

Law Day Live



Realizing the Dream: Equality for All

Lesson Plan

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This lesson plan presents the theme of "Realizing the Dream: Equality for All." The theme was selected by the American Bar Association (ABA) in 2013 to mark the 150th anniversary of the issuance of the Emancipation Proclamation. In 1963, during the Proclamation's centennial, Rev. Dr. Martin Luther King Jr. stood in front of the Lincoln Memorial and called upon our nation to live up to the great promise, enshrined in its founding documents, of equality for all. Five decades later, the inspirational words of Rev. Dr. King's "I Have a Dream" speech continue to resonate and challenge us to live up to our national ideal of equality under the law.

The legacy of the Civil Rights Movement can be seen in the strides that have been made against discrimination based on race, gender, ethnicity, national origin, religion, age, disability, and sexual orientation.

Day 1 Lesson Plan

Essential Question: How did Dr. King's "I have a Dream" speech impact the fight for equality for all Americans?

Procedure

Close Reading:

1. Teachers introduce the document without providing background information. Then the teacher asks students to note the title, date, author, and notice the line numbers.
2. Students silently read the speech.
3. The teacher then can demonstrate fluency by either:
 - a. Reading the text aloud to the class
 - b. Playing the actual audio of Dr. King's speech (please note that the text of the speech below is edited, so if you play the audio, parts of the audio will not match the document).
4. The teacher asks students to answer each question by referring directly to the text. Students are asked to discuss each question with a partner or small group (heterogeneous), before answers are solicited from the whole group. During the whole group answer session for each question, multiple responses are expected. Each question provides opportunities to find answers in different words, phrases, sentences, and paragraphs throughout the text. The teacher should probe students to find additional textual evidence if any answer is weak. However, the teacher should be cautioned against giving students any answers.
 - a. Questions:
 - i. According to lines 4-9 of the text, what happened 100 years before Dr. King's speech?
 - ii. According to lines 10-15 of the text, what impact did the Emancipation Proclamation have on African American rights?
 - iii. Dr. King gives a warning to people fighting for equality, what is his warning?
 - iv. Where is Dr. King's dream rooted? What is his dream?
5. Closing Assignment: This reading should be followed by a writing assignment that requires specific textual support. Students must demonstrate a deep and nuanced understanding of the text using evidence from it in their writing.

1 **Martin Luther King's Speech: 'I Have a Dream'**

2 By The Rev. MARTIN LUTHER KING Jr.

3 Aug. 28, 1963

4 I am happy to join with you today in what will go down in history as the greatest demonstration
5 for freedom in the history of our nation.

6 Five score years ago, a great American, in whose symbolic shadow we stand signed the
7 Emancipation Proclamation. This momentous decree came as a great beacon light of hope to
8 millions of Negro slaves who had been seared in the flames of withering injustice. It came as a
9 joyous daybreak to end the long night of captivity.

10 But one hundred years later, we must face the tragic fact that the Negro is still not free. One
11 hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation
12 and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of
13 poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is
14 still languishing in the corners of American society and finds himself an exile in his own land. So
15 we have come here today to dramatize an appalling condition...

16 But there is something that I must say to my people who stand on the warm threshold which
17 leads into the palace of justice. In the process of gaining our rightful place we must not be guilty
18 of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of
19 bitterness and hatred...

20 I say to you today, my friends, that in spite of the difficulties and frustrations of the moment, I
21 still have a dream. It is a dream deeply rooted in the American dream.

22 I have a dream that one day this nation will rise up and live out the true meaning of its creed:
23 "We hold these truths to be self-evident: that all men are created equal."

24 I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of
25 former slave owners will be able to sit down together at a table of brotherhood.

26 I have a dream that one day even the state of Mississippi, a desert state, sweltering with the heat
27 of injustice and oppression, will be transformed into an oasis of freedom and justice.

28 I have a dream that my four children will one day live in a nation where they will not be judged
29 by the color of their skin but by the content of their character.

30 I have a dream today.

31 I have a dream that one day the state of Alabama, whose governor's lips are presently dripping
32 with the words of interposition and nullification, will be transformed into a situation where little
33 black boys and black girls will be able to join hands with little white boys and white girls and
34 walk together as sisters and brothers.

