

Topic: THE JUDICIAL BRANCH - COURTS
Unit Lesson #4 – Brown vs. Board of Education

State Standard:

USG 3.3 Summarize the function of law in the American constitutional system, including the significance of the concept of the due process of law and the ways in which laws are intended to achieve fairness, the protection of individual rights, and the promotion of the common good. Analyze the structure, powers, and roles of the judicial branch of the United States government, including landmark United States Supreme Court decisions.

Objectives and Expectations for Learning:

The students will understand the roles and functions of the Supreme Court.

Anticipatory Set:

Discuss the significance of Plessey v. Ferguson and the doctrine of “separate but equal”.

Direct Instruction:

The students will view a PowerPoint presentation featuring key information about the events leading up to as well as the verdict of Brown vs. the Board of Education.

When the presentation is over, the students will be grouped and asked to consider the following situation:

Imagine it is sometime in the future. Leading educators, concerned by national testing results, have recognized the special needs of certain students who are all identified by shared characteristics making them part of an identifiable group. Their educational progress falls way below average on the national test.

To address the problems, the school district has established special academies offering enriched educational programs for selected members of the identifiable group. These public school academies feature low enrollment, high teacher –student ratios and courses designed to improve both learning skills and test taking skills. From computers to science labs, these academies focus on self-esteem issues for members of the group through special programs designed to highlight achievement by the group’s members who have been successful in academies, business, politics and sports. Only members of the identifiable group may attend the academies. All other students are excluded and must go to the other public schools in the district.

Several parents in the community, impressed by the academies and hoping to gain benefits for their children who are not members of the identifiable group, ask to have their children admitted. The school district refuses because the academies have been tailored for the needs of the special group. Filing suit in federal court, the parents claim that the academies are much better than the regular schools, which are open to their children. They argue that the admission policies of the academies violate the U.S. Supreme Court ruling in Brown vs. Board of Education of Topeka, KS. The school district argues that the academies serve a valid purpose that does not violate the law.

Guided Practice:

Students may ask questions or use each other for help.

Closure: What is one thing we learned today?

Summative Assessment: Notes may be collected for points at the end of class.

TO WIN EQUALITY BY LAW: Brown v. Board of Education at 50

Road to Brown

■ **Countless African American children walking great distances, against great odds, to reach their own segregated schools as buses filled with white children passed them by.**

Dred Scott 1857

■ The Supreme Court upholds the denial of citizenship to African Americans and rules that descendants of slaves are:

"so far inferior that they had no rights which the white man was bound to respect."

Civil War

- 1861 - Civil War begins
- 1863 - Emancipation Proclamation
- 1865 - XIII Amendment abolishes slavery.
- 1868 - XIV Amendment guarantees "equal protection under the law"; citizenship is extended to African Americans.

Civil Rights Act of 1875

- Bans racial discrimination in public accommodations.
- Courts were reorganized, judicial procedures improved, and public school systems established. Segregation existed but it was flexible.
- As blacks slowly progressed, white Southerners resented their achievements and their empowerment, even though they were in a political minority in every state but South Carolina.

Overturing of the Civil Rights Act

- 1883 - Eight years later the Supreme Court strikes down the Act finding that discrimination by individuals or private businesses is constitutional.
- 1890 - States begin passing Jim Crow laws requiring separate accommodations

Separate but Equal

- 30-year-old Homer Plessy was jailed for sitting in the "White" car of the East Louisiana Railroad.
- Plessy could easily pass for white but under Louisiana law, he was considered black despite his light complexion and therefore required to sit in the "Colored" car.
- Plessy deliberately sat in the white section, identified himself as black and was arrested.
- Plessy argued that the Separate Car Act violated the Thirteenth and Fourteenth
- In 1896 the U.S. Supreme Court finds Louisiana's "separate but equal" law constitutional.
- The ruling, built on notions of white supremacy and black inferiority, provides legal justification for Jim Crow laws in southern states.

Life under Jim Crow

- Schools had two sets of textbooks -- one for whites and one for blacks.
- Courtrooms had "Jim Crow" Bibles to ensure that white hands were never sullied by touching a book used by a black man.
- Illegal for whites and blacks to intermarry . . . or for a black family to adopt a white child.

Arizona 1912

- They shall segregate pupils of the African race from pupils of the Caucasian race in all schools other than high schools and provide all accommodations made necessary by such segregation.

