Expansion of Freedom

Attachments

Lesson One: Strategy One

Handout 1
Pizza Order Form

Directions:

1. Silently decide which kind of pizza you wish to order from the list of options presented below on the order form. Circle your choices on the order form.
2. Select one person in your group to lead the discussion described in steps 3-4. Select another person to serve as a recorder. The recorder should write down each person's choices.
3. Give each person a chance to describe his or her choice with the others in your group. Once everyone has described the choices, lobby for your choice.
4. Using the principle of majority rule, choose the pizza you will order from the following options:

Pizza Order Form

Pizza Vendor (select one)	***Type of Crust*** (select one)	***Type of Topping*** (select two)	
• ***Domino's Pizza***	• ***Thin Crust***	• Anchovies	• Banana Peppers
• Grotto's Pizza	• Stuffed Crust	• Bacon	• Black Olives
• Papa John's Pizza	• Deep Dish	• Beef Topping	• Green Olives
• Pat's Pizza	• Square	• Chicken	• Green Peppers
• Pizza Hut		• Ham	• Jalapeños
• Porto Fino Pizza		• Italian Sausage	• Mushrooms
• Season's Pizza		• Meatball	• Pineapple
		• Pepperoni	• Red Onion
			• Tomatoes

Lesson One: Strategy Three

Scenario Handout

Scenario 1: All athletes are allowed to miss three days of school a year to recover from their long and grueling sports seasons.

Scenario 2: Students who earn an "A" in their first marking-period class are not required to take a final exam.

Scenario 3: All band members are allowed to miss one class a day to practice their instrument.

Scenario 4: Student council homeroom representatives/alternates are given the power to cut the lunch line on a daily basis.

Scenario 5: The student council has decided the 7th grade dance will have a country music theme.

Lesson One: Strategy Three

Analyzing Perspectives

Topic	
Your Perspective	
Supporting Details	
Opposite Perspective	
Supporting Details	
Conclusion Statement	

Lesson One: Strategy Four
Application

Handout 1
No Vehicles in the Park

The town of Beautifica has a lovely park in its center. The city council wishes to preserve the feeling of nature, undisturbed by city noise, traffic, pollution, and crowding. It is a place where people can go to find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. In order to make sure the park stays as it is the city council passed a law, called an ordinance. At all entrances to the park, the following sign is posted: **"NO VEHICLES IN THE PARK."**

The law seems clear, but some disputes have arisen over the interpretation of the law. The definition of vehicle is *something on wheels that carries people or things*. You are a judge and the following cases have come before you. Decide how you would interpret the law to determine whether the law has been violated in each of the following cases.

a. John Smith lives on one side of the town and works on the other side. To save 10 minutes, he drives through the park.

b. There are many trash barrels in the park so that people may deposit all litter, thereby keeping the park clean. The sanitation department drives their trucks in to collect the trash.

c. An ambulance has a dying car accident victim in it and is racing to the hospital. The shortest route is through the park, so the ambulance drives through.

d. Two police cars are chasing a suspected bank robber. One cuts through the park, so she can get in front of the suspect's car and trap him between the patrol cars.

e. Some children are riding their bicycles in the park.

f. Some disabled persons in motorized wheelchairs are coming to the park.

g. Mr. Thomas is jogging in the park with his baby in a jogger baby stroller. This stroller allows Mr. Thomas to jog or run quite fast at the same time as he is pushing the stroller.

h. A monument to the town's citizens who died in the Vietnam War is being built. A tank, donated by the government, is placed in the park as part of the monument.

Lesson One: Strategy Four

Application (for Teacher)
Guiding Questions for Handout 1

a. John Smith lives on one side of the town and works on the other side. To save 10 minutes, he drives through the park.
   - Should the law be interpreted to allow John to drive through the park? Why or why not?
   - Is it important for John to be at work on time?
   - Wouldn't it save energy and gas if he is allowed to go through the park?
   - Suppose he will lose his job if he is late one more day and he overslept?
   - What might happen if you allow only John to drive through the park?

b. There are many trash barrels in the park so that people may deposit all litter, thereby keeping the park clean. The sanitation department drives their trucks in to collect the trash.
   - Should the law be interpreted to allow the sanitation department to drive through the park?
   - Why or why not?
   - Will people come to a dirty park?
   - Isn't it unhealthy to allow trash to pile up in the park?
   - How will that trash get removed if sanitation trucks cannot come into the park?
   - What other alternative trash control methods do you have?

