repression. P.304</p> <p><b>The U.S. has all but escaped the recent violent demonstrations</b> that have occurred in China, Russia and North Africa. Thus far, anger at Wall Street has involved rhetoric and peaceful demonstrations. While some are emboldened by the country’s ability to avoid violent conflict, <b>it may simply be the calm before the storm.</b> P.328</p> <p>In 1919 Jack was the target of a <b>letter bomb</b> intercepted by the post office. In 1920, Thomas W. Simpkin, an escaped mental patient, wandered into Jack’s church and shot his physician who he mistook for Jack. Again</p>

country. And in 1921, in one of the **bloodiest racial attacks** in United States history, Greenwood, a prosperous black neighborhood in Tulsa, Okla., was burned and looted. It is estimated that as many as **300 black people were murdered** and 10,000 were rendered homeless. Thirty-five square blocks were destroyed. No one was ever convicted in any of these acts of racist violence.

Essay By Trymaine Lee

In September 1739, a group of enslaved Africans in the South Carolina colony, led by an enslaved man called Jemmy, gathered outside Charleston, where they killed two storekeepers and seized weapons and ammunition ... Their goal was Spanish Florida, where they were promised freedom if they fought as the first line of defense against British attack. This effort, called the **Stono Rebellion**, was the **largest slave uprising** in the mainland British colonies. Between 60 and 100 black people participated in the rebellion; about 40 black people and 20 white people were killed, and other freedom fighters were captured and questioned.

Essay By Mary Elliott, Jazmine Hughes

In the 1640s, John Punch, a black servant, escaped bondage with two white indentured servants. Once caught, his companions received additional years of servitude, while Punch was determined enslaved for life. In the wake of **Bacon's Rebellion**, in which free and enslaved black people aligned themselves with poor white people and yeoman white farmers against the government, more stringent laws were enacted that defined status based on race and class. formalized.

Essay By Mary Elliott, Jazmine Hughes

in 1920, a horse-drawn carriage filled with **500 pounds of iron sash weights exploded** between J.P. Morgan headquarters and the U.S. Assay Office across the street. The blast killed 38 people (including two Morgan employees) and injured hundreds more. P.329

Double-digit interest rates, debt-to-GDP ratios approaching 100%, untenable rates of unemployment, and deflation in the housing sector while big business swims in billions of taxpayer funds, will be **more powerful than 500 pounds of iron sash weights**. P.330

Wealth, housing wealth, redlining, and the importance of the housing, land and property.

<p>(XXII) Between 1865 and 1870, the <b>Reconstruction Amendments</b> established birthright citizenship — making all black people citizens and granting them equal protection under the law — and gave black men the right to vote. There was also the promise of compensation. In January 1865, Gen. William Sherman issued an order reallocating <b>hundreds of thousands of acres</b> of white-owned land along the coasts of Florida, Georgia and South Carolina for settlement by <b>black families in 40-acre plots</b>.</p> <p>Essay By Trymaine Lee</p>	<p>I took the two largest components of the model (housing and autos) and developed a short-form conclusion – <b>housing and autos drive the economy</b>. After the renovation on my house I saw the economy move firsthand ... three years and three contractors later I got <b>my house</b> finished. Now replicate this estimated rehab project about 100,000 times every month and you would get an indication of how <b>housing starts</b> move the U.S. economy. P.56</p>
<p>Armed white people stormed prosperous majority-black Wilmington, N.C., in 1898 to murder dozens of black people, <b>force 2,000 others off their property</b> and overthrow the city government ... 1921, in one of the bloodiest racial attacks in United States history, Greenwood, <b>a prosperous black neighborhood in Tulsa, Okla., was burned and looted</b>. It is estimated that as many as 300 black people were murdered and 10,000 were rendered homeless. <b>Thirty-five square blocks were destroyed</b>.</p> <p>“You have limited opportunity to <b>accumulate wealth</b>, and then you have a process where that <b>wealth is destroyed or taken away</b>,” Darity says. “And all of that is prior to the effects of restrictive covenants — <b>redlining</b>, the discriminatory application of the G.I. Bill and other federal programs.”</p> <p>Essay By Trymaine Lee</p>	<p>Though 1990 was the year businesses acknowledged the recession, the economy started on a downward spiral in 1987. <b>Housing starts</b> (single and multi-family) declined a little over 10% from 1.8 million in 1986 to 1.6 million in 1987. They hit a trough of 1.0 million in 1991 and trended upward to 1.4 million in 1995. The Federal Reserve began lowering interest rates in 1991, which may have helped starts. That said, <b>housing starts</b> still never dipped below 1.0 million during the review period. P.73</p> <p><b>Housing starts</b> of 609 thousand in 2011 are less than a third of the 2.1 million starts at the peak of the review period (2005), and about 10% above the 2009 trough of 554,000 – the lowest since WWII. Falling home prices, rising foreclosures, sticky unemployment levels and banks’ higher underwriting standards have attributed to some of the most dismal housing starts on record. Contrastly, <b>housing starts</b> during the recession of the early 1990s never fell below 1 million. The “tale of two recessions” reiterates that the crisis of 2008 was driven by <b>real estate speculation</b> – fueled by Wall Street – that will take years to rectify. That said, simply lowering interest rates will not abate the situation if homeowners with the highest</p>

