

**Teaching American History for All
MDUSD/UCB H-SSP
11th Grade Lesson: Plessy v. Ferguson**

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Teaching American History Grant Focus Question:

How did definitions of citizenship change from the 17th century to the 20th century?

11th Grade Yearlong Focus Question:

How have the powers of the United States federal government expanded or been limited since the Civil War?

Unit Focus:

Bridge to the 20th Century: 1877-1917

Unit Focus Question:

How did immigration change and influence American culture and society?

Unit Working Thesis:

Waves of immigration changed American society by dramatically increasing the urban population which led to ethnic diversity, racial and cultural tensions, and an overburdened civic infrastructure.

Lesson Focus Question:

How did the Plessy v. Ferguson case change the interpretation of the 14th Amendment?

Lesson Working Thesis:

In the Plessy v. Ferguson case, the Supreme Court interpreted the 14th Amendment's guarantee of "equal protection under the law" to allow for so-called "separate but equal" public facilities, thus legalizing segregation.

Reading and Writing Strategy/ies:

- READING (Passage level): "Point of View"
- WRITING: "Making a Claim About a Primary Source"

Suggested Amount of Time:

One block period (1.5 – 2 hours).

Textbook:

Danzer, Gerald et al. *The Americans: Reconstruction to the 21st Century*. Evanston, Illinois: McDougal Littell Inc., 2006, pp. 286-287, 290-291

Context of the lesson in the unit (and its connection to Citizenship):

This lesson could be used either as an extension of the Reconstruction unit when presenting the 13th, 14th, and 15th Amendments, or in conjunction with the Civil Rights unit when presenting the limited citizenship of African Americans in the South prior to the dismantling of segregation.

Lesson Procedure: Copy primary sources back-to-back, and chart/analytical paragraph back-to-back

1. Anticipatory Set

- Pass out “Starter” worksheet to students
- Students will complete ten-word summaries of the 13th, 14th, and 15th Amendments with which they should already be familiar.
- Ask for students to share their answers.

2. Reading Strategy

- Read Pages 286-287 in textbook
- Pass out “Point of View” worksheets
- Read through as a class
- Pass out “Plessy v. Ferguson Points of View” worksheet, go over instructions and have students complete chart

3. Writing Strategy

- When students have completed their chart, they may turn the paper over and begin writing their analysis paragraph.

History-Social Science Content Standards:

11.10 - Students analyze the development of federal civil rights and voting rights.

11.10.2 – Examine and analyze the key events, policies, and court cases in the evolution of civil rights, including *Dred Scott v. Sanford*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Regents of the University of California v Bakke*, and California Proposition 209.

Historical and Social Sciences Analysis Skills:

Research, Evidence and Point of View

4. Students construct and test hypotheses; collect, evaluate and employ information from multiple primary and secondary sources; and apply it in oral and written presentations

Reading/Language Arts Content Standards:

1.3 Structure ideas and arguments in a sustained, persuasive, and sophisticated way and support them with precise and relevant examples.

Starter

Directions: Summarize each of the following amendments to the Constitution in just ten words.

13th Amendment

Section 1 “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

My summary: _____

14th Amendment

Section 1 “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.”

My summary: _____

15th Amendment –

Section 1 “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.”

My summary: _____

Point of View 1

Plessy v. Ferguson

May 18, 1897

excerpts from the majority opinion
(as delivered by Justice Brown)

“The object of the 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 commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation 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. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored race have been longest and most earnestly enforced.”

“We consider the underlying fallacy of the plaintiff’s argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case and is not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other’s merits, and a voluntary consent of individuals. As was said by the Court of Appeals of New York in *People v. Gallagher*, 93 N. Y. 438, 448,”

...

“Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly [p552] or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.”

“It is true that the question of the proportion of colored blood necessary to constitute a colored person, as distinguished from a white person, is one upon which there is a difference of opinion in the different States, some holding that any visible admixture of black blood stamps the person as belonging to the colored race (*State v. Chaver*, 5 Jones [N.C.] 1, p. 11); others that it depends upon the preponderance of blood (*Gray v. State*, 4 Ohio 354; *Monroe v. Collins*, 17 Ohio St. 665); and still others that the predominance of white blood must only be in the proportion of three-fourths. (*People v. Dean*, 4 Michigan 406; *Jones v. Commonwealth*, 80 Virginia 538). But these are questions to be determined under the laws of each State, and are not properly put in issue in this case. Under the allegations of his petition, it may undoubtedly become a question of importance whether, under the laws of Louisiana, the petitioner belongs to the white or colored race.”

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0163_0537_ZO.html

Point of View 2

Plessy v. Ferguson

May 18, 1897

excerpts from the dissenting opinion
(as delivered by Justice Harlan)

“In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott Case*. It was adjudged in that case that the descendants of Africans who were imported into this country and sold as slaves were not included nor intended to be included under the word "citizens" in the Constitution, and could not claim any of the rights and privileges which that instrument provided for and secured to citizens of the United States; that, at the time of the adoption of the Constitution, they were”

‘considered as a subordinate and inferior class of beings, who had been subjugated by the dominant [p560] race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them.’

“19 How. 393, 404. The recent amendments of the Constitution, it was supposed, had eradicated these principles from our institutions. But it seems that we have yet, in some of the States, a dominant race -- a superior class of citizens, which assumes to regulate the enjoyment of civil rights, common to all citizens, upon the basis of race. The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to defeat the beneficent purposes which the people of the United States had in view when they adopted the recent amendments of the Constitution, by one of which the blacks of this country were made citizens of the United States and of the States in which they respectively reside, and whose privileges and immunities, as citizens, the States are forbidden to abridge. Sixty millions of whites are in no danger from the presence here of eight millions of blacks. 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. What can more certainly arouse race hate, what more certainly create and perpetuate a feeling of distrust between these races, than state enactments which, in fact, proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens. That, as all will admit, is the real meaning of such legislation as was enacted in Louisiana.”

...

“If evils will result from the commingling of the two races upon public highways established for the benefit of all, they will be infinitely less than those that will surely come from state legislation regulating the enjoyment of civil rights upon the basis of race. We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law. The thin disguise of "equal" accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done.”

NAME _____

Plessy v. Ferguson: Points of View

Directions: Read the attached primary sources from Justice Brown and Justice Harlan, then use the chart below to identify their differing opinions on the Plessy v. Ferguson case.

What they thought, said or believed about:	Point of View 1 Majority Opinion Justice Brown	Point of View 2 Dissenting Opinion Justice Harlan
The original intent of the 14 th Amendment		
The impact of segregation on race relations		
The role of the federal government		

Writing Assignment

Directions: Answer the lesson question using the paragraph template below. If you need more space, please write on a separate sheet of paper.

Lesson Question: How did the Plessy v. Ferguson case change the way the 14th Amendment was interpreted?

_____ suggests/shows that _____
(name, title of source) (WHO? Author, other people, the world)

thought/did/had _____
(WHAT? message regarding a person, place, event, idea)

Because _____
(SPECIFIC EVIDENCE in primary source – quotes, statistics, images, etc)

This primary source _____
(relates to/answers the writing question)

because _____
(explanation of how primary source evidence connects/answers the question)