Winds of Change 1938 -1948

- Supreme Court rules the sending of black students out of state for law school when there is a state law school for whites violates the "separate but equal" doctrine.
- Segregated schooling for Mexican American and white students is found unconstitutional.
- California law requiring segregation of Native American and Asian American students is repealed.

Sweatt v. Painter 1950

- Supreme Court rejects Texas' plan to create a new law school for black students rather than admit an African American to the state's whites-only law school, ruling that learning in law school
"cannot be effective in isolation from the individuals and institutions with which the law interacts."
- The decision stops short of overturning *Plessy*.

BROWN V. BOARD OF EDUCATION

May 17, 1954

The 14th Amendment

- *"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...nor deny to any person within its jurisdiction the equal protection of the laws."*

Public Education

- Does the 14th amendment apply to public education?

A Unanimous Decision

■ “In the field of public education the doctrine of ‘separate but equal’ has no place. Separate education facilities are inherently unequal.”

■ Issue was not just facilities but the impact of racial classification.

■ Segregation imposes the brand of inferiority.

■ The “doll” test was used as evidence of this impact.

■ This changed the concept of separate but equal from physical facilities and other tangible factors to the sweeping concept of equal educational opportunities.

The Remedy

■ Government would no longer enforce segregation, law affirmatively promoted equality.

■ Schools were directed to integrate “with all deliberate speed”.

■ It was a plea for people to change their habits

■ If schools could undergo a transformation so too could other institutions, neighborhoods and cities.

■ But the civil rights battle was not over, it was just beginning.

■ An era of resistance began.

PARENTS VS. SCHOOL DISTRICT CASE FACTS

Discuss the following case and determine whether or not the ruling of "separate but equal" being unconstitutional applies in this case.

Imagine it is sometime in the future. Leading educators, concerned by national testing results, have recognized the special needs of certain students who are all identified by shared characteristics making them part of an identifiable group. Their educational progress falls way below average on the national test.

To address the problems, the school district has established special academies offering enriched educational programs for selected members of the identifiable group. These public school academies feature low enrollment, high teacher –student ratios and courses designed to improve both learning skills and test taking skills. From computers to science labs, these academies focus on self-esteem issues for members of the group through special programs designed to highlight achievement by the group’s members who have been successful in academies, business, politics and sports.

Only members of the identifiable group may attend the academies. All other students are excluded and must go to the other public schools in the district.

Several parents in the community, impressed by the academies and hoping to gain benefits for their children who are not members of the identifiable group, ask to have their children admitted. The school district refuses because the academies have been tailored for the needs of the special group. Filing suit in federal court, the parents claim that the academies are much better than the regular schools, which are open to their children. They argue that the admission policies of the academies violate the U.S. Supreme Court ruling in *Brown vs. Board of Education of Topeka, KS*. The school district argues that the academies serve a valid purpose that does not violate the law.

Case Arguments for *Parents vs. School Districts*

The following are arguments that either support one side of the debate or they may support both sides. Which of the stated arguments support your opinion of this case?

1. The Academies serve a different purpose than the segregated schools faced by Linda Brown. They are designed to help students.
2. The U.S. Supreme Court said in Brown that, "Separate educational facilities are inherently unequal." Therefore, such academies, as established by the school district, violate the 14th Amendment equal protection clause.
3. School districts have a duty to help all of their students learn to their fullest potential.
4. Times have changed since 1954 when the Brown decision was handed down. The social science on which that case depended has proven less certain, making the ruling of the case less sweeping in scope today.
5. Public schools are where our society implants its shared values, one of which is equality of opportunity. Having separate schools, even if they work, teaches our children the wrong values.
6. The students from the identifiable group who attend the academies will be stigmatized because their achievement will be dismissed as being the result of special benefits. Other members of the identifiable group who achieve without benefit of the academies also will be stigmatized because people will assume they received the same special benefits.
7. The best way to improve the test scores of a particular group is by providing as much support as possible to all students both in and out of that group.
8. The academies will stay in place only as long as they are needed to help the identifiable group achieve equally with other groups that currently score better on the test. The academies are not an unfair advantage. They level the playing field for children of the group who have been disadvantaged as shown through the tests.
9. Opening the academies to all children will maintain the status quo and that current status is not equal for members of the identifiable group.
10. The answer here is to find enough funding for education that all students can share the benefits of the specialized programs and equipment found in the academies.