	<p>MPCs are denied access to those lower rates. <b>Housing starts</b> are driven by both demographics and affordability. P.326</p>
<p><b>(XXIII)</b> The post-Reconstruction plundering of <b>black wealth</b> was not just a product of spontaneous violence, but etched in law and public policy. Through the first half of the 20th century, the federal government actively excluded black people from government <b>wealth-building</b> programs.</p> <p>Essay By Trymaine Lee</p>	<p>Investment Meeting – August 16, 2008 Home prices are down 15.8% year-over-year and 8.9% YTD ... <b>Homeowners feel less wealthy</b> because their primary asset – <b>their home has depreciated in value.</b> P.169</p> <p>Investment Meeting – April 5, 2009 Home prices were down 18.2% y-o-y in 4Q 2008. <b>Homeowners feel less wealthy</b> because their primary asset – their home – has depreciated in value. P. 170</p> <p>Investment Meeting – March 16, 2008 Home prices fell in the 4<sup>th</sup> quarter of 2007 by 8.9%, the largest year-over-year decline in at least 20 years. <b>Homeowners feel less wealthy</b> because <b>their primary asset – their home</b> – has depreciated in value. P.171</p>
<p><b>(XXIV)</b> The establishment of the Home Owners Loan Corporation in 1933 helped save the collapsing <b>housing market</b>, but it largely excluded black neighborhoods from government-insured loans. Those neighborhoods were deemed “hazardous” and <b>colored in with red on maps</b>, a practice that came to be known as “<b>redlining.</b>”</p> <p>Essay By Trymaine Lee</p>	<p>Regulators colored in red the areas of the map where the declined loan applicants lived. After this process was over, regulators had drawn a red line through the neighborhoods where only African Americans lived – hence the term “<b>redlining</b>” was coined. P.58</p>
<p><b>(XXV)</b> It helped usher millions of working-class veterans through college and into <b>new homes</b> and the middle class ... The bill gave veterans <b>access to mortgages</b> with no down payments, but the Veterans Administration adopted the same racially restrictive policies as the Federal Housing Administration, which guaranteed bank loans only to developers who wouldn’t sell to black people. “The major way in which people <b>have an opportunity to accumulate wealth</b> is contingent on the wealth positions of their parents and their grandparents,” Darity says. “To the extent that blacks have the capacity to <b>accumulate</b></p>	<p>Investment Meeting – August 16, 2008 Home prices are down 15.8% year-over-year and 8.9% YTD ... <b>Homeowners feel less wealthy</b> because their primary asset – <b>their home has depreciated in value.</b> P.169</p> <p>Investment Meeting – April 5, 2009 Home prices were down 18.2% y-o-y in 4Q 2008. <b>Homeowners feel less wealthy</b> because their primary asset – their home – has depreciated in value. P. 170</p> <p>Investment Meeting – March 16, 2008</p>

<p><b>wealth</b>, we have not had the ability to transfer the same kinds of resources across generations.”</p> <p>Essay By Trymaine Lee</p>	<p>Home prices fell in the 4<sup>th</sup> quarter of 2007 by 8.9%, the largest year-over-year decline in at least 20 years. <b>Homeowners feel less wealthy because their primary asset – their home – has depreciated in value.</b> P.171</p>
<p><b>(XXVI)</b> It helped usher millions of working-class veterans through college and into <b>new homes</b> and the middle class ... The bill gave veterans <b>access to mortgages with no down payments</b>, but the Veterans Administration adopted the same racially restrictive policies as the Federal Housing Administration, which guaranteed bank loans only to developers who wouldn't sell to black people.</p> <p>Essay By Trymaine Lee</p>	<p>Once individuals reach their late 20s or early 30s, they are most likely to marry, start a family and buy a home. The growth in this segment of the population drives housing. The other lever, <b>affordability, may prompt them to buy now or delay</b> their purchase. If mortgage rates reach double digits, housing starts could retest the lows of 2009. P.326</p>
<p><b>(XXVII)</b> ... cities like Baltimore and Louisville enacted laws that mandated residential racial segregation ... During the New Deal, federal agencies like the Home Owners' Loan Corporation and the Federal Housing Administration encouraged <b>redlining practices</b> that explicitly marked minority neighborhoods as risky investments and therefore discouraged <b>bank loans, mortgages</b> and insurance there.</p> <p>Essay by Kevin Kruse</p>	<p>Regulators colored in red the areas of the map where the declined loan applicants lived. After this process was over, regulators had drawn a red line through the neighborhoods where only African Americans lived – hence the term “<b>redlining</b>” was coined. P.58</p> <p>A group of African-American customers in Illinois complained about discrimination in their local <b>bank's lending practices.</b> P.58</p> <p>Based on the dispersion of the loan declines, it appeared the <b>bank's loan officers had predetermined to decline all loans from American-American neighborhoods.</b> P.58</p>

Newt Gingrich:

<p><b>(XXVIII)</b> If you want to understand American politics in 2019 and the strain of reactionary <b>extremism that has taken over the Republican Party</b>, a good place to start is 2011: the year after a backlash to Barack Obama's presidency swept Tea Party insurgents into Congress, <b>flipping control of the House.</b> “America holds onto an</p>	<p><b>Gingrich</b> introduced the contract about six weeks prior to the midterm elections of November 1994 and it was successful beyond anyone's expectations. <b>In the Senate, Republicans won eight additional seats</b> and prompted Democratic Senator Richard Shelby of Alabama to switch parties. Meanwhile, they <b>added 54 seats in Congress, resulting</b></p>
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<p>undemocratic assumption from its founding: that some people deserve more power than others,” Jamelle Bouie, August 14, 2019</p>	<p><b>in Republican control of both Congress and the Senate</b> for the first time in over 40 years. P.92</p>
<p><b>(XXIX)</b> The Senate Republican leader, Mitch McConnell, used a variety of procedural tactics to effectively nullify the president’s ability to nominate federal judges and fill vacancies in the executive branch. In the minority, he used the filibuster to an unprecedented degree. In the majority, <b>after Republicans won the Senate in the 2014 midterm elections</b>, he led an extraordinary blockade of the Supreme Court, stopping the Senate from even considering the president’s nominee for the bench.  Jamelle Bouie, August 14, 2019</p>	<p><b>In the Senate, Republicans won eight additional seats</b> and prompted Democratic Senator Richard Shelby of Alabama to switch parties. Meanwhile, they <b>added 54 seats in Congress, resulting in Republican control of both Congress and the Senate</b> for the first time in over 40 years. P.92</p>
<p><b>(XXX)</b> Where did this <b>destructive, sectarian style of partisan politics</b> come from? Conventional wisdom traces its roots to the <b>“Gingrich Revolution” of the 1990s</b>, whose architect pioneered a hardball, insurgent style of political combat, undermining norms and dismantling congressional institutions for the sake of power. This is true enough, but the Republican Party of the Obama years didn’t just recycle its <b>Gingrich-era excesses</b>; it also pursued a policy of total opposition, not just blocking Obama but also casting him as fundamentally illegitimate and un-American. He may have been elected by a majority of the voting public, but that majority didn’t count. Essay By Jamelle Bouie</p>	<p>A rising GOP star and congressman from Pennsylvania, <b>Newt Gingrich</b> had his own plan to overtake Congress. He crafted the famous <b>“Contract With America,” which outlined 10 initiatives</b> Republicans would take if elected to Congress. The “contract” included but was not limited to (i) \$45 billion in <b>spending cuts for food stamps</b>, Medicaid, Aid to Families with Dependent Children and other <b>programs aimed at the poor</b>, (ii) removing recipients off welfare after two years, (iii) \$190 billion in <b>tax cuts</b> over five years, and (iv) a <b>balanced budget</b>. P.91</p>

