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INTRODUCTION

APPROACH AND RATIONALE

Keeping Them Apart: Plessy v. Ferguson and the Black Experience in Post-Reconstruction America is one of over sixty teaching units published by the National Center for History in the Schools that are the fruits of collaborations between history professors and experienced teachers of both United States and World History. The units represent specific issues and dramatic episodes in history from which you and your students can pause to delve into the deeper meanings of these selected landmark events and explore their wider context in the great historical narrative. By studying crucial turningpoints in history, the student becomes aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. We have selected issues and dramatic moments that best bring alive that decision-making process. We hope that through this approach, your students will realize that history is an ongoing, open-ended process, and that the decisions they make today create the conditions of tomorrow's history.

Our teaching units are based on primary sources, taken from government documents, artifacts, journals, diaries, newspapers, magazines, literature, contemporary photographs, paintings, and other art from the period under study. What we hope to achieve using primary source documents in these lessons is to remove the distance that students feel from historical events and to connect them more intimately with the past. In this way we hope to recreate for your students a sense of "being there," a sense of seeing history through the eyes of the very people who were making decisions. This will help your students develop historical empathy, to realize that history is not an impersonal process divorced from real people like themselves. At the same time, by analyzing primary sources, students will actually practice the historian's craft, discovering for themselves how to analyze evidence, establish a valid interpretation and construct a coherent narrative in which all the relevant factors play a part.

CONTENT AND ORGANIZATION

Within this unit, you will find: Teaching Background Materials, including Unit Overview, Unit Context, Correlation to the National Standards for History, Unit Objectives, and Introduction to *Keeping Them Apart: Plessy v. Ferguson and the Black Experience in Post-Reconstruction America*; A Dramatic Moment; and Lesson Plans with Student Resources. This unit, as we have said above, focuses on certain key moments in time and should be used as a supplement to your customary course materials. Although these lessons are recommended for use by grades 8-12, they can be adapted for other grade levels.

The Teacher Background section should provide you with a good overview of the entire unit and with the historical information and context necessary to link the **Dramatic Moment** to the larger historical narrative. You may consult it for your own use, and you may choose to share it with students if they are of a sufficient grade level to understand the materials.

Introduction

The Lesson Plans include a variety of ideas and approaches for the teacher which can be elaborated upon or cut as you see the need. These lesson plans contain student resources which accompany each lesson. The resources consist of primary source documents, any handouts or student background materials, and a bibliography.

In our series of teaching units, each collection can be taught in several ways. You can teach all of the lessons offered on any given topic, or you can select and adapt the ones that best support your particular course needs. We have not attempted to be comprehensive or prescriptive in our offerings, but rather to give you an array of enticing possibilities for in-depth study, at varying grade levels. We hope that you will find the lesson plans exciting and stimulating for your classes. We also hope that your students will never again see history as a boring sweep of facts and meaningless dates but rather as an endless treasure of real life stories and an exercise in analysis and reconstruction.

Teacher Background

I. Unit Overview

This unit focuses on the African American experience in the critical years after Reconstruction. Using the landmark decision in *Plessy v. Ferguson* in 1896, the unit opens with an examination of conditions in black America during the post-Reconstruction years. Political opportunities or lack thereof; economic and class status; as well as social interaction will be illustrated through documentary material. In the *Plessy* case, the Supreme Court interpreted the Fourteenth Amendment guarantees of due process and equal protection to mean that "separate but equal" facilities could be provided on the basis of race.

By examining the Supreme Court's reasoning in *Plessy* within the historical context of the period, the student will be able to evaluate the successes and the failures of Reconstruction. Furthermore, by examining the Court's decision itself, students can investigate the nature of judicial review through an example of constitutional interpretation that stands in sharp contrast to the judicial activist character of the Warren Court's decision in *Brown v. Board of Education* nearly sixty years later. This unit challenges students to see the relationship between law and society and how prejudice works.