c. An ambulance has a dying car accident victim in it and is racing to the hospital. The shortest route is through the park, so the ambulance drives through.
   - Should the law be interpreted to allow the ambulance to drive through the park? Why or why not?
   - Suppose that, if the ambulance is not permitted to cut through the park, the patient will die?
   - Does it make any difference if there are many emergencies in Beautifica so that ambulances would cut through the park on a frequent basis?
   - If you decide to let emergency vehicles in the park, how do you define an emergency vehicle?

d. Two police cars are chasing a suspected bank robber. One cuts through the park, so she can get in front of the suspect's car and trap him between the patrol cars.
   - Should the law be interpreted to allow the police car to drive through the park? Why or why not?
   - What if the robber had already shot an innocent bystander?
   - Does it matter if this is the only opportunity for the police to catch him?
   - Does the police car qualify as an emergency vehicle? Why or why not?

e. Some children are riding their bicycles in the park.
   - Will you interpret the law to allow the children to ride their bicycles in the park? Why or why not?
   - Would it matter that the children used their bicycles as transportation to the park? Why or why not?

- Would it matter if several children's bikes had been stolen from the bike rack at the entrance to the park?
- Would it matter if there was a special bike path in the park?

f. Some disabled persons in motorized wheelchairs are coming to the park.
   - Will you interpret the law to allow persons in wheelchairs to use the park? Why or why not?
   - Should there be any difference between motorized or non-motorized wheelchairs?
   - How else would these persons be able to use the park?

g. Mr. Thomas is jogging in the park with his baby in a jogger baby stroller. This stroller allows Mr. Thomas to jog or run quite fast at the same time as he is pushing the stroller.
   - Will you interpret the law to allow the jogger baby stroller in the park? Why or why not?
   - What about other baby strollers?
   - Wouldn't it be unfair to parents with infants and small children not to be able to bring strollers into the park?

h. A monument to the town's citizens who died in the Vietnam War is being built. A tank, donated by the government, is placed in the park as part of the monument.
   - Will you interpret the law to allow the tank to be placed in the park? Why or why not?
   - Is there anything wrong with monuments being put in parks?
   - Do you think the fact that this monument is a vehicle should prevent it from being placed in the park to honor the town's citizens?

Should laws should be written in great detail or if laws should be flexible to adapt to changing situations? Can they be both?