Bailouts / Financial Crises

<p><b>(XXXI)</b> During slavery, “Americans built a culture of <b>speculation</b> unique in its abandon,” writes the historian Joshua Rothman in his 2012 book, “Flush Times and Fever Dreams.” <b>That culture would drive cotton production</b> up to the Civil War, and it has been a defining characteristic of American capitalism ever since. It is the culture of</p>	<p>The <b>panic of 1907</b> was brought upon by <b>speculation in commodities and railroad stocks</b>. The speculation was mostly attributable to trust companies, which were supposedly “safe” investment vehicles. At the time, trust companies were insulated from competition because banks were prohibited from executing trust business like wills and</p>
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<p>acquiring wealth without work, growing at all costs and abusing the powerless. It is the culture that brought us the <b>Panic of 1837</b>, the stock-market crash of 1929 and the recession of 2008. It is the culture that has produced staggering inequality and undignified working conditions.</p> <p>Essay By Matthew Desmond</p>	<p>estates. They found a legal loophole that let them engage in <b>speculative activities</b> beyond traditional trust business.</p> <p>P.285</p> <p>World markets crumbled and investors only wanted to hold the safest credits – U.S. treasur[ies] and the German Bund ... <b>Long-Term had invested in the most esoteric securities</b> with the largest price disparities and profit potential, the very securities investors were fleeing from. By the time of the Russian sovereign debt default, Long-Term had \$3.6 billion in assets. <b>In just five weeks it would be wiped out.</b></p> <p>P.197</p>
	<p>Senator Obama seized the moment by calling the meltdown of the stock market “the most serious <b>financial crisis since the Great Depression,</b>” and Mr. McCain “out of touch.” Over a period of mere months, Mr. Obama could see that the economy was near <b>Great Depression</b> status.</p> <p>P.173</p> <p><i>Shock Exchange</i> included a chart of the hundreds of billions of proprietary-trading assets (speculative assets) held by investment banks prior to the Financial Crisis of 2008.</p> <p>P.198</p>
<p><b>(XXXII)</b> It is the culture that brought us the Panic of 1837, <b>the stock-market crash of 1929 and the recession of 2008.</b> It is the culture that has produced staggering inequality and undignified working conditions.</p> <p>Essay By Matthew Desmond</p>	<p>Chernow traced J.P. Morgan’s history from its roots as a merchant bank in the mid-1800s. He captured how events leading up to <b>the stock market crash of 1929</b> and the Great Depression in the 1930s shaped U.S. securities laws that still last today.</p> <p>P.86</p> <p>They have rewarded Bernanke and Obama by hoarding their cash savings. In retrospect, it is somewhat of a misnomer to merely <b>compare the recession of 2008 to the Great Depression.</b></p> <p>P.324</p>
<p><b>(XXXIII)</b> If today America promotes a particular kind of low-road capitalism — a</p>	<p>These are not “captains of industry” who have been <b>bailed out</b> ... Double-digit interest</p>

<p>union-busting capitalism of poverty wages, gig jobs and normalized insecurity; <b>a winner-take-all capitalism of stunning disparities not only permitting but awarding financial rule-bending</b>; a racist capitalism that ignores the fact that slavery didn't just deny black freedom but built white fortunes, <b>originating the black-white wealth gap that annually grows wider</b> — one reason is that American capitalism was founded on the lowest road there is.</p> <p>Essay By Matthew Desmond</p>	<p>rates, debt-to-GDP ratios approaching 100%, untenable rates of unemployment, and deflation in the housing sector while <b>big business swims in billions of taxpayer funds</b>, will be more powerful than 500 pounds of iron sash weights.</p> <p>Pages 329-330</p>
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Banking, Mortgage-Backed Securities, Glass-Steagall

<p>(XXXIV) Because enslavers couldn't repay their loans, the banks couldn't make interest payments on their bonds. Shouts went up around the Western world, as investors began demanding that states raise taxes to keep their promises. ... But neither did they foreclose on defaulting plantation owners ... Furious bondholders mounted lawsuits and cashiers committed suicide, but the bankrupt states refused to pay their debts. <b>Cotton slavery was too big to fail</b>. The South chose to cut itself out of the global credit market, the hand that had fed cotton expansion, rather than hold planters and their banks accountable for their negligence and avarice.</p> <p>Essay By Tia Miles, Matthew Desmond</p>	<p>I simply was not buying this <b>"too big to fail" story President Bush and Secretary Paulson were pushing</b>. AIG had been one of the largest insurance companies for decades, yet nobody cared. Why was AIG a "company of interest" all of a sudden? Weeks after the AIG bailout was completed, the public became aware as to why bailing out AIG was so imperative – Goldman Sachs was one of AIG's largest counterparties under its credit default swap agreements. The bailout of AIG was nothing more than a "backdoor bailout" of Goldman Sachs; AIG was merely a pass-through vehicle to facilitate that.</p> <p>P. 205</p>
<p>(XXXV) Enslaved people were used as collateral for mortgages centuries before the home mortgage became the defining characteristic of middle America. In colonial times, when land was not worth much and banks didn't exist, <b>most lending was based on human property</b>. In the early 1700s, slaves were the dominant collateral in South Carolina. Many Americans were first exposed to the concept of a mortgage by trafficking in enslaved people, not real estate, and <b>"the extension of mortgages to slave property helped fuel the development of American</b></p>	<p>Bear's MBS investing strategy began to unravel after two of its hedge funds that invested in <b>collateralized debt obligations (CDOs)</b> and derivatives, imploded in early 1997. Their strategy was (i) borrow debt to purchase CDOs and earn a rate above the cost of borrowing and (ii) purchase insurance (credit default swaps) as a hedge against the CDOs falling in value. The end goal was to net out the cost of the debt to purchase "AAA" rated subprime debt, as well as the cost of the credit insurance, and achieve a positive return – referred to as a "positive</p>

