

Teaching Guide



SEGMENT 7, WEBISODE 7

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



Segment Overview

In 1866, Frederick Douglass wrote: “The arm of the Federal government is long, but it is far too short to protect the rights of individuals.” He meant that federal troops could not enforce laws that protected African Americans. Certainly, the long arm of the government was far too short in 1896 when the Supreme Court of the United States handed down what has been called the worst decision ever made in the case of *Plessy v. Ferguson*.

In the south, black codes kept the races separated and segregated. Many southerners were still choking on that bitter pill, the end of slavery. They certainly were not going to follow any government prescription to live with their former chattel as equals.

An 1890 Louisiana law stating that blacks and whites had to sit in separate railroad cars. led to the *Plessy v. Ferguson* case. In 1892, Homer Plessy, a thirty-year-old shoemaker, agreed to challenge the law by sitting in the railroad car reserved for whites. He told the conductor that he was seven-eighths white and one-eighth black, and he refused to move to the car reserved for blacks. This led to his arrest.

Plessy and his attorneys took the case all the way to the United States Supreme Court, arguing that the Louisiana Supreme Court ruling violated the Fourteenth Amendment. The majority decision’s twisted reasoning stated that the Constitution cannot make people color-blind and gave approval to the separate but equal concept. Only one justice dissented. Justice John Harlan wrote, “Our Constitution is color blind.” His words fell on deaf ears. A flood of Jim Crow laws followed.

Teacher Directions

1. Show a transparency of the Student Sheet: *The Supreme Court of the United States of America* to show to the students.
2. Ask the students the following questions. Accept any answers at this time.
 - What is the Supreme Court?
 - Where is the Supreme Court of the United States located?
 - How many justices (judges) are in the court?
 - How does a case come to the Supreme Court?
 - How does the court decide a case?
 - What is the major job of the Supreme Court?



Let's Discuss

Let's Discuss, Cont.

3. Distribute one Student Sheet: *The Supreme Court of the United States* and one Student Sheet: *What We Learned About the Supreme Court* to each team. The team members take turns reading the information about the Supreme Court to their team. Team members take turns recording their team's answers on the Student Sheet: *What We Learned About the Supreme Court*.
4. Teams compare their answers in a class discussion. Make sure students understand the following points in discussing the questions.

The Supreme Court is the highest court in the land. No other court can overturn a ruling made by the Supreme Court. The Supreme Court is located in Washington, D.C. Nine judges called justices serve on the court. One is the chief justice and the remaining eight are associate justices. Many cases come to the Supreme Court after hearings in lower courts. The court chooses to hear about 100 of the most important cases from about 7000 cases every year. The Supreme Court also hears disputes between states. The court decides a case by vote. The majority ruling (the way most justices vote) becomes the court's decision. Any justices who vote the other way are in dissent. That means, they do not agree with the majority. Both the majority and the dissenting side write out their opinions to explain why they voted as they did. The major job of the Supreme Court is to interpret and defend the Constitution.

Teacher Directions

1. The students imagine they are justices on the Supreme Court and will hear a very important case that the real court heard in 1896. Distribute the Student Sheets: *Homer Plessy Breaks the Law*.
2. To open the court session, ask a volunteer to read the words that the marshal uses (from the Student Sheet: *The Supreme Court of the United States*). (Oyez means "attention!" and is pronounced "oh yes," with the accent on the oh.) Justices shake hands with the other justices in their teams. Read about Homer Plessy's case as the students follow along. Stop to discuss the information to be sure that students understand the actions of Plessy and the courts and the issues involved.
3. Make a transparency of the Student Sheet: *Is the Constitution Color Blind?* Use a sheet of paper to block the majority and dissenting opinions, so that the students can read only the Fourteenth Amendment.
4. Students, working in their small teams, imagine that they are justices on the Supreme Court. Remind the students that as Supreme Court justices, their most important duty is to interpret and defend the Constitution. Students review the facts of Homer Plessy's case and the Fourteenth Amendment and discuss whether they think Plessy is guilty of violating the law or whether the Constitution protects his right to sit in any public railroad car.



History Sleuth

History Sleuth, Cont.



What do you
Think?



Moving Toward
Freedom

Tell the students that they do not need to reach an agreement; the justices on the Supreme Court did not in this case.

5. Each student individually writes his/her vote on the second page of the Student Sheet and a brief opinion to explain his/her vote.
6. On the transparency, reveal and explain to the class how the Supreme Court justices voted. Ask the students to signal by raising hands who agreed with the majority opinion. Call on some volunteers to read their opinions. Repeat with students who agreed with the dissenting justice.

Teacher Directions

1. Explain that the Supreme Court's decision in the Plessy case allowed laws denying African Americans their civil rights to increase in the south. Ask the students.
 - What do you think motivated Homer Plessy to do what he did when he could have let the conductor think that he was white?
 - What would you have done in the same circumstances?
 - If you were a friend of Homer Plessy, what advice would you have given him before he got on the train?
2. Students create a dialog about the train ride and what happened, and role play the parts of Homer Plessy and his friends.

Teacher Directions

1. Distribute the Student Sheet: *Rosa Parks Takes A Seat*. Working with a partner, students reread the Student Sheet: *Homer Plessy Breaks the Law* and read the Student Sheet: *Rosa Parks Takes A Seat* to compare the two cases.
2. On the chalkboard or chart paper, draw a long vertical line to form two columns with the headings Similarities and Differences. Students list as many differences and similarities in Homer Plessy's and Rosa Park's situations as they can. Possibilities include the following.

Differences

- Different centuries (1896, 1955)
- Homer Plessy's case went to the Supreme Court.
- Rosa Parks' case sparked a civil rights movement that changed unfair laws.
- Homer Plessy's case allowed the passage of more unfair laws.

