

Lesson Plans: SS AmHis LPQ4 048 African American History Legal Fight for Civil Rights

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Grade Level : Grade 11

Subject : Reading - High, Social Studies - High

Standards/Assessed Benchmarks: Florida STATE FL Social Studies Standard (2008)

Grades: 9-12

Florida Sunshine State Standards

American History

5: Analyze the effects of the changing social, political, and economic conditions of the Roaring Twenties and the Great Depression.

SS.912.A.5.7 Examine the freedom movements that advocated civil rights for African Americans, Latinos, Asians, and women.

SS.912.A.5.10 Analyze support for and resistance to civil rights for women, African Americans, Native Americans, and other minorities.

Grades: 9-12

Florida Sunshine State Standards

Civics and Government

2: Evaluate the roles, rights, and responsibilities of United States citizens and determine methods of active participation in society, government, and the political system.

SS.912.C.2.4 Evaluate, take, and defend positions on issues that cause the government to balance the interests of individuals with the public good.

SS.912.C.2.6 Evaluate, take, and defend positions about rights protected by the Constitution and Bill of Rights.

SS.912.C.2.7 Explain why rights have limits and are not absolute.

SS.912.C.2.9 Identify the expansion of civil rights and liberties by examining the principles contained in primary documents.

Description/Abstract of Lesson: Students will: **describe** the role of legal system in securing civil rights to all citizens. **understand** the legal arguments used by NAACP.

Essential Question- Scope & Sequence: **How did the response of U.S. government and society toward race and equality evolve in post war America?**

Technology Connections and Teacher Materials: United Streaming – “American History: Racial Inequality: Remnants of a Troubled Time” <http://player.discoveryeducation.com/index.cfm?guidAssetId=2A9D4033-AA0B-4D53-BACF-60957902B560#> Vocabulary building activity - <http://www.landmarkcases.org/brown/background1.html> Problem Solving Activity - http://www.landmarkcases.org/brown/equal_same.html Segregation Law Map - <http://brownvboard.org/brwnqurt/04-2/04-2g.htm> Index Cards (one set with dates and one set with events you will study in this unit – you determine how many events/dates for which you will hold student accountable)

Duration : 3 Days

Vocabulary: **appellate court** - court of judges that reviews lower court decision **De facto segregation**- separation by race based on community tradition and accepted practices. Enforced by the personal responses in the community **de jure segregation** - separation by race based on law or legal precedent. **Jim Crow** - name given to laws, facilities, schools, transportation that were restricted to one race. In spite of "separate but equal", Jim Crow facilities were almost never equal in quality or use.

Steps to Deliver Initial Instruction:

- Introduce the lesson by reviewing the *Plessy vs. Ferguson* Supreme Court Decision from 1896.
- **Key Excerpts from the Majority Opinion** (from http://www.landmarkcases.org/plessy/excerpts_maj.html)
 - The decision was not unanimous. Speaking for a seven-person majority, Justice Henry Brown delivered the opinion of the court. This case turns upon the constitutionality of an act of the general assembly of the state of Louisiana, passed in 1890, providing for separate railway carriages for the white and colored races. . . . The constitutionality of this act is attacked upon the ground that it conflicts both with the thirteenth amendment of the

Constitution, abolishing slavery, and the fourteenth amendment, which prohibits certain restrictive legislation on the part of the states.

- 1. That it does not conflict with the thirteenth amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. . . . Indeed, we do not understand that the thirteenth amendment is strenuously relied upon by the plaintiff. . . .
- 2. . . .The object of the [Fourteenth] amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. . . .
- So far, then, as a conflict with the fourteenth amendment is concerned, the case reduces itself to the question whether the statute of Louisiana is a reasonable regulation, and with respect to this there must necessarily be a large discretion on the part of the legislature. In determining the question of reasonableness, it is at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order. Gauged by this standard, we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the fourteenth amendment than the Acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures.
- We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. . . . The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals. . . . Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.
- Questions to Consider:
 - 1. What do the justices state is the object of the Fourteenth Amendment?
 - 2. The *Plessy* decision distinguishes between political and social equality. Discuss this distinction. Can one exist without the other?
 - 3. What racial and cultural assumptions are inherent in the statement that "legislation is powerless to eradicate racial instincts or abolish distinctions based upon physical differences?"
 - 4. The decision states that legislation cannot overcome social prejudice. Can it reinforce social prejudice? How?
 - 5. How do you respond to the court's contention that if any inferiority is evident, it is only because colored people "choose" to interpret the act in that manner. Do you believe colored people had a choice whether or not to feel or not to feel inferior in light of such legislation?