<p>(and global) capitalism,” the historian Joshua Rothman told me.</p> <p>Essay By Matthew Desmond</p> <p>Or consider a Wall Street financial instrument as modern-sounding as <b>collateralized debt obligations (C.D.O.s)</b>, those ticking time bombs backed by inflated home prices in the 2000s. C.D.O.s were the grandchildren of <b>mortgage-backed securities</b> based on the inflated value of enslaved people sold in the 1820s and 1830s. Each product created massive fortunes for the few before blowing up the economy.</p> <p>Essay By Matthew Desmond</p>	<p>carry.”<sup>2</sup> However, the subprime MBS market declined to levels that could not be perfectly hedged and the funds eventually imploded. P.202</p> <p>During previous investment meetings we tracked the declines in housing starts and auto sales – key drivers of the economy. We were also coming out of an extremely low interest rate environment and once rates rose, I figured that (i) there would be a <b>problem with mortgage-backed securities</b>, (ii) like Kidder, at least one investment bank would implode and (iii) a few hedge funds and managers with outsized reputations would be deflated, a la David Askin and Michael Steinhardt. P.166</p>
<p>When seeking loans, planters used enslaved people as collateral. <b>Thomas Jefferson mortgaged</b> 150 of his enslaved workers to build Monticello. People could be sold much more easily than land, and in multiple Southern states, more than eight in 10 <b>mortgage-secured loans</b> used enslaved people as full or partial collateral. As the historian Bonnie Martin has written, “slave owners worked their slaves financially, as well as physically from colonial days until emancipation” by <b>mortgaging people</b> to buy more people.</p> <p>Essay By Matthew Desmond</p>	<p>Both institutions [Fannie Mae, Freddie Mac] were set up to provide local banks with federal financing to make housing available for everyone. They helped create a <b>secondary market for these mortgages</b> by (i) <b>packaging them into MBS</b> and (ii) selling them to investors. In doing so, they <b>created liquidity for mortgages</b>, freeing up capital for lenders to make more loans and lowering borrowing costs for prospective homeowners. P.193</p> <p><i>Shock Exchange</i> included a chart of the hundreds of billions of proprietary-trading assets (speculative assets) held by investment banks prior to the Financial Crisis of 2008. P.198</p>
<p><b>(XXXVI) Enslavers were not the first ones to securitize assets and debts</b> in America. The land companies that thrived during the late 1700s relied on this technique, for instance. <b>But enslavers did make use of securities to such an enormous degree for their time, exposing stakeholders throughout the Western world to enough risk to compromise the world economy,</b></p>	<p>Defaults and <b>foreclosures are rising</b>; the delinquency rate [of] <b>securitized office loans</b> hit 9% in December, up from 7.4% in June ... Then there is 40 Wall Street, the 1.3-million-square-foot-tower <b>owned by Donald Trump</b>. In 2009 40 Wall Street had leases expiring that represented nearly 50% of the building’s total space. However, Trump moved aggressively by reaching out to companies</p>

that the historian Edward Baptist told me that this can be viewed as “a new moment in international capitalism, where you are seeing the development of a globalized financial market.” The novel thing about the 2008 **foreclosure crisis was not the concept of foreclosing on a homeowner but foreclosing on millions of them.** Similarly, what was new about **securitizing** enslaved people in the first half of the 19th century was not the **concept of securitization** itself but the crazed level of rash speculation on cotton that selling slave debt promoted.

Essay By Matthew Desmond

beyond the building’s traditional Wall Street clientele and offered below-market rents. If this trend continues, the buyer’s market for office space may lead to commercial real estate prices revisiting the trough of April 2011.

Pages 316-317

... record low rates have been beyond the reach of many borrowers with substandard credit, behind on their mortgages or with mortgages currently underwater ... by November 2009 3.4% of U.S. households (1.9 million homeowners) were 120 days or more overdue on their payments, **yet not in foreclosure.** Secondly, by mid-2011 home prices had fallen about 34% from their peak in 2006, leaving about 10.9 million

Americans who borrowed to buy their homes – 22.7% of all homeowners with a mortgage nationwide – underwater on their mortgages. Pages 223-224

**(XXXVII)** In recent decades, America has experienced the financialization of its economy. **In 1980, Congress repealed regulations that had been in place since the 1933 Glass-Steagall Act,** allowing banks to merge and charge their customers higher interest rates. Since then, increasingly profits have accrued not by trading and producing goods and services but through financial instruments. Between 1980 and 2008, more than \$6.6 trillion was transferred to financial firms.

Essay By Matthew Desmond

As it’s usually narrated, the story of **the ascendancy of American finance** tends to begin in 1980, with the **gutting of Glass-Steagall**, or in 1944 with Bretton Woods, or perhaps in the reckless speculation of the 1920s. But in reality, the story begins during slavery.

Instead of devising new laws to address financial reform, lawmakers should (i) **re-institute Glass-Steagall** and (ii) update it to include those products or business lines that may not have existed in the 1930s, but which the “spirit” of Glass-Steagall was designed to address.

