THE CIVIL RIGHTS MOVEMENT: EXAMINING LIBERTY AND EQUALITY

READINGS, ACTIVITIES, AND HANDOUTS
Civil Rights Reading

The Civil Rights Movement sought to win the American promise of liberty and equality during twentieth-century America. From the early struggles of the 1940s to the crowning successes of the Civil Rights and Voting Rights Acts that changed the legal status of African-Americans in the United States, the Civil Rights Movement firmly grounded its appeals for liberty and equality in the Constitution and Declaration of Independence. Rather than rejecting an America that discriminated against a particular race, the movement fought for America to fulfill its own universal promise that “all men are created equal.” It worked for American principles within American institutions rather than against them.

African-Americans endured racial prejudice in World War II and fought in segregated combat units. It was particularly hard to accept because the war was fought against the racist Nazis who were attempting to eradicate the Jews grounded in racially-based totalitarianism. For black soldiers, the stark contradiction with American wartime ideals was as repulsive as their daily condition of fighting separately. Many black units—most famously the Tuskegee Airmen—fought just as courageously as their white counterparts. Fighting for the “Double V” for victory over totalitarianism and racism, returning black veterans were not keen on returning to the Jim Crow South with legal (de jure) segregation nor to a North with informal (de facto) segregation.

In the postwar years, civil rights leaders prepared a dual strategy of attacking all discrimination throughout American society. On the national level, African-Americans sought to overturn segregation with legal challenges up to the Supreme Court, pressuring presidents to enforce equality, and lobbying Congress for changes in the law of the land. On the local level, marches were held to demonstrate the fundamental immorality and violence of segregation and to change local laws.

The National Association for the Advancement of Colored People (NAACP), which was established by W.E.B. DuBois and other black and white, male and female reformers in 1909 to struggle for civil rights, helped lead the legal battle in the courts. The NAACP legal team, led by Thurgood Marshall, who would later become the first black justice on the Supreme Court, scored the first major success of the Civil Rights Movement with *Brown v. Board of Education of Topeka, Kansas* (1954) decision that overturned *Plessy v. Ferguson* (1896), which had set the precedent for legalizing segregation. New Chief Justice Earl Warren persuaded his fellow justices to issue a unanimous 9-0 decision for the moral force to overcome expected white Southern resistance. The outcome was a landmark decision for black equality that initiated the Civil Rights Movement.

The good outcome led many to overlook the questionable legal reasoning employed in the decision. The Supreme Court shockingly admitted white and black schools were equal despite evidence to the contrary. Moreover, the Court stated that the Equal Protection Clause of the Fourteenth Amendment had “inconclusive” origins related to segregated schools and doubted whether it could be applied to this case. Instead, the Court turned to social science as the basis
for its decision. It referred to experiments in which black children played with dolls of different races. Members of the Court misread the evidence because the results of the studies actually showed that the segregated black children chose to play with black dolls. The Court mistakenly reported that the black children played more with the white dolls and had a “feeling of inferiority.”

The Court settled for declaring the edict that segregated schools were “inherently unequal” based on dubious social science and missed an opportunity for a constitutionally-grounded precedent banning all racial discrimination.


By ignoring Harlan’s understanding of the equality principle in the Constitution and settling for the use of social science, Chief Justice Warren diminished the constitutional force of the decision, which, if read narrowly, did not exactly overturn Plessy.

Even with the unanimous decision that Chief Justice Warren sought, the case encountered opposition, and it took a decade of direct action by African-Americans to win equality. In 1955, the Montgomery Bus Boycott initiated a decade of local demonstrations against segregation in the South. In December 1955, Rosa Parks courageously refused to give up her bus seat to a white man because she was tired of being treated like a second-class citizen. African-Americans applied economic pressure for more than one year to force concessions for desegregation at the local level. A charismatic young Baptist minister, Reverend Dr. Martin Luther King, Jr., provided vision and leadership for the emerging movement at Montgomery.

As a result of the Brown decision, many white politicians and ordinary citizens engaged in what they called “massive resistance” to oppose desegregation. In 1957, Arkansas Governor Orval Faubus refused to use the state National Guard to protect black children at Little Rock High School. President Dwight Eisenhower sent in troops from the 101st Airborne Division to compel local desegregation and protect the nine black students while federalizing the Arkansas National Guard to block Faubus. The Little Rock Nine attended school under the watchful eye of federal troops. The principles of equality and constitutional federalism came into conflict during this incident because the national government used the military to impose integration at the local level.