35 I have a dream today...

36 This will be the day when all of God's children will be able to sing with a new meaning, "My
37 country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the
38 pilgrim's pride, from every mountainside, let freedom ring."

Day 2 Lesson Plan

Essential Question: How has the Supreme Court impacted the fight for equality for all Americans?

Procedure

Jigsaw: Divide students into five groups. Each group will be given a Supreme Court case. It will be the responsibility of each group to:

1. **Discuss** the information and details of the case (who is involved, where, when, what is it about).
2. **Answer** the question provided for each case.
3. And **guess** what they think the decision will be.

Groups will present their information to the class. After each group goes through the teacher will inform the students of the actual decision made by the Supreme Court.

Students will complete the Chart (Appendix A) as information is presented about each case.

If you don't finish this in day two - finish right away at the start of day three.

If you are looking for different court cases about equal protection or about civil rights, use www.oyez.org as a resource.

Alternative cases if you want to trade out the suggestions

Reynolds v. Sims

Group 1

CONSIDER THIS CASE: PLESSY V. FERGUSON (1895)

The state of Louisiana enacted a law that required separate railway cars for blacks and whites. In 1892, Homer Adolph Plessy--who was seven-eighths Caucasian--took a seat in a "whites only" car of a Louisiana train. He refused to move to the car reserved for blacks and was arrested.

Questions for the Group:

Is Louisiana's law mandating racial segregation on its trains an unconstitutional infringement on both the privileges and immunities and the equal protection clauses of the Fourteenth Amendment?

Group 2

CONSIDER THIS CASE: *BROWN V. BOARD OF EDUCATION (1952)*

Black children were denied admission to public schools attended by white children under laws requiring or permitting segregation according to the races. The white and black schools approached equality in terms of buildings, curricula, qualifications, and teacher salaries. This case was decided together with *Briggs v. Elliott* and *Davis v. County School Board of Prince Edward County*.

Questions for the Group:

Does the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the 14th Amendment?

Group 3

CONSIDER THIS CASE: YICK WO v. HOPKINS (1886)

An 1880 ordinance of the city of San Francisco required all laundries in wooden buildings to hold a permit issued by the city's Board of Supervisors. The board had total discretion over who would be issued a permit. Although workers of Chinese descent operated 89 percent of the city's laundry businesses, not a single Chinese owner was granted a permit. Yick Wo and Wo Lee each operated laundry businesses without a permit and, after refusing to pay a \$10 fine, were imprisoned by the city's sheriff, Peter Hopkins. Each sued for writ of *habeas corpus*, arguing the fine and discriminatory enforcement of the ordinance violated their rights under the Equal Protection Clause of the Fourteenth Amendment. Noting that, on its face, the law is nondiscriminatory, the Supreme Court of California and the Circuit Court of the United States for the District of California denied claims for Yick Wo and Wo Lee, respectively.

Questions for the Group:

Did the unequal enforcement of the city ordinance violate Yick Wo and Wo Lee's rights under the Equal Protection Clause of the Fourteenth Amendment?

Group 4

CONSIDER THIS CASE: ABRAMS v. JOHNSON (1996)

Following a suit by Georgia residents challenging the constitutionality of a legislative redistricting plan (*Miller v. Johnson*, 515 US 900), and seeking an injunction against its further use, a District Court found the plan unconstitutional. On appeal, the Supreme Court affirmed - holding that race was a predominant factor in the plan's creation - and remanded it for redrafting. Shortly thereafter the composition of another of the plan's districts was challenged in a District Court which, after unsuccessfully deferring the matter to Georgia's Legislature for redrafting, drew its own plan creating one black-majority district in place of the proposed three. After the 1996 elections were held under the court's new plan, Abrams and several other voters challenged its constitutionality. Again, the Supreme Court granted certiorari.

Questions for the Group:

Did the District Court's redistricting plan violate the 1965 Voting Rights Act or Article I of the Constitution, guaranteeing "one person, one vote"?

Group 5

CONSIDER THIS CASE: *LOVING v. VIRGINIA* (1966)

Black children were denied admission to public schools attended by white children under laws requiring or permitting segregation according to the races. The white and black schools approached equality in terms of buildings, curricula, qualifications, and teacher salaries. This case was decided together with *Briggs v. Elliott* and *Davis v. County School Board of Prince Edward County*.

Questions for the Group:

Does the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the 14th Amendment?

CASES TO CONSIDER DECISIONS

Plessy v. Ferguson

Decision: 7 votes for Ferguson, 1 vote(s) against

Legal provision: US Const. Amend 14, Section 1

No, the state law is within constitutional boundaries. The majority, in an opinion authored by Justice Henry Billings Brown, upheld state-imposed racial segregation. The justices based their decision on the separate-but-equal doctrine, that separate facilities for blacks and whites satisfied the Fourteenth Amendment so long as they were equal. (The phrase, "separate but equal" was not part of the opinion.) Justice Brown conceded that the 14th amendment intended to establish absolute equality for the races before the law. But Brown noted that "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 unsatisfactory to either." In short, segregation does not in itself constitute unlawful discrimination.

Brown v. Board of Education

Decision: 9 votes for Brown, 0 vote(s) against

Legal provision: Equal Protection

Yes. Despite the equalization of the schools by "objective" factors, intangible issues foster and maintain inequality. Racial segregation in public education has a detrimental effect on minority children because it is interpreted as a sign of inferiority. The long-held doctrine that separate facilities were permissible provided they were equal was rejected. Separate but equal is inherently unequal in the context of public education. The unanimous opinion sounded the death-knell for all forms of state-maintained racial separation.

Yick Wo v. Hopkins

Decision: Unanimous Yes

Legal provision: Equal Protection

Yes. In a unanimous opinion authored by Justice T. Stanley Matthews, the Court concluded that, despite the impartial wording of the law, its biased enforcement violated the Equal Protection Clause. According to the Court, even if the law is impartial on its face, "if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution." The kind of biased enforcement experienced by the plaintiffs, the Court concluded, amounted to "a practical denial by the State of that equal protection of the law" and therefore violated the provision of the Fourteenth Amendment.

Abrams v. Johnson

Decision: 5 votes for Johnson, 4 vote(s) against

Legal provision: Voting Rights Act of 1965

No, in a five-to-four decision. First, the Court held that in re-drafting the plans, the District Court had no obligation to preserve all three of the old plan's black-majority districts, if this would result in racial gerrymandering. Second, the Court supported the District Court's decision not to preserve two black-majority districts as it held that the area's black population was not sufficiently compact to sustain such a plan. Third, the Court ruled that the plan's creation of only one black-majority district would not violate the 1965 Voting Rights Act by causing a retrogression in the political position of Abrams and his fellow plaintiffs. The Court, in addition to noting Abrams' failure to meet his retrogression claim's population density requirement, found that in the last election, held under the challenged plan, all three black incumbents won re-election, two of whom while running against white candidates from white-majority districts. Finally, the Court concluded that the District Court's redistricting plan did not violate the Constitution's guarantee of "one person, one vote." In addition to finding that the plan's overall and average population deviations were acceptable, the Court held that even if these deviations were slightly "off" they must be tolerated given their six year tenure in an area which has seen significant population shifts. Accordingly, any minor errors would be best corrected by the next census rather than by judicial intervention.

Loving v. Virginia

Decision: 9 votes for Loving, 0 vote(s) against

Legal provision: Equal Protection

Yes. In a unanimous decision, the Court held that distinctions drawn according to race were generally "odious to a free people" and were subject to "the most rigid scrutiny" under the Equal Protection Clause. The Virginia law, the Court found, had no legitimate purpose "independent of invidious racial discrimination." The Court rejected the state's argument that the statute was legitimate because it applied equally to both blacks and whites and found that racial classifications were not subject to a "rational purpose" test under the Fourteenth Amendment. The Court also held that the Virginia law violated the Due Process Clause of the Fourteenth Amendment. "Under our Constitution," wrote Chief Justice Earl Warren, "the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the State."

Appendix A

Name _____

Period _____

Case	Details	Decision
1.		
2.		
3.		
4.		
5.		