



Teaching Guide

SEGMENT 8, WEBISODE 13

Please note: Each segment in this Webisode has its own Teaching Guide



Segment Overview

In 1868, Congress ratified the Fourteenth Amendment in order to give former slaves the rights of full citizens of the United States. The amendment required the states to support and extend rights and privileges to all citizens without exception. That provision meant that no state could claim states' rights and pass laws that directly countered the laws of the nation. Specifically, the Fourteenth Amendment prohibited individual states from denying any citizen his or her fundamental rights, and, further, it extended the right of due process in legal matters.

The first test of the Fourteenth Amendment came in 1892 with *Plessy v. Ferguson*. Homer Plessy, a thirty-year-old man who was one-eighths black, was arrested for sitting in a white-only railroad car in Louisiana, a state that decreed that while blacks and whites may have been proclaimed equals, the state still had a right to keep the groups separated.

The next major test of the Fourteenth Amendment, and one that rescinded the Plessy case, was *Brown v. Board of Education*. In Topeka, Kansas, a fifth grade black child named Linda Brown had to travel far to an all-black elementary school when an all-white school was nearby. Her father, along with other individuals in other schools as well, challenged the constitutionality of separate but equal. All cases were merged into *Brown v. Board of Education*, and in 1952, the Supreme Court began hearing arguments. Thurgood Marshall, legal director of the National Association for the Advancement of Colored People, was the lead attorney. The case took two years to settle as the justices interpreted the legal applications of the Fourteenth Amendment. On May 17, 1954, Chief Justice Earl Warren stated, "We conclude unanimously that in the field of public education the doctrine of 'separate but equal' has no place." The waiting was over, but major civil rights battles were just beginning.

Teacher Directions

1. Review and discuss the following with students. Help students understand the basic concepts surrounding the terms and questions listed below. Start by showing the Transparency: *Why is the Fourteenth Amendment So Important?*
2. Help the students define the following terms: segregation, integration, discrimination, unanimous, and dissenter.



Let's Discuss

Let's Discuss, Cont.

3. Discuss why some people, including author Joy Hakim, say that “separate but equal” actually meant “separate and unequal” prior to the Brown decision.
4. Ask the students for their reactions: In the Plessy decision, Justice Henry Billings Brown wrote that even though races were equal before the law, the Fourteenth Amendment was not intended to “enforce commingling of the two races.” Would some people still agree with him today?
5. Examine the quote from Chief Justice Earl Warren: “We conclude, unanimously, that in the field of public education the doctrine of ‘separate but equal’ has no place.” Why it was important that the decision was unanimous?
6. Read the quote from Justice John Harlan, the lone dissenter in the Plessy case: “Our Constitution is color-blind.” Is it? Was it color blind at the time of the Plessy decision in 1892? Is it today?
7. Make sure that students understand the following points:

The differences between the Plessy and the Brown cases (use the Overview)

The differences between all-black and all-white schools. Were conditions and opportunities in the schools really equal even though separate?

Teacher Directions

Note to the Teacher: The focus of this activity is to help students identify basic civil rights granted not only by the Constitution and the Bill of Rights, but also by the amendments. The goal is first to have students work independently on research, then by sharing research, create a team report, and share results of that report with the class. Hence, this activity becomes a combined research and communication activity. A primary purpose of this activity is to help students understand that our Constitution and even the Bill of Rights, written as they were in the 1790s, could not take into account all rights of all people: hence the need for future amendments to address civil rights issues as they arise.

1. Students working in their teams research one of the following amendments: First, Fifth, Thirteenth, Fourteenth, and Nineteenth.
2. Distribute the Student Sheets: *Amendment Questionnaires* and *Amendment Worksheet*. Explain the activity and the sheets to the students.
3. Students use the library and the Internet, if available (see sources in “So You Want To Learn More”).
4. Students complete the *Amendment Worksheet* and return to their teams to create a team report.



History Sleuth

History Sleuth, Cont.