In the early 1960s, African-Americans continued to press for equality at the local and national levels. In 1960, black college students in Greensboro, North Carolina started a wave of “sit-ins” in which they took seats reserved for whites at segregated lunch counters. The sit-ins led to applying the economic pressure of a boycott that successfully desegregated the local lunch counters.

In 1963, Martin Luther King, Jr. used his moral vision and rhetoric to achieve the greatest successes of the movement for black equality and the end of segregation. King helped to organize marches in Birmingham, Alabama, where police dogs and fire hoses were turned on the Birmingham marchers and caused shock and outrage across the nation when the violence was televised. King and hundreds of others were arrested for demonstrating without a permit.
From his jail cell, King wrote his “Letter from a Birmingham Jail” defending the civil rights demonstrations by quoting the great Christian authority St. Augustine that “an unjust law is no law at all.” Employing the principles of America’s Founders, King explained that a just law is a “man-made code that squares with the moral law or the law of God.” King posited that just laws uplift the human person while unjust laws “distort the soul” (Martin Luther King, Jr. “Letter from Birmingham Jail,” April 16, 1963).

He argued that just laws are rooted in human equality, while unjust laws give a false sense of superiority and inferiority. Moreover, segregation laws had been inflicted upon a minority who had no say in making the laws and thereby passed without consent, violating American principles of republican self-government.

King closed the letter by asserting that the Civil Rights Movement was “standing up for what is best in the American dream and for the most sacred values in our Judeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence” (Martin Luther King, Jr. “Letter from Birmingham Jail,” April 16, 1963).

On June 11, 1963, President Kennedy responded and addressed the nation on television. “We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution,” he told the nation. For Kennedy, the question was “whether all Americans are to be afforded equal rights and equal opportunities” (John F. Kennedy, “Civil Rights Address,” June 11, 1963).

Kennedy was mindful of the historical significance of the year when he appealed to Lincoln’s Proclamation freeing the slaves: “One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free...And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free” (John F. Kennedy, “Civil Rights Address,” June 11, 1963).

On August 28, 1963, the greatest event of the Civil Rights Movement occurred with the March on Washington. More than 250,000 blacks and whites, young and old, clergy and laity, descended upon the capital in support of the proposed civil rights bill. From the steps of the Lincoln Memorial, King evoked great documents of freedom when he said “Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation” (Martin Luther King, Jr. “I Have A Dream,” August 28, 1963). The Emancipation Proclamation freed the slaves in the Confederate States one hundred years before on January 1, 1863. Simultaneously, he also subtly referred to the other great document of 1863, Lincoln’s “Gettysburg Address,” which was inscribed in the wall of the memorial, and begins, “Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal” (Abraham Lincoln, “Gettysburg Address,” November 19, 1863).

King offered high praise for the “architects of our republic” who wrote the “magnificent words of the Constitution and the Declaration of Independence.” King began his evocative peroration “I Have a Dream” by declaring that his dream is “deeply rooted in the American dream.” “One day this nation will rise up and live out the true meaning of its creed. We hold these truths to be self-evident that all men are
created equal’” (Martin Luther King, Jr. “I Have A Dream,” August 28, 1963).

African-Americans won the fruits of their decades of struggle for civil rights when Congress passed the Civil Rights Act of 1964. The Civil Rights Act legally ended segregation in all public facilities. The act had to overcome a Southern filibuster in the Senate and the fears of conservatives in both parties that it was an unconstitutional intrusion of the federal government upon the rights of the states and into local affairs and private businesses.

Although the Fifteenth Amendment had been ratified a hundred years before, African Americans still voted at low rates, especially in the Deep South. A number of devices—literacy tests, poll taxes, and grandfather clauses that prevented descendants of slaves from voting—severely curtailed black suffrage. Violence and intimidation were the main vehicles of preventing African-Americans from voting in the mid-1960s.

