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U.S. History Readers

Civil Rights Movement

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Printed in the United States of America.

ISBN: 978-1-56004-376-8

Product Code: ZP474

The Civil Rights Movement

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The Civil Rights Movement

The underlying premise of this unit is that the civil rights movement went a long way toward redeeming America for its shameful history of race relations. It starts by providing students with the opportunity to review the flawed *Plessy v. Ferguson* decision that helped ensure the reign of Jim Crow south of the Mason-Dixon line. As pointed out in Chapter 2, this decision was partially reversed in 1954 by *Brown v. Board of Education*, while Chapter 3 recalls the many demonstrations that led to Congress passing the Civil Rights Act of 1964. Chapter 4 covers the recurring problem of racial separation in the North with a focus on the attempts to integrate public schools in Boston, Massachusetts. Chapter 5 exposes the frustrations of African Americans in the inner cities by examining the causes and effects of the riots in Watts, and Chapter 6 examines the conflicting philosophies of Martin Luther King and Malcolm X on the issue of nonviolence as a means and integration as an end. This unit ends with Chapters 7 and 8 posing the questions whether Barack Obama's election ushered in a "post-racial" society and if the U.S. has a moral obligation to pursue a policy of affirmative action to atone for nearly 400 years of racial discrimination.

Instead of striving for complete coverage of the civil rights movement, this unit highlights the issues involved in the struggle between those who saw the need for social change and those who were relatively satisfied with the existing social order. The unit encourages readers to see both sides of the controversies that resulted from this struggle. Students are asked to confront such issues as the meaning of "separate but equal," the rights of property owners, the right to violate "unjust" laws, the difference between *de facto* and *de jure* segregation, the causes of the riots of the 1960s, the ideal of nonviolence in the struggle for Martin Luther King's or Malcolm X's dream, and the need for affirmative action. Graphic organizers, vocabulary lists, and image charts are provided to help students master the material in each chapter. Student learning is enhanced by questions that encourage informed discussions and develop higher-order thinking skills. Advanced learners are provided with a "For Further Consideration" section in each chapter requiring them to do more writing and to use their extra knowledge to enrich class discussion. Many lesson-chapters (like those on the sit-in demonstrations, busing in Boston, and the need for affirmative action) lend themselves to debates and/or simulations.

Chapter 1. Can Separate Be Equal? Teacher Page

Overview:

This chapter focuses on the infamous Supreme Court decision that articulated the doctrine of “separate but equal” and became the means by which segregationists circumvented the 14th Amendment. It familiarizes students with the pertinent phrase of the amendment, describes Homer Plessy’s arrest for violating Louisiana’s railroad segregation laws, and summarizes his battles with the Louisiana courts. The largest segment of the chapter is devoted to the majority and minority opinions of the United States Supreme Court on this case. The excerpts cover the issues of whether separating the races actually discriminated against African Americans and what precedent the answer to this question would set. The Graphic Organizer question provides phrases from both the majority and the minority opinions. It requires that students attribute each of these phrases to one side of the debate or the other and then explain what strikes them about two or three of the statements they classified. After completing this activity, students read through a collection of the most extreme Jim Crow laws, have to identify the most ridiculous ones, and are directed to write a statement about what can happen once racial separation gets sanctioned by law. The “For Further Consideration” section provides advanced students with the opportunity to read key excerpts from the *Brown* decision, which overturned *Plessy* in the field of public education.

Objectives:

Students will:

- understand the meaning of the 14th Amendment provision that American citizens are entitled to “equal protection of the laws”
- discuss whether government-sanctioned racial separation is inherently discriminatory
- comprehend the extremes to which segregation has been permitted
- know that the 1954 *Brown v. Board of Education* decision overturned the 1896 *Plessy v. Ferguson* decision in the field of public education

Strategy:

Before class: Assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Ask students if it is possible to have totally equal but separate accommodations for one race, nationality, or religious group without in fact discriminating against that group. After a few minutes of discussion, have students share what they know about the 14th Amendment and the reasons for “separate but

equal” laws. Proceed by reviewing the facts of Homer Plessy’s case, and then have students review the two major questions raised by the opinions they read. Ask them to summarize the two judicial opinions and explain why one seems more reasonable than the other. Help students break down the reasoning in the *Plessy* decision by responding to the statements they were asked to classify as belonging to one side in the dispute or the other. Review some of the Jim Crow laws authorized by the *Plessy* decision and discuss the appalling extent of legalized segregation. Finally, have your advanced students share what they learned about how the *Brown* decision signaled the demise of the “separate but equal” doctrine.

Chapter 1. Equality Postponed I-Chart

	The meaning of Amendment 14	The arguments on both sides of the <i>Plessy</i> case	The decision in the <i>Plessy</i> case and its results
What I already know			
What I learned from Chapter 1, Part I			
What I learned from Chapter 1, Part II			
What I would still like to know			

Chapter 1—Equality Postponed

eradicate**accentuation****conveyance****facilities****fallacy****accommodations****jurisdiction****interpreting****assumption**

Chapter 1—Equality Postponed

<p>Something that takes people or things from one place to another, like a train</p>	<p>To make something more intense or to emphasize something more</p>	<p>To eliminate or get rid of forever</p>
<p>A place where a person can stay</p>	<p>Something believed to be true but is not</p>	<p>Place that offers some kind of services, like a bathroom</p>
<p>Something believed to be true without proof</p>	<p>Explaining the meaning or importance of something</p>	<p>The areas for which a country or a state can make laws</p>



A black man being removed from a train in Philadelphia

Chapter 1

Can Separate Be Equal?