What do you
Think?

5. Each team presents its findings to the class in an oral report.
6. Discuss with the class how many groups once were discriminated against and now have gained additional human and civil rights. Discuss what groups still are struggling today to gain their civil rights.

Teacher Directions

1. Students freewrite for five minutes on the following prompt written on the board or a transparency.

Are all public schools “equal” today? In what ways are they equal or unequal?
2. Students in their teams share their writing with each other.
3. Reassemble the class and create a list of discoveries on the board. Help students understand that while many good things came from *Brown v. Board of Education*, schools still have a long way to go. While emphasizing the benefits of desegregation of schools, motivate students to examine what they can do to improve their own school as well.

Note to the Teacher: Use this prompt as a way to initiate a discussion of how students in schools treat one another.

Teacher Directions

Oral History Exercise

1. Students use the Student Sheet: *Explore!* To interview family members, neighbors, or other teachers who have memories of the years ranging from 1950 to 1980, an era of great debate about segregation and civil rights.

Step One: Students complete their *Explore!* sheets in class and receive teacher approval.

Step Two: As a class, students generate a list of interview questions.

Step Three: Students conduct their interviews.

Step Four: Students return to class with the interviewee’s responses to the questions written on a separate page.

Step Five: Students write a short biography (age, personality, employment, education, and so on) of the person they interviewed.

Step Six: Students share findings with team members.



Moving Toward
Freedom



Teacher Directions

Use the following activities with your students.

Language Arts — Students write a letter to the present Chief Justice of the Supreme Court, William Rehnquist, describing the importance and the impact the *Brown v. Board of Education* has had on their lives. Students mail the letters – and see what happens!

The address:

The Honorable William Rehnquist
Chief Justice
The Supreme Court of the United States
Washington, D.C. 20510

Art — Using rulers, geometric templates, and colored pencils, students create an architectural plan showing the ideal or perfect school or classroom. Some students may opt to do exterior plans, while others may focus on one classroom. Some may build a school out of cardboard and construction paper.

Music — Students locate the song “Blowin’ in the Wind,” written and played by Bob Dylan and popularized by the group Peter, Paul and Mary. Students listen to the lyrics several times, and then analyze them stanza by stanza. When Dylan wrote this song he said, “The problem is finding the wind.” Discuss with students what he meant by that statement. Students write new stanzas based on contemporary issues. Sing them!

Why is the Fourteenth Amendment So Important?

Let's Discuss Some Quotations!

Although the Fourteenth Amendment calls for "...the absolute equality of the two races before the law...it could not have been intended to abolish distinctions based upon color, or to enforce social equality, or a commingling of the races."

Justice Henry Billings Brown
Plessy v. Ferguson

"Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law... In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case...The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to adopt the recent amendment of the Constitution."

Supreme Court Justice John Harlan
Lone dissenter in *Plessy v. Ferguson*

"We conclude, unanimously, that in the field of public education the doctrine of 'separate but equal' has no place."

Chief Justice Earl Warren
Brown v. Board of Education

EXPLORE!



**My notes, questions, and possible topics:
(I have circled the topic I want to explore.)**

My topic is approved and initialed by the teacher:

**Questions about my topic:
Consider Who, What, When, Where, Why and How Questions.**

1. _____

2. _____

3. _____

4. _____

Amendment Questionnaires

DIRECTIONS: Read the following amendments to the Constitution and answer the questions! It's that easy!

Article 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article 5: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia....nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law..."

Article 13: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.

Article 14: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article 19: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Amendment Worksheet

1. On which amendment is your team working? _____

Think about what your amendment means and re-write it in common language:

List all of the civil rights that you think your amendment provides:

2. Why do you think your amendment was written?

3. What events or circumstances prompted the writing of your amendment?

4. What group of people in the United States was your amendment designed to protect?

Did your amendment successfully protect those people? If not, why not?

How would you change your amendment if you could?

5. If you could add an amendment to the Constitution, what would it say?