Moving Toward Freedom,
Continued.



Connections

Similarities

Both challenged unfair laws on purpose
Both rode public transportation
Both were in the south
Both were arrested
Both received fines
Both were just working people, not activists or politicians
Both are remembered for their courage
Both Homer Plessy and Rosa Parks moved the country toward freedom.

3. Be sure that the students discuss and understand how Plessy and Parks with their courage to defy unfair laws moved the country toward freedom.

Teacher Directions

Use the following activities with your students.

Art — Students view the transparency of the Supreme Court building and create a sketch of the court, using or charcoal, crayon, pencil, or some other medium. Frame and display the drawings under the motto of the court: “Equal Justice Under Law.”

Language Arts — Students write a poem entitled “An Ode to Homer Plessy.” Provide some examples of odes and help students understand that an ode is a poem praising someone.

The Supreme Court of the United States

Address: One First Street, NE, Washington, DC 20543

Chief Justice: William H. Rehnquist

Associate Justices: John Paul Stevens
Sandra Day O'Connor
Antonin Scalia
Anthony M. Kennedy

David H. Souter
Clarence Thomas
Ruth Bader Ginsburg
Stephen G. Breyer

Origin: The Constitution (Article III) created the Supreme Court of the United States. It was organized on February 2, 1790.

The Term: The Court session begins on the first Monday of October and usually continues into June or July. The Court receives about 7000 requests for cases to be heard, from which it chooses about one hundred. It hears only the most important cases relating to the Constitution. Many cases come to the Supreme Court after trials in lower courts. The Court also hears disputes between states.

The Purpose: "Equal Justice Under Law" is written above the main entrance to the Supreme Court Building. These words state the Supreme Court's purpose. It must guard and interpret the Constitution, and it must protect human rights. No other court can overturn a ruling of the Supreme Court. That is why it is known as the highest court in the land.

The Procedure: The justices, wearing black robes, shake hands with one another before they hear a case. Attorneys for each side have only thirty minutes to present their cases. That's not very long to make an argument!

The justices hear the arguments and vote on the decision. The majority rules, but both the majority and the dissenting justices (those who disagree with the majority) write opinions.

The Court's marshal opens each session with the following words:

The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States. Oyez! Oyez! Oyez! All person having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court.

What We Learned About the Supreme Court

Directions: Using your student sheet about the Supreme Court as a guide, discuss the following questions with your teammates. Take turns writing the answers to the questions.

1. Where is the Supreme Court located?_____

2. What words are written over the main entrance?

3. Counting the Chief Justice, how many justices serve on the Supreme Court?

4. How many women are on the Supreme Court?

5. When was the Supreme Court organized (date)?

6. How many requests to hear cases does the Court get per term?

7. How many cases does it hear?

8. How does the Court decide which cases it will hear?

9. How long does term last?

10. How do the justices decide a case?

11. What is the majority opinion?

12. What is the dissenting opinion?

13. If someone does not like a decision of the Supreme Court, can he/she take the case to another court? _____
Explain your answer.

14. What is the major role of the Supreme Court?

The Supreme Court
of the
United States of America



Homer Plessy Breaks The Law



Homer Plessy was a shoemaker by trade. He was a law-abiding citizen. But like others, he thought black codes were illegal and offensive. He opposed the Separate Car Act that the state of Louisiana had recently passed, separating blacks and whites in railroad cars.

Homer Plessy looked like a white man. He was only one-eighth black. In 1892, after discussing the unfair law with friends, they had an idea. Plessy and his friends wanted to show how unfairly blacks were treated. What if Plessy boarded a train and purposely sat in the white section?

That is exactly what Plessy did! He took a seat in the white section of an East Louisiana railroad car. As expected, when the conductor found out that he was one-eighth black, Plessy was arrested. The fine was either \$25 or 20-days in jail. He went to jail. His lawyer bailed him out for \$500. They began to appeal the case. They said that the Separate Car Act violated the Thirteenth and Fourteenth Amendments.

At his first trial, Judge John Howard Ferguson ruled that Louisiana had a right to pass the Separate Car law, and Plessy was guilty of breaking it. The Supreme Court of Louisiana also found Plessy guilty, and so did the Supreme Court of the United States. The Supreme Court said that it could not change the color of the races, so it could not abolish distinctions based on color, nor could it force people to co-mingle.

Only one justice dissented. Justice John Harlan said “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.”

Is the Constitution Color Blind?

Plessy v. Ferguson

The Fourteenth Amendment

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.

The Majority Opinion

The object of the Fourteenth Amendment...could not have been intended to abolish distinctions based on color, or to enforce socializing ...or a co-mingling of the two races...

Justice Henry Brown

The Dissenting Opinion

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...will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case...The present decision may well...stimulate aggressions.

Justice John Harlan

Rosa Parks Takes A Seat

Here are Rosa Park's own words:

I was arrested on December 1, 1955, for refusing to stand up on the order of the bus driver, after the white seats had been occupied in the front. And of course I was not in the front of the bus. Many people have written that I got on the bus and took the front seat, but I did not. I took a seat that was in back of where the white people were sitting, in fact, the last seat. When the driver noticed [a white man standing], he told us [all] to let him have our seats...when the other three stood up...he wanted to know if I was going to stand up, and I was not. And he told me that he would have me arrested. And I told him you may do that. And, of course, he did.

Rosa Parks was a seamstress. At her trial on December 5, 1955, she was found guilty of not giving up her seat. Her fine was \$10 plus \$4 in court costs. Members of the black community were so angry that they organized a bus boycott on the day of her trial.

When asked why she kept her seat, Ms. Parks replied that while she felt no anger, "I did feel determined to take this as an opportunity to let it be known that I did not want to be treated in that manner and that people [had] endured it too long."