Introduction

The 14th Amendment was one of the most important added to the U.S. Constitution. Congress made passing the amendment a condition for Southern states to reenter the Union. The Amendment stated that all people, either born in the U.S. or naturalized foreigners, were citizens of the U.S. and of the state in which they lived. It went on to say, among other things¹, that neither a state nor the national government could pass a law that would:

...deny to any person within its jurisdiction the equal protection of the laws.

It is clear that Congress' purpose in passing the 14th Amendment was to protect African Americans from discrimination based on race. It was preceded by the 13th Amendment, which abolished slavery, and was followed by the 15th Amendment, which guaranteed the right to vote to all adult males. Like many clauses in the Constitution, the full meaning of the 14th Amendment is difficult to define. Interpreting the precise meaning of this amendment has been—and is still—the job of the Supreme Court of the United States.

This chapter takes a careful look at one of the most important 14th Amendment cases to come before the Supreme Court and shows how this decision affected the lives of African Americans.

Plessy v. Ferguson

On June 7th, 1892, an African American by the name of Homer Plessy bought a first-class ticket from New Orleans to Covington, Louisiana. He entered the train, found an empty seat, and sat down. In keeping with the Louisiana law providing for “equal but separate” accommodations, the section where Plessy sat was reserved for whites only. Noticing that Plessy wasn't white, the conductor told him to move to a “colored” car or get off the train. Plessy refused. The conductor called the police and Plessy was forced off the train. Next, Plessy did what less than one out of a million victims of discrimination would have done. He found a lawyer to argue his case and sued for

¹ The full wording of Section 1 of the 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.

what he believed was his 14th Amendment right to equal protection of the law. Plessy lost the case because the court ruled that he had broken the Louisiana railroad law. However, Plessy appealed his case to the Louisiana Supreme Court, claiming that the law he was accused of breaking violated his 14th Amendment rights. Upon losing in Louisiana, Plessy appealed his case to the Supreme Court of the United States.² The case was argued on April 13th, 1896.



Homer Plessy

The Issues

The Plessy case set a precedent (an example to be followed) that for more than 60 years was used as a legal cover for racial discrimination. It provided the South with an answer to the question “Does the doctrine of ‘separate but equal’ facilities for each race discriminate against either?” and to others like the ones below:

- Did the Louisiana law discriminate against blacks or was that only the way black people chose to look at it?
- Could a verdict against Plessy set an unreasonable precedent or provide for separation only for good and reasonable cause?

Plessy: The Louisiana Law Discriminated

Everyone knows that the law in question had its origin in the purpose not to exclude white persons from railroad cars occupied by blacks, but to exclude colored people from coaches occupied by whites. The thing to accomplish was to force the latter [black people] to keep to themselves while traveling in railroad passenger coaches. The fundamental object...to the law is that it interferes with the personal freedom of citizens. If a white man and a black man choose to occupy the same public conveyance on a public highway, it is their right. No government, proceeding alone on grounds of race, can prevent it without infringing on the personal liberty of each.

Louisiana: The Law Did Not Discriminate

We consider the underlying fallacy in Plessy’s argument to consist in the assumption that forced separation of the races stamps the colored with a badge of inferiority. If this be so, it is solely because the colored race chooses to put that interpretation upon it. Legislation is powerless to eradicate racial instincts or to abolish distinctions based on social differences and the attempts to do so can only result in accentuation of the difficulties of the present situation. If one race be inferior to the other socially, the Constitution of the United States can not put them on the same level.

² Although Plessy’s complaint was with the state of Louisiana, his lawsuit cited Justice John Ferguson, who had ruled against him in the Louisiana courts.

Plessy: An Unfavorable Verdict Would Create an Unreasonable Precedent

If a State can prescribe, as a rule of civil conduct, that whites and blacks shall not travel as passengers in the same railroad coach, why may it not so regulate the use of the streets of its towns to compel white citizens to keep on one side of the street and black citizens to keep on the other? Why may it not, upon like grounds, punish those who ride together in streetcars? Why may it not require sheriffs to assign whites to one side of a courtroom and blacks to another? Why may not the State require the separation in railroad coaches of native and naturalized citizens of the United States, or of Protestants and Catholics?³

Segregation Would Only Result for Good and Reasonable Causes

It is suggested by the learned counsel for the plaintive [Plessy's lawyer] that the same argument that will justify the state legislature in requiring railroads to provide separate accommodations for the two races will also authorize them to require separate cars for people whose hair is of a certain color, or who are aliens...or to enact laws requiring colored people to walk on one side of the street and white people upon the other...The reply to all this is that every exercise of the police power must be passed in good faith, for the promotion of the public good, and not the annoyance or oppression of a particular class.

³ In case the reader had any doubt, the decision in the Plessy case was 8–1, favoring the arguments on the righthand part of this page.. The opinion allowing for racial segregation for well over 60 years was written by Justice Henry Billings Brown of Michigan.

Student Activities

A. Student Exercises

1. Why was Plessy arrested? What charges were filed against him?
2. Why do you think the Louisiana Railroad law used the phrase “separate but equal”?
3. Do you think it is possible to pass laws requiring separate but equal facilities for one race without discriminating against that race? Why or why not?