

TITLE: Five Roads to Topeka, Kansas

Subject Area: Civil Rights Legislation, Supreme Court, U.S. History AP

Overview: After the Civil War, many southern states created laws that segregated public facilities. In *Plessy v. Ferguson* (1896) the Supreme Court validated these laws when it upheld as constitutional the concept of “separate but equal.”

In 1954 the court reversed itself with its landmark decision in *Brown v. the Board of Education, Topeka, Kansas*. “We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal.” Chief Justice Earl Warren.

Brown v. Board of Education, Topeka, Kansas did not just happen. It had a history. The purpose of this plan is to study some of that history.

Essential Understanding: Although considered a landmark case, *Brown v. Board of Education Topeka, Kansas* was the culmination of a number of lower court civil liberty cases. The purpose of this lesson plan is to study some of these court cases which will later impact the Brown decision. Students will investigate five of these cases.

Essential Questions:

- “We hold these truths to be self-evident; that all men are created equal.” Declaration of Independence.

“No state shall ...deny to any person within its jurisdiction the equal protection of the laws.”
Fourteenth Amendment of the U.S. Constitution.

What does “equal” mean?

- What is equality in education?
- What's wrong with segregation?
- What is prejudice?
- Can people change?

CT Standards:

Social Studies 12: 1-a,b,c,c,d,e,f.

Social Studies 12: 2-a,b,c.

Social Studies 12: 3-d,e,f.

Social Studies 12: 4-a,b,d,e.

Social Studies 12: 5-a,b,d,e.

Social Studies 12: 6-a,b.

Social Studies 12: 7-d,e,f.

Social Studies 12: 8-a,b,c,d,e.

Objectives:

- The student(s) will research five of the lower court cases that impacted *Brown v. Board of Education Topeka, Kansas.* and present their findings.
- Students study and appreciate an historical context to a crucial period in American history.
- Students will realize that decisions by the Supreme Court influence real people.
- Students become familiar with primary sources.
- Students write an essay reflecting an understanding of the researched court cases.

Materials Needed: Internet access/Digital Classroom

Accompanying Handouts provided by teacher.

Suggested Activities Procedures:

Class 1: Details of the activity:

Begin with a brief review of *Plessy v. Ferguson* (1896) covered earlier in the school year.

Next, divide students into 5 groups and explain to each group their particular assignment. Each group will be assigned one of the following cases with accompanying Web sites. Students will research and explain their assigned case, highlighting the main issues and the case's uniqueness. A two page summary of the plaintiff's and defendant's positions will be required for next class. Other resources may be used for the research, but the sources must be listed in a bibliography on their summary papers. These summaries must be emailed to the teacher before the next class. Teacher will prepare hard copies for distribution next class. The cases for research are:

1. Francis B Gebhart et al. v. Ethel Louise Belton et al.
<http://www.brownat50.org/brownCases/LowerCourtDecisions/GebhartvBeltonDel52.html>
<http://americanhistory.si.edu/brown/history/4-five/delaware-1.html>
2. Harry Briggs, Jr., et al. v. R.W. Elliott, et al.
<http://www.usca.edu/aasc/briggsvelliott.htm>
http://varenne.tc.columbia.edu/class/common/dolls_in_brown_vs_board.html
3. Sweatt v. Painter (1950)
www.law.du.edu/russell/lh/sweatt/ -
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0339_0629_ZS.html

4. Dorthy E. Davis et al. v. County School Board of Prince Edward County, Virginia, et al.
<http://www.nps.gov/archive/brvb/pages/davis.htm>
<http://www.archives.gov/education/lessons/davis-case/>
5. Spottsworth Thomas Bolling et al. v. C. Melvin Sharpe et al.
<http://www.nps.gov/archive/brvb/pages/bolling.htm>
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0347_0497_ZS.html

Class 2. Details of the activity: Teacher will distribute hard copies of summaries and members of each team will present their summaries to the other teams. This will be done by breaking up the teams so that each team will have at least one representative from one of the five cases and all five summations are heard by all students. The teams will list the main points of each case (a secretary should be appointed), looking for similarities between the cases. Each group will present an oral presentation of their findings to the entire class.

Class 3. Details of the activity: A number of people were responsible for “giving directions” to “Topeka, Kansas”. Today’s class will look at some of those figures. Again, the students will work as teams and be responsible for educating the other teams about their particular persons. A brief biography with emphasis on the contribution to ending segregation in education should be the focus. Again, the Web sites are recommended but not restrictive. The class will follow the same procedure as in Class 1; biographies sent to teacher by email who will distribute hard copies next class to share their information.

1. Charles Garland
Felix Frankfurter
<http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/tushnet605.htm>

http://www.oyez.org/justices/felix_frankfurter/
2. Kenneth Bancroft Clark
Hugo L. Black
<http://lcweb2.loc.gov/service/mss/eadxlmss/eadpdfmss/1998/ms998002.pdf>

http://www.oyez.org/justices/hugo_1_black/
3. Thurgood Marshall
Stanley Reed
<http://www.law.stetson.edu/courses/casedigests/smith.pdf>

<http://chnm.gmu.edu/courses/122/hill/marshall.htm>

http://www.oyez.org/justices/stanley_reed/
4. Nathan Margold
Harold H. Burton
<http://americanhistory.si.edu/brown/history/3-organized/higher-education.html>

http://www.oyez.org/justices/harold_burton/
5. Tom C. Clark
William O. Douglas
<http://americanhistory.si.edu/brown/history/3-organized/higher-education.html>

http://www.oyez.org/justices/william_o_douglas/

Class 4; Details of activity: As in Class 1 the students will present an oral summary to the various teams. After an open question period the students will write an essay answering the following essay question:

- As it turns out, the road to Topeka, Kansas was a winding, confusing, uneven road with ups and downs. In light of the cases you have studied and the persons involved describe some of the legislative and judicial pit-stops that were encountered along the way.

Suggested Assessment/Evaluation.

Because this is an AP group there should be no motivation problems to get the students do this research. They should be equally excited about doing their presentations. The essay will be graded according to AP standards which can be found on the collegeboard Website:

www.collegeboard.com/student/testing/ap/history.

Should assessment be wanted/necessary for the team work try either:

<http://www.eed.state.ak.us/tls/Frameworks/wrldlang/wlinst r3.html#Peer>

Or

<http://www.teach-nology.com/cgi-bin/presentation.cgi>