In March 1965, Martin Luther King and other leaders organized marches in Selma, Alabama, for voting rights. After enduring beatings by club-wielding mounted police officers on “Bloody Sunday,” the marchers eventually set out again several days later and reached Montgomery under the watchful eye of federal troops. Congress soon passed the Voting Rights of 1965, banning abridgment of the right to vote on account of race.

Yet in the wake of the great legislative triumphs for social and voting equality the summer of 1965 (and successive summers) witnessed the explosion of racial violence and rioting by black citizens in American cities. Despite gaining rights of equal opportunity African-Americans still lived under obvious economic disparities with whites. The passage of federal laws securing equal opportunity led to rising expectations of immediate equality, which did not happen. Young “Black Power” advocates also began advocating self-reliance as a race, a celebration of African heritage, and a rejection of white society. Forming groups like the Black Panthers, a minority of young African-Americans spoke in passionate terms advocating violence, leading to confrontations with police. Many white Americans were shocked and confused at the urban riots occurring just after legal equality for African-Americans had been achieved.

In the 1970s and 1980s, plans of “affirmative action” were introduced in college admissions and in hiring for public and private jobs that soon became controversial. Intended to remedy the historic wrongs of slavery and segregation, affirmative action policies established preference or quotas for the number of African-Americans (and soon women and other minorities) who would be admitted or hired. Its proponents sought to achieve an equality of outcome in society rather than merely equal opportunity in American society. Some whites complained that this was “reverse discrimination” against whites and introduced lower standards for the benefited groups. The most notable Supreme Court case addressing the issue was the Regents of the University of California v. Bakke (1978) decision, in which racial preferences were upheld.

The Supreme Court essentially agreed with the supporters of affirmative action who argued that “discrimination against members of the white ‘majority’ cannot be suspect if its purpose can be characterized as ‘benign’” (Justice Lewis F. Powell, Jr., Regents of the University of California v. Bakke, Opinion, 1978).
The Court held in favor of affirmative action that took race into account but not specific quotas requiring a certain percentage of the favored groups.

Certainly racial prejudice against African-Americans continues in America, and racial differences are still hotly debated. Yet the Civil Rights Movement achieved great success more quickly than any other movement in American history. Federal laws worked rapidly to ensure legal equality for African-Americans. While blatant economic discrimination began to ebb, disparities in income and wealth between the races remained. An unparalleled social change in opinion away from racism took place in the minds of most Americans, including Southerners, within a generation. African-Americans have won much greater equality of opportunity and visibility in leadership roles in schools, the media, politics, and workplace. The modern struggle for civil rights—whatever future progress still needs to be accomplished—demonstrated the fulfillment of the promise of America by anchoring itself deeply in America’s Founding principles.
Teaching Tips

Have students read Handout A: The Declaration and Martin Luther King, Jr. and answer the critical thinking questions. Students should then discuss with a partner how Martin Luther King, Jr. justified his argument for equality and civil rights for African American using American Founding documents and principles.
Handout A: The Declaration and Martin Luther King, Jr.

Excerpts from The Declaration of Independence, 1776

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

Excerpts from Letter from Birmingham Jail, 1963 by Martin Luther King, Jr.

“I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham, and all over the nation, because the goal of American freedom. Abused and scorned though we may be, our destiny is tied up with America’s destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation-and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands.”

Excerpts from the “I Have a Dream Speech”, 1963 by Martin Luther King, Jr.

“So we’ve come here today to dramatize a shameful condition. In a sense we’ve come to our nation’s capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked “insufficient funds.” But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we have come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.”
**Critical Thinking Questions**

1. What documents does Martin Luther King, Jr., refer to several times? Why?

2. What constitutional principles does Martin Luther King, Jr., appeal to many times? Does King think that those constitutional principles apply to all people equally?

3. Does Martin Luther King, Jr., support or reject the American Dream for African-Americans?

4. Why did Native Americans and American women appeal to American Founding documents and constitutional principles when arguing for equality and justice?
Teaching Tips

**Critical Question:** Assess the role played by the Supreme Court as the protector of individual rights against the tyranny of the majority in *Brown v. Board of Education*.

Write or post the following two phrases on the whiteboard: “Jim Crow Laws” and, several inches away from it, “*Brown v. Board of Education*.” Invite students to explain what they know and understand about each of these topics, as well as to raise questions they may have. During the discussion, correct any factual errors and clarify misunderstandings.