II. Unit Context

This unit should be the concluding chapter of the story of Reconstruction to show the effects of the abandonment of federal Reconstruction. It could be used as a direct linking unit to the "Gilded Age" or "Progressivism," or as a background and introduction to the civil rights movement of the 1940s and 1950s.

III. Unit Objectives

1. To evaluate the conditions of African Americans in the North and South between 1875 and 1900 using documentary and statistical evidence.
2. To analyze successes and failures of Reconstruction for freedmen.
3. To identify *Plessy v. Ferguson* as an organized resistance by African American leaders to segregation laws in the South.
4. To examine the Supreme Court's reasoning in its decision and contrast it with Justice Harlan's minority opinion.
5. To identify and discuss the concept of judicial review and its importance in American constitutional government.

IV. Correlation to National History Standards

Keeping Them Apart: Plessy v. Ferguson and the Black Experience in Post-Reconstruction America provides teaching materials to support the National Standards for History, Basic Edition (National Center for History in Schools, 1996), Era 6, “The Development of the Industrial United States (1870-1900).” Lessons within this unit assist students in attaining **Standard 2B** by analyzing the role of new laws and the federal judiciary in instituting racial inequity.

This unit likewise integrates a number of Historical Thinking Standards. Students are challenged to examine a variety of evidence and reconstruct the literal meaning of a historical passage; to draw comparisons across in order to define enduring issues; to explain historical continuity and change; to obtain historical data from a variety of sources and uncover the social, political, and economic context in which it was created; and to evaluate the implementation of a decision by analyzing the interests it served and assessing the effects of the decision from a variety of perspectives.

V. Introduction to *Keeping Them Apart: Plessy v. Ferguson and The Black Experience In Post-Reconstruction America*

Congressional Reconstruction of the southern states after the Civil War was undertaken by Congress when the former slaveowners appeared unwilling and unable to give up slavery. Northerners were angry when southern whites passed “black codes” in 1865 designed to maintain African Americans in a regulated laboring class based on color. The Radical Republicans then used the Freedmen’s Bureau and the United States Army to suppress the codes and the Ku Klux Klan. After the southern states fulfilled requirements set by Congress to regain full rights in the republic, whites once again passed many laws by the 1890s that submitted African Americans to the racial regime of “Jim Crow.”

Southern Democrats, who had taken control of state governments following Reconstruction, presented constant pressures on African American voters in the South. Despite attempts to reduce the political influence of African Americans, many African Americans voted and some held high office in southern states through the 1890s. The National Republican Party under its northern leaders stopped safeguarding African American voters. At the same time, conservative Southerners were deeply worried that white Populists were actively surmounting their heritage of racism and appealing to African Americans. The conservatives raised the cry of “Negro domination” and pollution of the white race. These men succeeded in passing highly restrictive literacy requirements for the right to register to vote. The laws were designed to allow many poor and illiterate whites to vote but not African Americans. Southern unions excluded African Americans. The lynching of African Americans became a serious problem again, as it had been immediately after the Civil War. African American schools were poorly funded. “Jim Crows” became even more extensive than the laws on the books suggest.

The Supreme Court declared its unwillingness to protect the civil rights of African Americans. In 1883, it nullified the main provisions of the last legislative act of the Reconstruction era, the Civil Rights Act of 1875, which had given equal rights to the use of inns, public transportation, theaters,

and other public facilities. This was only one of many similar decisions that permitted the construction of a deeply discriminatory regime.

In 1890, when the railroad act was passed, sixteen African American Congressmen remained in the Louisiana legislature. Once the *Plessy* decision was upheld by the Supreme Court, the number of registered African American voters in Louisiana plummeted from 130,334 in 1896 to 1,342 in 1904. African Americans no longer voted or held office anywhere in the South. Thus, they were unable to fight Jim Crow through the legal process.

V. Lesson Plans

1. The Case of Homer Plessy
2. *De Jure* and *De Facto* Discrimination
3. A Courtroom Simulation