A Landmark in American Justice

In 1952, the Supreme Court agreed to hear school desegregation cases from across the country. In June, the court began hearing testimony for the *Brown v. Board of Education* case, the collective title for the five national cases heard concurrently by the court. When the Supreme Court began to hear the oral arguments for both sides, the outcome of the trial was far from certain. The lawyers defending segregation were well trained and had extensive resources. Moreover, American courts had tended to be rather favorable towards school segregation in the past. Finally, the Supreme Court justices themselves had different attitudes towards racial segregation.
Since most of the arguments hinged on the equal protection clause of the 14th Amendment to the Constitution, the justices wanted to know what the framers of that amendment intended to do about segregated schools when they adopted it during Reconstruction. Therefore, they instructed both the plaintiff and defendant lawyers to research this question and prepare their interpretations.

In the fall of 1953, Chief Justice Fred Vinson, who doubted the Court's authority to overturn *Plessy v. Ferguson*, died. President Dwight D. Eisenhower appointed Earl Warren of California to Chief Justice. Under Warren’s leadership, the Court unanimously overturned *Plessy v. Ferguson* in 1954. But to achieve unanimity, Warren assured some of the more cautious justices that the decision would not be implemented immediately. In 1955, the Court ordered, in what is now known as *Brown II*, that no timetable would be established for school desegregation. States, however, must proceed with “all deliberate speed.” Despite the fact that many civil rights advocates regarded this as a setback, the original 1954 decision was regarded then and now as a shining moment in American history.

Lesson Plan Five: A Landmark in American Justice

To the Teacher: When the Supreme Court agreed to hear the case in 1952, Thurgood Marshall and the NAACP had arrived at their destination at last, but the battle to overturn *Plessy v. Ferguson* and to bring down legal segregation took years to unfold. In this lesson, students will examine both the integrationist and segregationist arguments through role play, and begin to explore the impact of the Court’s decision through a primary source photographic analysis activity.

Grade Level: 4th through 6th grade; 7th through 12th grade

Note to Elementary Teachers: Based on the reading and skill level of your students, you may choose to focus only on activity two, the photographic analysis, in this section.

Objectives: At the end of this lesson, students will be able to identify and explain the role of the Supreme Court, including Justices Felix Frankfurter and Earl Warren, in achieving the decision. Students will also begin to explore the impact of the Supreme Court decision on American society.

Time: 1 to 2 class periods
**Materials:** *On the CD:* Student Handouts: Integrationist Arguments, Segregationist Arguments, Integrationist Biographies, Segregationist Biographies, Supreme Court Overview, Photograph: Nettie Hunt and Daughter

**National History Standards:** Era 9 4A

**Teacher Introduction:** Begin by reviewing with students the process by which a court case moves through the legal system and arrives at the Supreme Court. For a useful guide using one of the *Brown* cases, see: [www.landmarkcases.org/brown/courtsystem.html](http://www.landmarkcases.org/brown/courtsystem.html). Remind students that the case the Supreme Court heard was actually a combination of five cases, and that the defendants included lawyers for each of the five cases. The plaintiff lawyers were members of the NAACP’s Legal Defense Fund and were led by Thurgood Marshall. Provide a brief biographical sketch of the main attorneys for each side. Ask students to brainstorm the major points of each side’s argument.

**Student Activities—The Brown Decision: Role Play Activity**
Review the 14th Amendment with students. Describe to students how the Supreme Court was deadlocked in June 1953. Explain that to postpone issuing a decision, Justice Felix Frankfurter persuaded his fellow justices that they should ask defendants and plaintiffs both to prepare responses to a series of questions and to present their answers during the 1953 session. The questions focused on the intent of the 14th Amendment and the protection of citizens’ rights as they relate to the abolition of segregation in public schools.

Distribute to students the summary arguments for each side and the biographical sketches for the opposing attorneys found on the accompanying CD. Have students role play reporters covering the case at the Supreme Court. Assign them to write an article summarizing the plaintiffs’ and defendants’ arguments. Have them include biographical information on the key players for each side. Ask students to consider:

- What might their headline say and why? What images might accompany their article and why?
- How might these elements of their presentation influence their readers?
- Have students share their articles in groups or through class discussion.

**Primary Source Photographic Analysis:** Provide students with a copy of the photograph of Nettie Hunt and her daughter on the steps of the Supreme Court. Use the following questions as prompts for discussion or writing:
What is happening in this moment captured by the photographer?

This picture was not a candid shot but rather a carefully posed photograph. Why do you think the photographer chose to pose these people in this particular way at this location?

What other images would have made a good front-page picture in the newspapers on the day following the decision?

Imagine that you are the mother in this picture. What might you be thinking? Consider what you might be thinking about yourself, your education, and the past, as well as your hopes for your daughter.

If you were the woman pictured here, how would you explain the significance of the Supreme Court’s decision to a child who is too young to understand the complexities of legal terminology and the history of segregation?

For Middle/High School Students: Print out copies of Earl Warren’s opinion (available at http://landmarkcases.org/brown/landmarkframe_majority.html) and read it aloud with students. Begin by explaining to students that the Supreme Court in 1954 had decided that “separate educational facilities are inherently unequal.” Ask them what the justices meant and what evidence they had in mind when making this statement. How did this decision respond to the one handed down in Plessy v. Ferguson? Why do you think Chief Justice Warren stated that, “In approaching this problem, we cannot turn the clock back to 1868 when the 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.” Explain to students that the Court’s decision was unanimous. Chief Justice Warren believed that it was important, if not critical, to have a unanimous decision. Ask students to consider why it was essential that the decision be unanimous. Ask students to read the judgment, Brown II, available at: http://www.archives.gov/digital_classroom/lessons/brown_v_board_documents/brown_v_board.html. What had the Supreme Court ordered? To whom? And why? What had the Court meant by indicating that desegregation was to be carried out “with all deliberate speed”? How might this wording have been received by those in favor of the Court decision? By those opposed to the decision?

Additional Activity for Teachers of Younger Students: As a follow-up activity, have students draw their own pictures representing photographs that might have been taken on the day of the decision, and have them create a newspaper article based on their drawing.