Lesson Two: Strategy Two

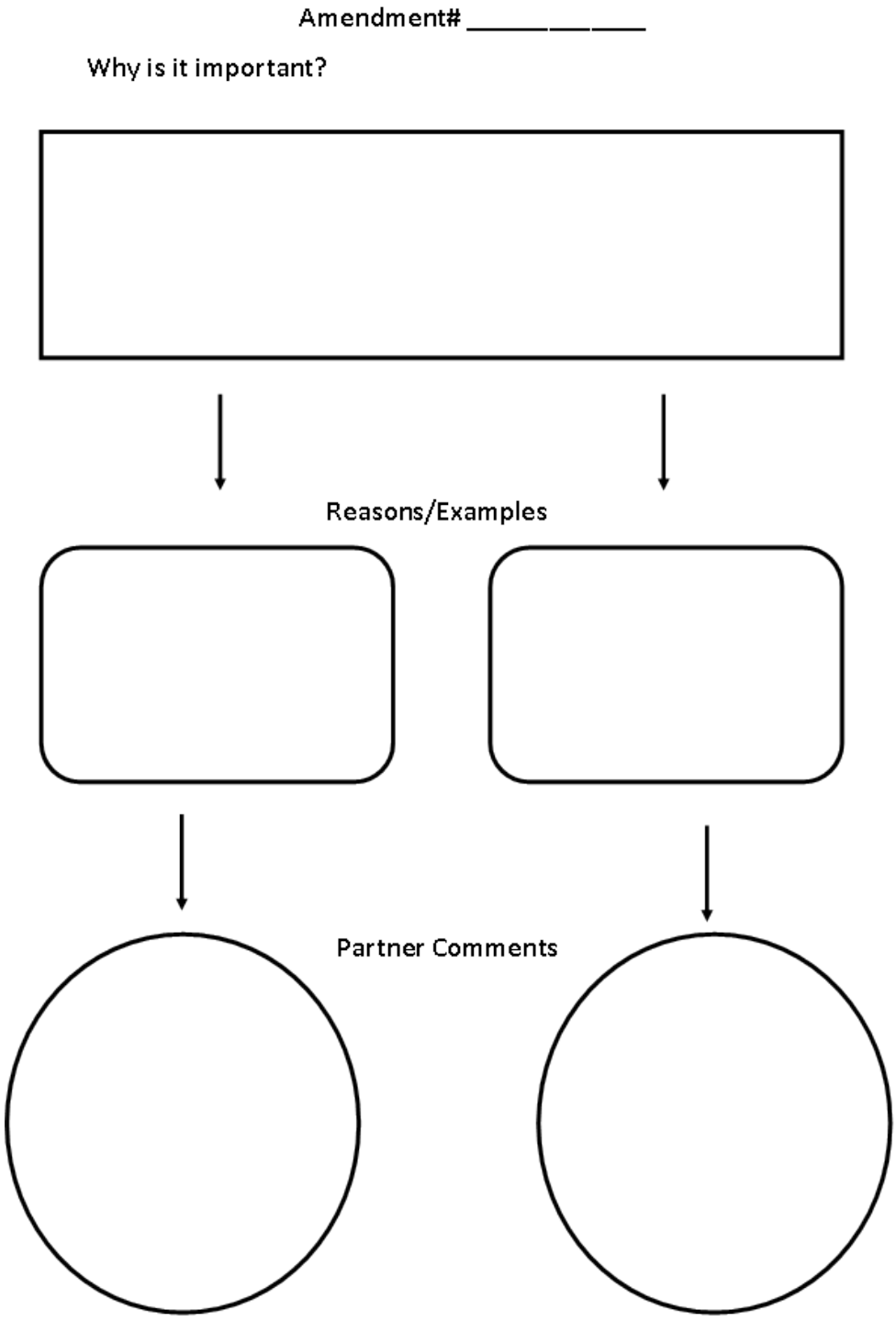
Categorizing **Cards should be cut up and put in envelope.**

• First Amendment – Establishment Clause, Free Exercise Clause; freedom of speech, of the press, and of assembly; right to petition • *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*	• • The Postmaster General of the United States has a cross and a nativity scene installed at all Post Offices throughout the country during Christmas time. Government funds are being used to purchase the cross and nativity scene. The mayor of a predominantly Jewish town demands that the cross and nativity scene be removed from her town. •
• Second Amendment – Militia (United States), Sovereign state, Right to keep and bear arms • *A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.*	• • A man in Cleveland, Ohio is arrested after he shot an intruder who broke into his home. He was arrested for illegally using a handgun inside city limits. He is now on trial in Cleveland. •
• Fourth Amendment – Protection from unreasonable search and seizure • *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.* •	• • A car is stolen on the block of West Street. The police believe a group of teenagers are responsible. They search every house on the block that has a teenager living at home.
• Fifth Amendment – due process, double jeopardy, self-incrimination, eminent domain • *No person shall be held to answer for any capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*	• 1. A town needs more land to build a new elementary school. A woman's property is needed but he wants to keep it. The town forces her to sell and gives her twice the property's actual value. She sues to get her land back. 2. The government tries a man for murder and loses the case. A jury says he is innocent. The district attorney who prosecuted the case is mad and promises to keep trying him until they get a jury to convict him. The defendant thinks this is unfair.

• Sixth Amendment – Trial by jury and rights of the accused; Confrontation Clause, speedy trial, public trial, right to counsel • *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.*	• • A young woman is being tried for treason. She is accused of selling plans for building a nuclear warhead to Iran. The judge believes it would be dangerous to let the public hear her ideas. He refuses to allow anyone to view the trial.
• Seventh Amendment – Civil trial by jury • *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.* •	• • A dentist is being sued for $500,000 for damage caused to a young child during surgery. The dentist wants a jury to hear the case, but the judge refuses his request and decides the case himself. •
• Eighth Amendment – Prohibition of excessive bail and cruel and unusual punishment. • *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.* •	• • A prisoner is beaten by prison guards while he was handcuffed. He gave the guards no reason to beat him and he suffered major injuries to his head and back. •

Some situations adapted from: http://www.teaching9-11.org/LessonOgawa.cfm

Strategy 2: Extending and Refining
Categorizing/Constructing Support



Organizer adapted from the Learning Focused Strategies Notebook, Learning Focused Solutions, Inc. Copyright 2005

Lesson Two: Strategy Four
Jigsaw

Voting Restrictions

As you are briefed by the experts, record a summary of the restriction including:

- Who was discriminated against?
- What happened?
- Where did it happen?
- When did this occur?
- Why was the restriction put in place?

Who: **What:** **Where:** **When:** **Why:**	**Who:** **What:** **Where:** **When:** **Why:**
Who: **What:** **Where:** **When:** **Why:**	**Who:** **What:** **Where:** **When:** **Why:**

Lesson Two: Strategy Four
Jigsaw

Literacy Test

Most citizens register to vote without regard to race or color by signing their name and address on something like a postcard. But it was not always so. Prior to passage of the federal Voting Rights Act in 1965, southern, and some western, states maintained elaborate voter registration procedures whose primary purpose was to deny the vote to those who were not white. In the South, this process was often called the 'literacy test'. It was more than a test; it was an entire system designed to deny African Americans the right to vote.

The first implicit literacy test was South Carolina's notorious "eight-box" ballot, adopted in 1882. Voters had to put ballots for separate offices in separate boxes. A ballot for the governor's race put in the box for the senate seat would be thrown out. The order of the boxes was continuously shuffled, so that literate people could not assist illiterate voters by arranging their ballots in the proper order. The adoption of the secret ballot constituted another implicit literacy test, since it prohibited anyone from assisting an illiterate voter in casting his vote.

In 1890, Southern states began to adopt explicit literacy tests to disenfranchise voters. This had a large differential racial impact, since 40-60% of blacks were illiterate, compared to 8-18% of whites. Poor, illiterate whites opposed the tests, realizing that they too would be disenfranchised. To placate them, Southern states adopted an "understanding clause" or a "grandfather clause," which entitled voters who could not pass the literacy test to vote, provided they could demonstrate their understanding of the meaning of a passage in the constitution to the satisfaction of the registrar, or were or were descended from someone eligible to vote in 1867, the year before blacks attained the franchise.

Discriminatory administration ensured that blacks would not be eligible to vote through the understanding clause. However, illiterate whites also felt the impact of the literacy tests, since some of the understanding and grandfather clauses expired after a few years, and some whites were reluctant to expose their illiteracy by publicly resorting to them.

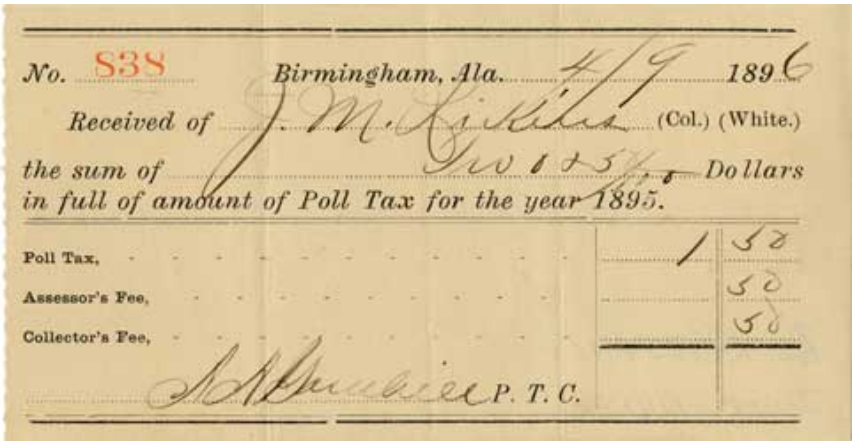
Congress abolished literacy tests in the South with the Voting Rights Act of 1965, and nationwide in 1970.

Source: http://www.umich.edu/~lawrace/disenfranchise1.htm

http://www.iowa.gov/government/crc/docs/Literacy%20Test.doc

Lesson Two: Strategy Four
Jigsaw

Poll Tax



No. 838 Birmingham, Ala. 4/9 1896

Received of J. M. Kirkland (Col.) (White.)

the sum of One & 50/100 Dollars

in full of amount of Poll Tax for the year 1895.

Poll Tax,	1	50
Assessor's Fee,		50
Collector's Fee,		50

S. A. Bruner P. T. C.

Poll tax receipt

Source: http://americanhistory.si.edu/brown/history/1-segregated/white-only-1.html

The 24th Amendment Ended the Poll Tax
January 23, 1964

Imagine that you are finally old enough to vote in your first election. But, do you have enough money? Money, to vote? Not long ago, citizens in some states had to pay a fee to vote in a national election. This fee was called a poll tax. On January 23, 1964, the United States ratified the 24th Amendment to the Constitution, prohibiting any poll tax in elections for federal officials.