P.290

In November 1999 President Clinton signed into law an **overhaul of Glass-Steagall** – the Gramm-Leach-Bliley Act. The bill was approved in the Senate by a 90 to 8 vote and in Congress by a 362 to 57 vote. Lawmakers received a resounding response from Wall Street as the stocks of banks and insurance companies rose due to speculation from the pending wave of mergers in those industries. Treasury Secretary Lawrence Summers was quoted as saying, **“With this bill, the American financial system takes a major step toward the 21<sup>st</sup> Century** – one that will benefit American consumers, business and the

<p>Essay By Matthew Desmond</p>	<p>national economy ...” President Clinton cited the legislation as “truly historic ...” Little did he know that lawmakers had just set in motion the beginning of the next financial crisis, rivaled only by the Great Depression. Pages 92-93</p> <p>Citigroup created a billion-dollar fund ... which it used to fob off its worthless assets onto unsuspecting investors ... Despite the obvious evidence of fraud, the SEC fined Citigroup \$285 million ... <b>Rakoff rejected the SEC settlement out of hand</b> and questioned the “fact pattern” in the case. P.260</p>
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### The Black Church:

#### Snippet From 1619 Project

Black people, both free and enslaved, relied on their faith to hold onto their humanity under the most inhumane circumstances. In 1787, the Rev. Richard Allen and other black congregants walked out of services at St. George’s Methodist Episcopal Church in Philadelphia to protest its segregated congregations. Allen, an abolitionist who was born enslaved, had moved to Philadelphia after purchasing his freedom. There he joined St. George’s, where he initially preached to integrated congregations. It quickly became clear that integration went only so far: He was directed to preach a separate service designated for black parishioners. Dismayed that black people were still treated as inferiors in what was meant to be a holy space, Allen founded the African Methodist Episcopal denomination and started the Mother Bethel A.M.E. Church. For communities of free people of color, churches like Allen’s were places not only of sanctuary but also of education, organizing and civic engagement, providing resources to navigate a racist society in a slave nation. Allen and his successors connected the community, pursued social justice and helped guide black congregants as they transitioned to freedom. The African Methodist Episcopal Church grew rapidly; today at least 7,000 A.M.E. congregations exist around the world, including Allen’s original church.

#### Snippet From Shock Exchange

**The black church is one of the most important parts of the African-American existence in this country. We were actually affiliated with three churches – New Hope, Mercy Seat and Triumph. From my earliest recollection I was always in church.** Mark and I sang at Mercy Seat on behalf of Ms. Cleveland, one of the upstanding members of the congregation, during certain evening programs. Ms. Cleveland would offer to pay us for it but Suzie turned it down because “it was our responsibility.” We were no older than 4 and 5. People made such a big deal over our singing that we sort of enjoyed the attention. **The church permeates almost every aspect of black culture.** You learned how to dress in church. We always wore our Sunday best and took cues from the deacons and the minister who wore suits from the ‘50s and

'60s; they didn't make bad suits in those days. You learned how to conduct yourself in church. Mark and I were required to sit up straight, remain quiet and pay attention to the sermon ...

We even debated in school over whose church was better. The arguments were mainly with the kids from the town of Farmville, who attended Race Street or First Baptist. Race Street was made up of working-class African Americans while First Baptist was more for the upper class. **The Reverend Francis L. Griffin, the famous civil rights activist who helped fight for school integration in Prince Edward, was the minister at First Baptist.** It was blasphemous to even speak his name in a manner that could be construed as negative ...

**Attending Mercy Seat was a rite of passage.** Uncle Jesse (Gramma's brother) picked us up every Sunday at 9:45 a.m. for 10 o'clock Sunday school. I was always glued to the television watching Paul Hornung and Vin Scully narrate Notre Dame's football games. I had to race out of the house at the last minute behind Mark and Thomas. Mercy Seat was full of experts who could apply lessons from the Bible to everyday life. Any difficult questions that came out of Sunday school could be taken up with Reverend Spragues just before church started at 11 a.m.

Pages 25-26

<p><b>(XXXVIII)</b> Black people, both free and enslaved, <b>relied on their faith to hold onto their humanity</b> under the most inhumane circumstances.                  In 1787, the Rev. Richard Allen and other black congregants walked out of services at St. George's Methodist Episcopal Church in Philadelphia to protest its segregated congregations.</p>	<p>The black church is one of the most important parts of the African-American existence in this country. We were actually affiliated with three churches – New Hope, Mercy Seat and Triumph. From my earliest recollection I was always in church.                  P.25</p>
<p>Essay By Mary Elliott, Jazmine Hughes</p> <p><b>(XXXIX)</b> For communities of free people of color, churches like Allen's were places not only of sanctuary but also of <b>education, organizing and civic engagement, providing resources to navigate a racist society in a slave nation.</b> Allen and his successors connected the community, pursued social justice and helped guide black congregants as they transitioned to freedom.                  Essay By Mary Elliott, Jazmine Hughes</p>	<p><b>The church permeates almost every aspect of black culture.</b> You learned how to dress in church. We always wore our Sunday best and took cues from the deacons and the minister who wore suits from the '50s and '60s; they didn't make bad suits in those days. You learned how to conduct yourself in church.                  P.25</p>

Mass Incarceration:

Below is a snippet from Shock Exchange

Before quantifying the black tax – unemployment and incarceration – I would expect to see a sharp rise in unemployment starting in the late 1970s and early 1980s as the U.S. manufacturing base began to erode. Black men worked their way into middle class status by traveling to northern cities and California where manufacturing jobs were in abundance. The decline in U.S. manufacturing has hurt the economy overall, but African Americans especially. The inverse of this conclusion is that black men, for whatever reason, have been less successful in transitioning from the manufacturing sectors to the service sectors of the economy.

The above chart illustrates the employment-to-population ratio by sex and race, and measures the proportion of the population employed. This may be a better proxy for the true employment picture. The employment-to-population ratio for African-American men in 2010 was 53.1%, as compared to 65.1%, 67.5% and 68.0% for white, Asian and Hispanic men, respectively. Prior to seeing the data I would have expected a sharp decline in the ratio for black males starting in the mid-80s as the country's manufacturing base began to erode. However, the figures were relatively unchanged in 1980 (60.4%) and in 2000 (60.2%), yet fell precipitously by 2010. It reiterates the adage that “when America catches cold, black America catches pneumonia.”

There was no noticeable difference in the employment-population ratio amongst women from different racial groups. Overall, the employment-to-population ratio for all women has increased since the early 1970s as more women have entered the workplace. Yet the differential in the ratio between black women and black men is the smallest vis-à-vis other ethnic groups. For instance, in 2010 the differential in the ratio between black men and black women (1.6%) was much less than that of whites (11.1%), Asians (14.5%) and Hispanics (10.4%). The differential may be symptomatic of a U.S. service economy more comfortable with black women in the workplace.