- 6. According to Justice Brown's opinion, social equality must be the result of what three factors?
- 7. After the court dismissed the Thirteenth Amendment violation argument, it reduced the question before the court to whether or not Louisiana's legislation is reasonable. What is the "reasonable" standard and how did the court apply it in this case?
- Now, students will look at segregated schools in 5 different locations throughout the United States to see how "separate but equal" was actually working.

Guided Practice with Feedback:

- Play the video from United Streaming – "American History: Racial Inequality: Remnants of a Troubled Time" <http://player.discoveryeducation.com/index.cfm?guidAssetId=2A9D4033-AA0B-4D53-BACF-60957902B560> (This video has points where you can stop and talk about discussion points that are prompted to the class –View each of the following segments individually
 - Segregated Schooling in Clarendon
 - Civil Disobedience at Moton High
 - Briggs v Elliott: The Battle for Educational Equality
 - Integration in Farmville: Church Involvement in the Civil Rights Movement
- Distribute copies of *Brown v Board case reading.pdf* (attached below). Students should summarize each of the cases listed and presented in the video.

Independent Practice:

- Next, have students read excerpts from the 1954 Supreme Court decision *Brown v. Board of Education*. Excerpts are available online at: <http://www.landmarkcases.org/brown/home.html> Have students read Background Summary and Questions. There are 3 different reading levels, so the assignment can be tailored to the individual student.
 - Students could either answer the guided questions at the end of the reading or summarize the decision and explain how it affected the *Plessy v. Ferguson* ruling. (The decision stated that segregated schools are "inherently unequal" and violate the 14th Amendment. This ruling overturned the "separate but equal" ruling of *Plessy*.)
 - Depending on time and interest, students should be encouraged to conduct additional research on other events happening in American society from the end of World War II through 1954 that would either support or hinder the end of segregation (examples could include: African American soldiers coming home expecting equality, Jackie Robinson, Truman's integration of Armed Forces).

Differentiated Instruction / Small Groups:

- Explain that while *Brown v. Board of Education* made segregated schools illegal, it was a long time before Southern schools were integrated. In 1955, the Supreme Court reaffirmed the ruling and declared that schools should be desegregated with "all deliberate speed." Despite this ruling, many Southern schools remained segregated. Those that did integrate faced many challenges, as did the black students who entered these schools.
- Tell students that they will be exploring one of three early school integrations that tested *Brown v. Board of Education*: Autherine Lucy and the University of Alabama (1956) Little Rock Nine and Central High School, Little Rock, Arkansas (1957) Ruby Bridges and William Frantz Elementary School, New Orleans, Louisiana (1960)
 - Divide students into groups of 3 to conduct research on one of the three integration cases to follow. In addition to any available print resources, have students use the following Web sites to find background information and personal stories.
 - **Aftermath of *Brown v. Board of Education***
 - <http://www.loc.gov/exhibits/brown/brown-aftermath.html>
 - **Autherine Lucy**

- <http://partners.nytimes.com/library/national/race/030256race-ra4.html>

- Once students have researched their early school integration, each group should prepare a brief summary of the case, focusing on the local community's acceptance of integration and on the nation's actions or reactions to the difficulties in implementing the Supreme Court decision.

**Lesson
Closure/Review:**

- Students will write an extended response-length personal essay responding what they read. After summarizing the events and the significance of integration, their essays should answer these questions: What challenges did these students face? What were some of their most poignant or surprising memories? How do you think you would have felt and responded had you been in their shoes?

Creator : HS SS Content Team

File Attachments: Brown v Board cases reading.pdf

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