Write or project the Critical Question (above) on the board. Explain to students that they will be analyzing primary source documents in order to formulate their own opinions on the case and that as they do so, they will either correct, or add to, their understanding about Jim Crow laws and the *Brown v. Board of Education* case.

Distribute **Handout B: Case Background – Jim Crow Laws and Brown v. Board of Education.** Have students read the case background and related questions.

Distribute **Handout C: Document Summary Table.** To model the way you want them to carefully read and analyze the documents, lead students through a careful whole-class reading and discussion of **Handout D: State and Federal Law** and complete the first two rows on **Handout C: Virginia Criminal Code and Section of the Fourteenth Amendment**.

Divide the class into two groups to analyze the documents as follows.

- Group 1: **Handout E: Plessy v. Ferguson**, **Handout F: Images**, and **Handout G: Map**
- Group 2: **Handout H: Court Cases: Brown and Brown II** and **Handout I: Supreme Court Decision**

Have each group read its assigned documents, discuss and write answers to the related questions, and complete the related row of **Handout C**.

Once students completed their reading and analysis, have Group 1 report their results, allowing other students in the class to complete the relevant portions of **Handout C**. Have Group 1 take a position on how the Court should answer the constitutional question for *Brown* and discuss before letting Group 2 tell what the Court unanimously decided in *Brown I*. Then let Group 2 provide the information to complete the *Brown I* row on **Handout C**. Discuss as needed to understand this case and its significance. Then move on to allow Group 2 to lead in discussion of *Brown II* on **Handout H**.

Assign a response paper or an essay that addresses the Critical Question: Assess the role played by the Supreme Court as the protector of individual rights against the tyranny of the majority in *Brown v. Board of Education*. Supporting points should be drawn from **Handouts D – I**. To provide scaffolding for this assignment, lead students to carefully analyze the prompt in three steps.
1. **Assess the role played by the Supreme Court:** Assess means measure, weigh, or evaluate. In order to evaluate the role of the Court, students must consider the roles and actions of the other two branches of federal government with respect to civil rights by 1954. This requires a familiarity with the events of the early civil rights movement.

2. **As the protector of individual rights:** How did the Court’s decision in this case help define and defend individual rights? What specific rights were at issue in this case? What longer-term applications of the principles are significant?

3. **Against the tyranny of the majority:** Ask students what they think the tyranny of the majority is and clarify any misunderstandings. In what ways might the executive and legislative branches be more susceptible to this tyranny than the judicial branch? How does the Constitution allow for both majority rule and protection of minority rights? (Point out that “minority” refers to more than just racial groups.)
Handout B: Jim Crow Laws and *Brown v. Board of Education* (1954)–Case Background

After the Civil War, the Fourteenth Amendment was ratified to grant citizenship to former slaves and protect them from civil rights violations in their home states. Public schools were relatively rare throughout the United States, but were often segregated by race where they existed. The same Congress that passed the Fourteenth Amendment created racially segregated schools for the District of Columbia.

Beginning in 1877, many states passed “Jim Crow” laws requiring segregation in public places. Jim Crow laws were adopted in every southern state as well as some in the North. Louisiana’s policy requiring that blacks sit in separate railcars from whites was challenged and upheld in the Supreme Court case *Plessy v. Ferguson* (1896). The Court held that there was nothing inherently unequal—nor anything unconstitutional—about separate accommodations for races. This decision established the rule that separate facilities in public accommodations were legal as long as they were equal: “separate but equal.”

In the twentieth century, the National Association for the Advancement of Colored People (NAACP) began a litigation campaign designed to bring an end to state mandated segregation, calling attention to the shabby accommodations provided for blacks, as well as arguing the damaging psychological effects that segregation had on black school children. One case was brought on behalf of Linda Brown, a third-grader from Topeka, Kansas. Several additional school segregation cases were combined into one, known as *Brown v. Board of Education*. This case reached the Supreme Court in 1953.

