

Teacher Notes



The Supreme Court

Activity 2 Comparison of Decisions

Activity at a Glance

- ◆ **Subject:** Social Studies
- ◆ **Subject Area:** American Government
- ◆ **Category:** The Judicial Branch
- ◆ **Topic:** The Supreme Court
- ◆ **Grade Level:** 9 - 12
- ◆ **Prerequisites:** Students should be familiar with the three branches of the United States government, the United States Constitution, the Bill of Rights, the basic processes of the Supreme Court, and key points in American History.
- ◆ **Total Teaching Time:** 50 minutes

Materials

- ◆ TI-83 Plus
- ◆ TI External Keyboard
- ◆ Timespan™ and NoteFolio™ Applications
- ◆ TI Connectivity cable or TI-Navigator™ System
- ◆ Resource File: **CHANGES.8xv**, **CIVDATES.8xv**
- ◆ Student Work Sheets: **Plessy vs. Ferguson**, **Brown vs. Board of Education Topeka**

Activity Overview

This activity allows students to examine how a historical period influences the interpretation of the law. The students will examine two Supreme Court decisions dealing with the "separate but equal doctrine." Students will analyze how society and the historical period influenced those decisions and the interpretation of the Constitution.

Tip

This activity enables the teacher to model how to examine a case summary and key elements of the decisions. The class takes part as a whole. The students will need the case abstracts for *Plessy vs. Ferguson* and *Brown vs. Board of Education Topeka*.

Directions**Before the Activity Begins**

Ensure that each student's device has the TlmeSpan™ Application loaded on it.

Warm-up Activity

Review the key points from Activity 1. Let the students relate to you what they have learned about the Supreme Court process. Explain to the class that they examine the Court's interpretation of one Amendment through two different cases.

During the Activity

Distribute the case summaries to the students along with the TlmeSpan™ file, **CIVDATES.8xv** and the NoteFolio™ file, **CHANGE.8xv**.

Have the students look at the case summary for *Plessy vs. Ferguson*. You can read the summary to the class or have a student volunteer to read it aloud. After the reading, discuss the question facing the Court. Have the class examine not only the conclusion of the Court but also the selected notes from the opinions. Encourage students to ask questions about the case and opinions.

After this initial examination, have the class look at the **CIVDATES.8xv** TlmeSpan™ file. Discuss the events on the time line, and be sure that the class notes the evolution of the African-American rights movement over the period between the two cases.

When the TlmeSpan™ review is completed, have the class read the second case summary, *Brown vs. Board of Education Topeka*. Discuss and evaluate this case in the same manner as the first case. Note that Chief justice Warren addresses the historical interpretations of the decisions. Students should be able to explain how and why the events preceding each decision would have an influence on those decisions.

With the initial review of these two cases complete, pose the following questions to the class:

- ◆ How could a later Court decide the same issue in the opposite fashion?
- ◆ Why would this happen?
- ◆ Does this change in the interpretation of the Constitution make the first decision wrong? Why or why not?

Rather than have another class discussion, have the students record their responses in the NoteFolio™ file, **CHANGES.8xv**.

After the Activity

Toward the end of the class period, bring the class together and lead a discussion of how society affects the interpretation of the Constitution. Also explore how individual cases can invite different interpretations. Ask students to consider the fact that our society has changed considerably over time without the violent upheaval of revolution. Ask them to consider whether or not our form of government should be credited for that, and whether or not this is unique among other nations.

Note: If the students have not completed their comments in the **CHANGES** file, they can complete the exercise as homework. Students who are finished can submit their files to the teacher electronically.

Student Work Sheet
Plessy vs. Ferguson

Name: _____

Date: _____

Case was argued on 13 April 1896; decided on 18 May 1896

Fourteenth Amendment: Section 1.

All persons born or naturalized in the United States, and subject to the jurisdictions thereof, are citizens of the United States and 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.

Summary:

Homer Plessy bought a first-class ticket on the East Louisiana Railway. Plessy was one-eighth black, and according to Louisiana law, he was considered black. Under Louisiana law there existed a Separate Car Act, which mandated separate "Colored" cars and "White" cars. Plessy argued that the Separate Car Act violated both the Thirteenth and Fourteenth Amendments. The judge hearing the case, John Howard Ferguson, found Plessy guilty based on the fact that the Act was lawful within the state of Louisiana. The Louisiana Supreme Court agreed with Judge Ferguson that the Separate Car Act was lawful and that Plessy refused to admit that he was a black man. Plessy appealed the decision to the Supreme Court.

Question:

Was the Louisiana Separate Car Act, mandating racial segregation on its trains, unconstitutional based on the equal protection clauses of the Fourteenth Amendment?

Conclusion:

The Court upheld the lower court's decision that the Separate Car Act did not violate the Fourteenth Amendment since it provided separate but equal accommodations.

Notes from Decisions:

Justice Brown (Opinion of the Court): "The object of the 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..."

Justice Harlan (Dissenting Opinion): "These two amendments, if enforced according to their true intent and meaning, will protect all the civil rights that pertain to freedom and citizenship... They had, as this court has said, a common purpose, namely to secure to a race recently emancipated, a race that through [p. 556] many generations have been held in slavery, all the civil rights that the superior race enjoy. They declared, in legal effect, this court has further said, that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States, and, in regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color."

Student Work Sheet
Brown vs. Board of Education
Topeka

Name: _____

Date: _____

Argued on 8 December 1952; decided on 17 May 1954

Summary:

In the early 1950s, Linda Brown, a black student in Topeka, Kansas, had to walk by one all-white elementary school and walk through a dangerous railroad to get to her all-black school. Her family sued the Board of Education of Topeka, Kansas, stating that segregation violated the Fourteenth Amendment. The District Court ruled in favor of the Board saying that the all-black and all-white schools were equal in term of buildings, transportation, curricula, and educational qualifications of the teachers. Therefore, the segregation was lawful. The Browns appealed the decision to the Supreme Court stating that segregated schools would never be "equal."

Question:

Is it a violation of the Fourteenth Amendment's equal protection under the laws to segregate public schools solely on the basis of race?

Conclusion:

The Court decided that segregation violated the Fourteenth Amendment's equal protection clause.

Notes from the Opinion:

Chief Justice Warren (Opinion of the Court): "In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race. The doctrine of "separate but equal" did not make its appearance in the Court until 1896 in the case of Plessy vs. Ferguson, supra, involving not education but transportation American courts have since labored with the doctrine for over half a century..."

"In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when Plessy vs. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws."