

We the People

THE CITIZEN & THE CONSTITUTION



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How does the Constitution safeguard the right to equal protection of the law?

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LESSON PURPOSE

In this lesson you will be introduced to one of the most important parts of the Fourteenth Amendment to the Constitution—the equal protection clause.

When you finish this lesson, you should be able to explain the purpose of the equal protection clause. You should also be able to describe some of the steps that Congress, the executive branch, the U.S. Supreme Court, and citizens have taken to end unfair discrimination in our nation.



TERMS TO UNDERSTAND



boycott
Civil Rights Act of 1964
equal protection clause
Jim Crow laws
segregation
separate but equal

How did the Constitution end unfair treatment of citizens by government?

Although the Thirteenth Amendment abolished slavery in 1865, it did not end unfair treatment of African Americans by government. Many states in the South passed laws that discriminated against black people. State and local laws required that public facilities such as restrooms, theaters, and parks have separate areas for black people and white people.

Congress adopted the Fourteenth Amendment in 1868. The **equal protection clause** is stated in Section 1 of the amendment. It is the most important constitutional protection that the people have against unfair discrimination by state and local governments. The equal protection clause says that

no State shall...deny to any person within its jurisdiction the equal protection of the laws.

At the time it was ratified, this clause was intended to prevent discrimination against African Americans and guarantee them the rights that go along with citizenship.



Why did the passage of the Thirteenth Amendment fail to end unfair treatment of African Americans?

Are these situations unfair treatment by government?

With a partner, read each of the following situations. Explain to the class why each is or is not unfair government treatment.

- 1 In your state there is a law that says students belonging to a certain race must go to schools that are separate from those that other students attend.
- 2 Your city has a regulation requiring people with particular religious beliefs to live in a special section of town.
- 3 Your state has a law that says people must marry within their own race.
- 4 Your city fire department will not hire women as firefighters.
- 5 You and a friend of the opposite sex work for the state. You both do the same jobs. Yet you are each paid at a different rate.



Under what conditions, if any, would it be fair to pay people at a different rate for doing the same work? Explain your reasoning.

The Fourteenth Amendment did not by itself prevent discrimination, however. The states continued to pass laws requiring African Americans to go to separate schools and to use separate public facilities. These laws came to be called **Jim Crow laws**. The states claimed that such laws did not violate the equal protection clause because the separate schools and facilities for blacks were equal to those provided for whites. This is known as the **separate but equal** argument. The U.S. Supreme Court considered this argument in two famous cases: *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954).

How did the U.S. Supreme Court interpret the equal protection clause in two separate cases?

CASE ONE

Plessy v. Ferguson (1896)

The state of Louisiana passed a law requiring railroad companies to provide separate, similar cars for white passengers and black passengers. A group of African American leaders decided to challenge the law.



In what ways did Jim Crow laws violate the equal protection clause?

Homer Plessy bought a railroad ticket and took a seat in a car set aside for whites. Plessy was arrested when he refused to move. The Louisiana state court found him guilty of violating state law. Plessy took his case to the U.S. Supreme Court, arguing that the Louisiana law violated the equal protection clause.

The Supreme Court ruled against Plessy. The Court said that separating the races did not mean that one race was inferior to the other. Because the state law required the facilities to be separate but equal, the Supreme Court said there was no discrimination.

The decision in this case, *Plessy v. Ferguson* (1896), allowed states to practice **segregation**, separation of the races, for almost sixty years. Then, in the case of *Brown v. Board of Education* (1954), the U.S. Supreme Court changed its interpretation of the equal protection clause.

CASE TWO

Brown v. Board of Education (1954)

Linda Brown was a seven-year-old child who lived five blocks from an elementary school. Linda was forced to attend a school for African American children twenty-one blocks away from her home. Linda's parents, along with twelve other parents, brought a lawsuit against the school board of Topeka, Kansas, saying their children had been deprived of equal protection of the law.

One of the lawyers for the parents was Thurgood Marshall, an attorney for the National Association for the Advancement of Colored People. Marshall later became the first African American justice of the U.S. Supreme Court. He argued that segregated schools could not be equal.

This time the Court agreed. It said that placing African American children in schools separate from white children denied them the equal protection of the laws guaranteed by the Fourteenth Amendment. The Court said,

To separate [children]...solely because of their race generates [causes] a feeling of inferiority... that may affect their hearts and minds in a way unlikely ever to be undone.



These are the lawyers for the Brown family and the other families: George E.C. Hayes, left, Thurgood Marshall, center, and James M. Nabrit Jr. What was their argument before the Supreme Court? How did the Court rule in this case?

How did Congress, the executive branch, and citizens work to end unfair discrimination by government?

The Court's decision in *Brown v. Board of Education* was the first important step in ending school segregation. Although the *Brown* case was a turning point in the fight against discrimination, it dealt only with segregated schools. The Court decision by itself did not end discrimination. Many states resisted the Court's order to integrate their schools. As late as 1957, the governor of Arkansas tried to stop black students from entering a



Who is Rosa Parks? Why did African Americans begin a boycott of buses in Montgomery, Alabama, in 1955?



What means did leaders of the civil rights movement use to obtain their goals?

white high school in Little Rock. In response, President Dwight Eisenhower ordered federal troops to escort the students and enforce the law.

The civil rights movement started in the 1950s. It was a time when many people of both races worked to end unfair treatment by government. People marched in the streets. They wrote letters to Congress asking for stronger laws. They held boycotts. A **boycott** means that they refused to buy from or deal with stores and companies that practiced racial discrimination.

One of the earliest boycotts began in 1955. Rosa Parks was a working woman who lived in Montgomery, Alabama. She was on her way home one day when the bus she was riding became crowded. Parks refused to give up her seat to a



What democratic ideals were expressed by Martin Luther King Jr. in his “I Have a Dream” speech?

white man. She was arrested for violating a city law. The African American community boycotted the city buses until the city changed the law. The boycott lasted more than a year.

In August of 1963, thousands of Americans marched in Washington, D.C. They wanted to show their support for the civil rights movement. Dr. Martin Luther King Jr. was an important civil rights leader. It was here that Dr. King gave his famous “I Have a Dream” speech. King told the crowd, “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.” One day, he hoped, all people would join hands and be “free at last.”

In 1964, Congress passed the Civil Rights Act. The **Civil Rights Act of 1964** ended segregation in public places such as restaurants and hotels. The law also said that employers could not discriminate against people because of their race, national origin, religion, or gender.

When African Americans won these civil rights after years of struggle, other groups began to call for equal protection. Women, disabled people, older people, and other groups worked to get laws passed guaranteeing their right to equal protection of the laws. In response to their efforts, Congress and state legislatures have passed laws prohibiting unfair discrimination against these groups.

LESSON REVIEW

- 1 What was the purpose of the Thirteenth and Fourteenth Amendments to the Constitution?
- 2 What is the meaning of the equal protection clause? Why is this clause important?
- 3 What did the U.S. Supreme Court decide in the *Plessy v. Ferguson* case? What effects did the decision have on the lives of African Americans?
- 4 What did the U.S. Supreme Court decide in the *Brown v. Board of Education* case? Why was this an important decision?
- 5 What actions did ordinary citizens take to help end unfair discrimination?
- 6 What laws did Congress pass to help end unfair discrimination?
- 7 What actions did the executive branch take to help end unfair discrimination?

ACTIVITIES

- 1 Research information about Martin Luther King Jr. Read his *Letter from Birmingham City Jail*. What kinds of inspiration did he have for his ideas about nonviolence? Share what you learned with the class.
- 2 “Equal treatment” continues to be an important issue in the United States today. Find information about issues of equality that organized groups are seeking to address today. Explain what these issues are in a report to your class.
- 3 Create a timeline of historical events in the struggle to gain equal protection by various groups in America. Each student should research one event to include in a classroom poster commemorating the struggle for equal rights.