In the fall of 1950, Oliver Brown, Linda’s father, attempted to enroll her in Sumner Elementary School, a few blocks from their home in an integrated neighborhood. She was not allowed to enroll, however, because African American students were required to attend the segregated Monroe Elementary School. Linda had to walk six blocks, and through a railway switchyard, just to get to the bus stop for her ride to Monroe. Having already made great strides in integration of their schools, Topeka was a good candidate for a place where separate could be equal. Monroe and Sumner schools were found to be equal in physical facilities, curriculum, and staff. However, can a policy that requires racial segregation in school, even if the schools themselves are essentially equal, be consistent with the Equal Protection guarantee of the Fourteenth Amendment? This was the question for the five similar cases that were combined in *Brown v. Board of Education of Topeka*. The Supreme Court decided the question in 1954.
Critical Thinking Questions

1. What were “Jim Crow” laws? How did they relate to *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954)?

2. What had been the Supreme Court’s ruling in *Plessy v. Ferguson* (1896)?

3. Do you think the Supreme Court should have decided *Brown v. Board of Education* based on the precedent of *Plessy v. Ferguson*, or based on some other standard? Explain.
### Handout C: Documents Summary Table

**Directions:** Use this form to develop an overview of the evidence available.

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<thead>
<tr>
<th>Document name, date, &amp; author (if provided)</th>
<th>Answer to related question(s)</th>
<th>What is the main idea of this document?</th>
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<tbody>
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<td>Virginia Criminal Code, 1847</td>
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<td>Section of the Fourteenth Amendment, 1868</td>
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<td><em>Plessy v. Ferguson</em> (1896), Majority Opinion</td>
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<td><em>Plessy v. Ferguson</em> (1896), Dissenting Opinion</td>
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<tr>
<td>Washington, D.C. Public Schools, 1st Div-Class Making Geometric Forms with Paper, 1899</td>
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<td><em>Crowded Segregated Classroom,</em> ca. 1940s</td>
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<td>Segregation Laws Map, 1953</td>
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<td><em>Brown v. Board of Education</em> (1954), Unanimous Majority Opinion</td>
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<td><em>Brown II</em> (1955), Majority Opinion</td>
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<td>“Supreme Court Decision,” 1954</td>
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Handout D: State and Federal Law

Virginia Criminal Code, 1847

Any white person who shall assemble with slaves, [or] free Negros ... for the purpose of instructing them to read or write ... shall be punished by confinement in the jail ... and by fine...

1. What does this law reveal about African Americans’ access to education in mid-nineteenth century Virginia?

Section of the Fourteenth Amendment, 1868

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.

1. What was the historical context of the passage of this amendment?

2. What level of government does this amendment limit?

3. What prohibitions did it create?
Handout E: *Plessy v. Ferguson* (1896), Majority and Dissenting Opinions

**Majority Opinion, *Plessy v. Ferguson* (1896)**

The object of the [Fourteenth] 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 co-mingling of the two races upon terms unsatisfactory to either.... Laws permitting, and even requiring, the separation [of races] in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power...

1. **Restate this opinion in your own words.**


[I]n the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. 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... The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law.

1. **Compare and contrast the ideas in this comment with those in the Fourteenth Amendment (Handout C).**
Handout F: Images of Segregation

Washington, D.C. Public Schools, 1st Div-Class Making Geometric Forms with Paper, 1899

1. Look closely at details in this photograph. How much space seems to be available for each student? What do you notice about classroom furnishings and materials?

2. Describe the condition of this classroom using two or three adjectives.

Crowded Segregated Classroom, ca. 1940s

1. Look closely at details in this photograph. How much space seems to be available for each student? What do you notice about classroom furnishings and materials?

2. Describe the condition of this schoolhouse using two or three adjectives.
1. How does this map reflect the legacy of *Plessy v. Ferguson*?
In approaching this problem, we cannot turn the clock back to 1868 when the [Fourteenth] Amendment was adopted, or even to 1896 when Plessy v. 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.

Today, education is perhaps the most important function of state and local governments.... In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms...

To separate [students] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone.... Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority...

We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated ... are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

1. How did the Brown decision overturn Plessy v. Ferguson (Handout D) Majority Opinion?

2. On what grounds did the Court base its decision?

3. How does the Fourteenth Amendment (Handout C) provide a basis for this decision?

Brown II (1955), Majority Opinion

Note: After the 1954 decision in Brown v. Board of Education declared state mandated segregation in public schools unconstitutional, the case was reargued to determine how to correct the violations. [T]he cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.