The rate of incarceration also reflects the additional costs of being black in America. One could say that unemployment and incarceration rates are linked in that one (high unemployment) leads to crime and ultimately, incarceration. The abnormally high rate for African Americans is a known truth in the black community. After doing some research, I found that the U.S. has the highest incarceration rate of any country in the “free world.”

The U.S. incarceration rate has increased from 200 per 100,000 U.S. residents in the mid-90s to 743 per 100,000 residents in 2010. The incarceration rate is a function of admissions, times length of stay. Simply based on the number of admissions per capita, the U.S. would not be the world's largest jailor. The U.S. prison policy, highly affected by mandatory drug sentencing, has a higher length of stay relative to the rest of the world. Critics have also blamed the so-called “war on drugs” for the abnormally high incarceration rate of African-American males (4,797 per 100,000 U.S. residents) as compared to that of white males (708 per 100,000 U.S. residents). Even more damning is the fact that a high percentage of white males are incarcerated in local jails with shorter stays, causing less of a

disruption for their families. In contrast, the majority of black males are jailed in federal prison with longer stays – a phenomenon that has practically ravaged the black family. Instead of reducing the level of violent crime in America, the war on drugs has resulted in a frequent number of arrests for low-level drug transactions and non-violent offenders; about 50% of the U.S. prison population represents non-violent crimes. Nor will it ever reduce drug trafficking.

Senior year, Dr. Hendley presented us with a case involving a town with an exploding population of dogs. The town manager had a dilemma – to control the population by either spading male dogs or female dogs. The logical answer would be to spade the male dogs, since they were the “obvious” culprits. However, if the ratio was 10 female dogs per 10 male dogs and he spaded as many as six male dogs, the remaining four could still service 10 female dogs. Instead, the town manager spaded the female dogs and the dog population decreased proportionately. To that point, attempting to “spade” drug dealers does not have the same impact on the drug trade as spading the user through incarceration, treatment, or education. In no way am I attempting to dissect the criminal justice system, but simply presenting data that supports what Grandma always knew – if you are black in America, odds are you are going to the pen.

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<p><b>(XL)</b> The United States has the <b>highest rate of incarceration of any nation on Earth:</b> We represent 4 percent of the planet’s population but 22 percent of its imprisoned.</p> <p>Essay By Bryan Stevenson</p>	<p>U.S. has higher incarceration rate of any country in the free world.</p> <p><i>Shock Exchange</i> included a chart of the U.S. at 743 per 100,000 residents and its closest-to-scale competitors, Rwanda (595), Russia (568), Georgia (547) and U.S. Virgin Isles (549).</p>
<p><b>(XLI)</b> In the early 1970s, our prisons held fewer than 300,000 people; since then, <b>that number has grown</b> to more than 2.2 million, with 4.5 million more on probation or parole.</p> <p>Essay By Bryan Stevenson</p>	<p><b>U.S. incarceration rate increased</b> 200 per 100,000 U.S. residents in the mid-90s to 743 per 100,000 residents in 2010.</p>
<p><b>(XLII)</b> Because of <b>mandatory sentencing</b> and “three strikes” laws, I’ve found myself representing clients sentenced to life without parole for stealing a bicycle or for simple possession of marijuana. And central to understanding this practice of mass incarceration and excessive punishment is the legacy of slavery.</p> <p>Essay By Bryan Stevenson</p>	<p>The U.S. prison policy, highly-affected by <b>mandatory drug sentencing</b>, has a higher length of stay relative to the rest of the world.</p>

<p>(XLIII) And central to understanding this practice of mass incarceration and excessive punishment is <b>the legacy of slavery.</b></p> <p>Essay By Bryan Stevenson</p>	<p><i>Shock Exchange</i> implies mass incarceration driven by desire to stock drug trafficking. <b>Nor will it (incarceration) ever reduce drug trafficking.</b></p>
<p>(XLIV) Because of mandatory sentencing and “three strikes” laws, I’ve found myself <b>representing clients sentenced to life without parole for stealing a bicycle or for simple possession of marijuana.</b></p> <p>Essay By Bryan Stevenson</p>	<p>Instead of reducing the level of violent crime in America, <b>the war on drugs has resulted in a frequent number of arrests for low-level drug transactions and non-violent offenders;</b> about 50% of the U.S. prison population represents non-violent crimes.</p>
<p>(XLV) <b>During Reconstruction, the emergence of black elected officials</b> and entrepreneurs was countered by convict leasing, a scheme in which white policymakers invented offenses used to target black people: vagrancy, loitering, being a group of black people out after dark, seeking employment without a note from a former enslaver.</p> <p>Essay By Bryan Stevenson</p>	<p>In the late 1880s Virginia politics was ruled by the Readjuster Party, which took advantage of <b>blacks’ growing power</b> in the general assembly ... By the time William Cameron was elected governor from the Readjuster Party in 1882, <b>three state senators and 11 delegates were Black.</b> P.6</p>
<p>(XLVI) During Reconstruction, the emergence of black elected officials and entrepreneurs was countered by convict leasing, a scheme in which white policymakers invented offenses used to target <b>black people: vagrancy, loitering, being a group of black people out after dark, seeking employment without a note from a former enslaver.</b></p> <p>New language has emerged for the noncrimes that have replaced the <b>Black Codes: driving while black, sleeping while black, sitting in a coffee shop while black.</b> All reflect incidents in which African-Americans were mistreated, assaulted or arrested for conduct that would be ignored if they were white.</p> <p>Essay By Bryan Stevenson</p>	<p>California has always had an image as being the “Sunshine State,” offering limitless possibilities. However, I had also heard rumblings of <b>police brutality and racial profiling.</b> Former Oakland Raiders running back, Marcus Allen, had gotten stopped so often while driving his Lamborghini that he had to get a special license plate ...</p> <p>African Americans in Southern California had complained publicly for years about <b>police brutality ...</b> P.45</p>

## EXHIBIT C

The following dissections describe how Ms. Hannah-Jones copied Plaintiff's arrangement of words:

<i>It Is Time For Reparations - NHJ</i>	<i>Shock Exchange</i>
<p>(I) It feels different this time. <b>Black Americans</b> protesting <b>the violation</b> of their rights are a defining tradition of this country. In the last century, there have been hundreds of <b>uprisings in black communities</b> in response to <b>white violence</b>. Some have produced substantive change. After the assassination of the Rev. Dr. Martin Luther King Jr. in 1968, <b>uprisings</b> in more than 100 cities broke the final congressional deadlock over whether it should be illegal to deny people <b>housing</b> simply because they descended from people who had been enslaved. The Fair <b>Housing Act</b>, which prohibits <b>housing</b> discrimination on the basis of race, gender and religion, among other categories, seemed destined to die in Congress as <b>white Southerners</b> were joined by many of their Northern counterparts who knew <b>housing</b> segregation was central to how Jim Crow was accomplished in the North. But just seven days after King's death, <b>President Lyndon B. Johnson</b> signed the act <b>into law</b> from the smoldering capital, which was still under protection from the National Guard. Most of the time these <b>uprisings</b> have produced hand-wringing and consternation but few necessary structural changes. After <b>black uprisings</b> swept the nation in the mid-1960s, Johnson created the Kerner Commission to examine their causes, and the report it issued in 1968 recommended a national effort to dismantle segregation and structural racism across <b>American</b> institutions. It was shelved by the <b>president</b>, like so many similar reports, and instead <b>white Americans</b> voted in a "<b>law and order</b>" <b>president</b>, Richard Nixon. The following decades brought increased police</p>	<p>Whenever someone broke one of her rules you knew the penalty – <b>the switch</b>. She <b>would</b> make you go into <b>the woods</b> and pick your own. Now there was a strategy to this. The bigger <b>the switch</b>, the more stable it was, the more it <b>would hurt</b>, and the longer <b>the beating would last</b>. However, if you did not get a big enough <b>switch Grandma would have Mr. Allen</b>, the man she remarried later in life, go get one. And <b>he would</b> come back with an entire tree branch. Once my cousin returned with <b>the switch, Grandma would</b> examine it for <b>length, thickness</b>, and flexibility. <b>Mr. Allen would</b> add his two cents and no matter how <b>long or thick the switch</b> was, he always felt it was inadequate. Once <b>the switch</b> had passed inspection, <b>the beating would begin</b>. After hearing (never seeing) what took place next, that was the best advertisement <b>Grandma needed</b> as to what happened when you crossed her.</p> <p>One way to avoid <b>the switch</b> was to keep <b>Grandma</b> in a good mood. P.15</p>

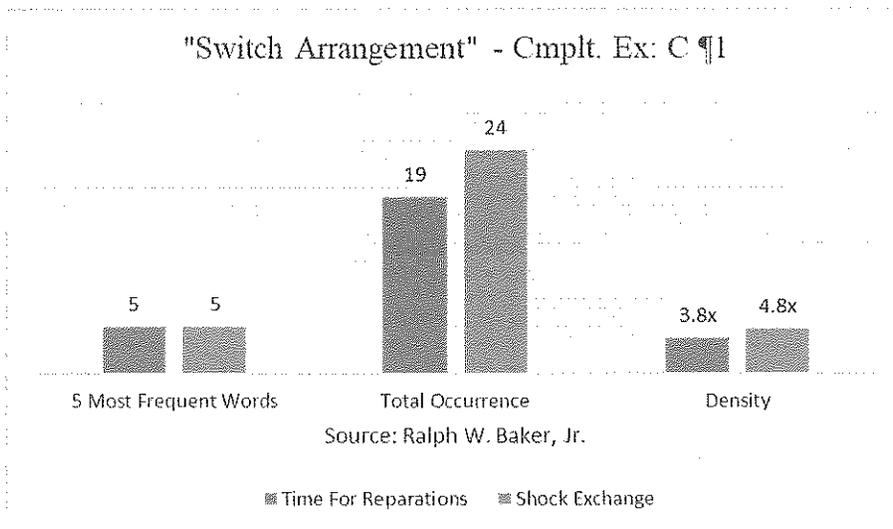
<p>militarization, <b>law-enforcement</b> spending and mass incarceration of <b>black Americans</b>.</p> <p>Pages 3-4</p> <p>Essay by N. Hannah-Jones</p>	
<p>(II) The changes we're seeing today in some ways seem shockingly swift, and in other ways rage-inducingly slow. After years of <b>black-led activism, protest</b> and organizing, the <b>weeks of protests</b> since George Floyd's <b>killing</b> have <b>moved lawmakers</b> to ban <b>chokeholds</b> by police officers, consider stripping law enforcement of the qualified immunity that has made it almost impossible <b>to hold</b> responsible officers <b>who kill</b>, and discuss <b>moving significant</b> parts of ballooning police budgets into funding for social services. Black Lives Matter, the group founded in 2013 by three <b>black women</b>, Patrisse Khan-Cullors, Alicia Garza and Opal Tometi, after the acquittal of Trayvon <b>Martin's killer</b>, saw its support among American voters rise almost as much in the two weeks after <b>Floyd's killing</b> than in the last two years. According to polling by Civiqs, more than 50 percent of registered voters now say they support <b>the movement</b>. The cascading effect of <b>these protests</b> has been something <b>to behold</b>. The commissioner of the N.F.L., which <b>blackballed</b> Colin Kaepernick for daring to <b>respectfully protest</b> police brutality, announced that the N.F.L. had, in fact, been wrong and that <b>black lives</b> actually do matter. (Kaepernick, on the other hand, still has no job.) HBO Max announced that it would temporarily pull from its roster the Lost Cause propaganda film "Gone With the Wind" — which in classically American <b>fashion holds</b> the spot as the highest-grossing feature film of all time. NASCAR came to the sudden realization that its decades-long permissiveness toward fans' waving the battle flag of a traitorous would-be nation that fought to preserve the right to traffic <b>black people</b> was, in fact, contrary to its</p>	<p>Whenever someone broke one of her rules you knew the penalty – <b>the switch</b>. She <b>would</b> make you go into <b>the woods</b> and pick your own. Now there was a strategy to this. The bigger <b>the switch</b>, the more stable it was, the more it <b>would hurt</b>, and the longer <b>the beating would last</b>. However, if you did not get a big enough <b>switch Grandma would</b> have <b>Mr. Allen</b>, the man she remarried later in life, go get one. And <b>he would</b> come back with an entire tree branch. Once my cousin returned with <b>the switch, Grandma would</b> examine it for <b>length, thickness</b>, and flexibility. <b>Mr. Allen would</b> add his two cents and no matter how <b>long or thick the switch</b> was, he always felt it was inadequate. Once <b>the switch</b> had passed inspection, <b>the beating would begin</b>. After hearing (never seeing) what took place next, that was the best advertisement <b>Grandma needed</b> as to what happened when you crossed her.</p> <p>One way to avoid <b>the switch</b> was to keep <b>Grandma</b> in a good mood. P.15</p>