1. What did the Supreme Court order the District Courts to do?

2. How does this document reveal the Court’s dependence on other branches and levels of government for enforcement of its decisions?
Handout I: *Supreme Court Decision, 1954*

1. Identify the hands in the cartoon and their symbolic relationship to *Brown v. Board of Education* (1954).
Handouts A–I Answer Keys

Handout A: The Declaration and Martin Luther King

Document Summary

The Declaration of Independence asserts the universal rights of all humans to life, liberty, and the pursuit of happiness, among others, and defines the purpose of government to protect those rights.

In the “Letter from Birmingham Jail,” Martin Luther King, Jr., ties the rights of African Americans to the ideals of the Declaration of Independence and tradition of rights in America. Despite a history of slavery and oppression, King links the destiny of African Americans to the destiny of America.

In his “I Have a Dream” speech, King calls the principles of liberty and equality in the Declaration of Independence a “promissory note.” King argues that although African Americans have not enjoyed those rights during the time of slavery and segregation, they are entitled to those rights, and he is confident that they will someday enjoy them in America.

Critical Thinking Questions

1. King refers to the Declaration of Independence because of its assertion of universal rights for all people. He also refers to the Constitution because it is a framework for a just and free representative government of self-governing citizens.

2. King appeals several times to life, liberty, the pursuit of happiness, equality, and justice.

3. King argues strongly that African Americans should enjoy natural rights and constitutional liberties, and embrace the American Dream as their own even though America had not lived up to its promise for African Americans for centuries.

4. When arguing for greater rights and participation in American civic life, African Americans, Native Americans, and women all appealed to the universal principles of liberty and equality for all humans and pressed for a constitutional government that protects those rights.

Handout B: Case Background – Jim Crow Laws and Brown v. Board of Education (1954) Answer Key

1. Jim Crow laws were local and state laws, enacted in the Southern states between the 1870s and the 1960s, to establish and maintain racial segregation in public facilities. Plessy v. Ferguson challenged Jim Crow laws, and those laws were upheld. In Brown v. Board of Education, those laws were declared unconstitutional.
2. In *Plessy v. Ferguson* (1896), under the “separate but equal” doctrine, the Supreme Court upheld the constitutionality of state laws requiring racial segregation in public facilities.

**Handout C: State and Federal Law Answer Key**

Virginia Criminal Code, 1847

1. It was against the law in some states to educate African Americans.

Section of the Fourteenth Amendment, 1868

1. It was passed after the Civil War to protect the rights of newly-freed slaves.

2. The states cannot deny citizens the privileges and immunities of citizenship, due process of law, and equal protection of the laws.

**Handout F: Images of Segregation Answer Key**

Washington, D.C. Public Schools, 1st Div-Class Making Geometric Forms with Paper, 1899

1. Answer should address details in the photograph and be addressed in the DBQ essay.

2. Answer should include three descriptors for the classroom condition and be addressed in the DBQ essay.

Crowded Segregated Classroom, ca. 1940s

1. Answer should address details in the photograph and be addressed in the DBQ essay.

2. Answer should include three descriptors for the classroom condition and be addressed in the DBQ essay.

**Handout G: Segregation Laws Map, 1953 Answer Key**

1. Many former slave states allowed or required segregation, which was declared to be constitutional in *Plessy v. Ferguson*.

**Handout H: Court Cases: *Brown* and *Brown II* Answer Key**


1. Segregation was declared unconstitutional.

2. Separation of the races was inherently unequal and violated the Fourteenth Amendment. Segregation creates a feeling of inferiority in black children that would impede their future success.

3. Answers should refer to privileges and immunities, due process, and equal protection.

1. To integrate schools with all deliberate speed.

2. The Court cannot write or enforce laws. It must rely on state and local executive and legislative bodies for enforcement of its decisions.

**Handout I: Supreme Court Decision, 1954 Answer Key**

1. The white hands represent the Supreme Court. The black hands represent African Americans shackled by segregation. The Supreme Court, which in 1954 was comprised entirely of white justices, was the force demanding the shackles binding black Americans be broken. The Court was acting as the final force ending the social and legal bindings and effects of slavery on black Americans.