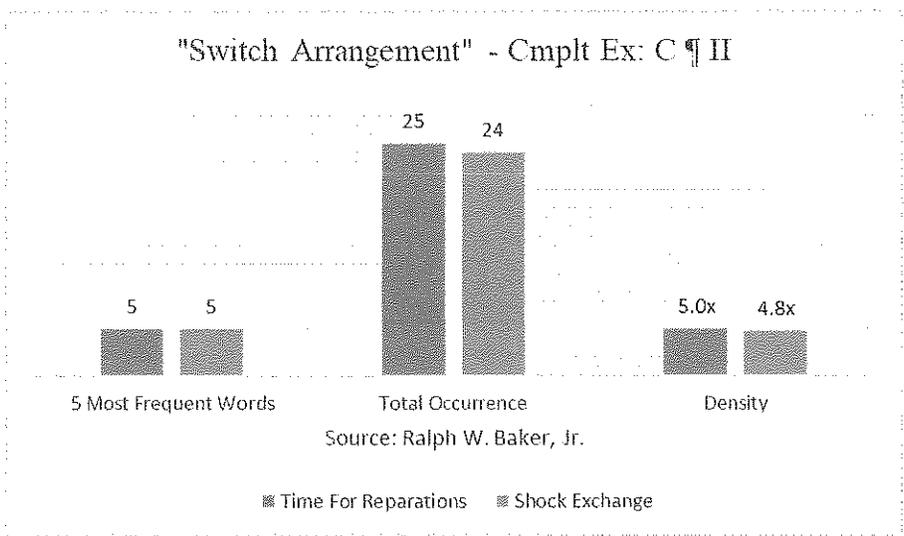
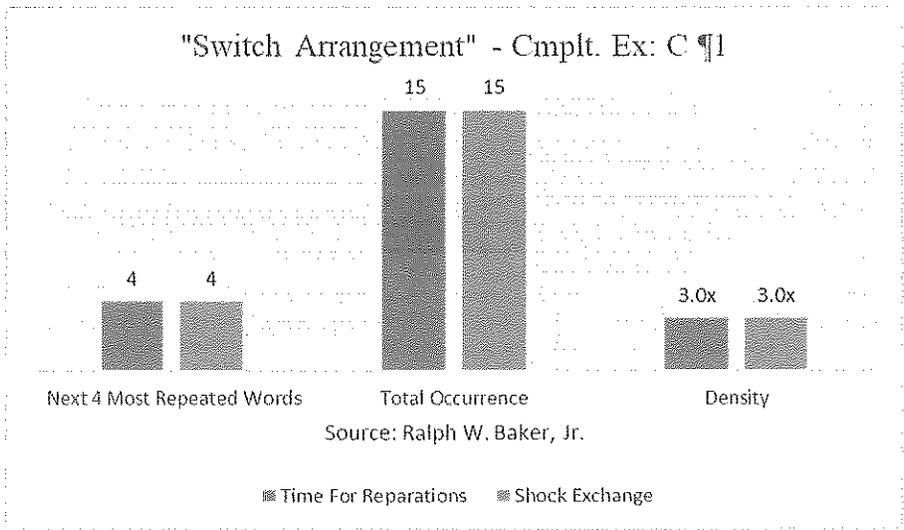
“commitment to providing a welcoming and inclusive environment for all fans, our competitors and our industry.” Bubba Wallace, the only full-time **black driver** at the sport’s top level, who had called on NASCAR to **make the move**, drove victory laps in an all-black stock car emblazoned with the words “#**BLACKLIVESMATTER**.”

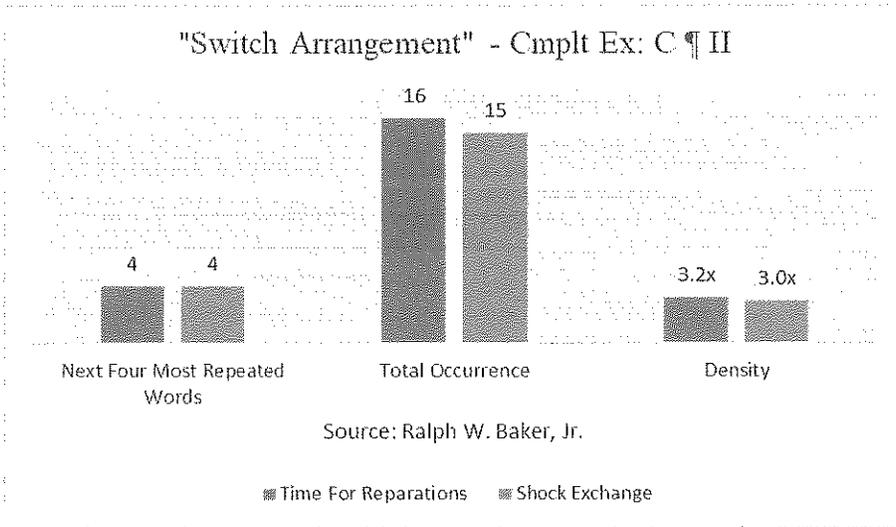
Pages 4-5

Essay by N. Hannah Jones

The following analytical dissection illustrates substantial similarity between the arrangement of words in Ms. Hannah-Jones’ dissection and the “switch scene” from Shock Exchange. The dissection shows (i) the top five most-repeated words and (ii) the next-four most repeated words.







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