Many Southern states adopted a poll tax in the late 1800s. This meant that even though the 15th Amendment gave former slaves the right to vote, many poor people, both blacks and whites, did not have enough money to vote.

"Do you know I've never voted in my life, never been able to exercise my right as a citizen because of the poll tax?"
"Mr. Trout" to Mr. Pike, interviewer, Atlanta, Georgia. American Life Histories, 1936 - 1940.

More than 20 years after "Mr. Trout" spoke those words, the poll tax was abolished. At the ceremony in 1964 formalizing the 24th Amendment, President Lyndon Johnson noted that: "There can be no one too poor to vote." Thanks to the 24th Amendment, the right of all U.S. citizens to freely cast their votes has been secured.

Source: http://www.americaslibrary.gov/jb/modern/jb_modern_polltax_1.html

Lesson Two: Strategy Four
Jigsaw

Religious Exclusion

In several British North American colonies, before and after the 1776 Declaration of Independence, Jews, Quakers and/or Catholics were excluded from the franchise and/or from running for elections.

The Delaware Constitution of 1776 stated that "Every person who shall be chosen a member of either house, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall (…) also make and subscribe the following declaration, to wit: *I, A B. do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration.*"

The 1778 Constitution of the State of South Carolina stated that "No person shall be eligible to sit in the house of representatives unless he be of the Protestant religion", the 1777 Constitution of the State of Georgia (art. VI) that "The representatives shall be chosen out of the residents in each county (…) and they shall be of the Protestant religion".

With the growth in the number of Baptists in Virginia before the Revolution, the issues of religious freedom became important to rising leaders such as James Madison. As a young lawyer, he defended Baptist preachers who were not licensed by (and were opposed by) the established state Anglican Church. He carried developing ideas about religious freedom to be incorporated into the constitutional convention of the United States.

In 1787, Article One of the United States Constitution stated that "the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature". More significantly, Article Six disavowed the religious test requirements of several states, saying: "[N]o religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

In Maryland, voting rights and eligibility as candidates were extended to Jewish Americans in 1828.

Source: www.wikipedia.org

Lesson Two: Strategy Four
Jigsaw

U.S. Constitution – Amendment 14 – Citizenship Rights
Ratified 7/9/1868

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.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This is an excerpt from the Amendment

Source: http://www.usconstitution.net/const.html#Am15

Lesson Two: Strategy Six
Application

Gideon v. Wainwright (1963)

Between midnight and 8:00 a.m. on June 3, 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, Florida. In the course of the burglary, a window was smashed and the cigarette machine and jukebox were broken into. A witness claimed to have seen Clarence Earl Gideon in the poolroom early that morning. When Gideon was found nearby with a pint of wine and some change in his pockets, the police arrested him. They charged him with breaking and entering.

Gideon was a semi-literate drifter who could not afford a lawyer. When he appeared at the Florida Circuit Court for trial, he asked the judge to appoint one for him. Gideon argued that the Court should do so because the Sixth Amendment says that everyone is entitled to a lawyer. The judge denied his request, claiming that the state doesn't have to provide a poor person with a lawyer unless "special circumstances" exist. Gideon was left to represent himself. He had been arrested many times before, so he understood some of the legal procedures. However, he did a poor job of defending himself. For instance, his choice of witnesses was unusual—he called the police officers who arrested him to testify on his behalf. He lacked skill in questioning witnesses, which made it difficult for him to present his case.

Gideon was found guilty of breaking and entering and petty larceny, which is a felony in Florida. He was sentenced to five years in a Florida state prison. While there, he began studying law in the prison library. Gideon's study of the law reaffirmed his belief that the Circuit Court's refusal to appoint counsel for him constituted a denial of his rights. With that in mind, he filed a petition with the Supreme Court of Florida for *habeas corpus*, which is an order to free him because he had been illegally imprisoned. That petition was rejected, but Gideon persevered. From his prison cell, he handwrote a petition asking the Supreme Court of United States to hear his case. The Court allowed him to file it *in forma pauperis*, or free of charge. After reading the petition, they agreed to hear his case.

When the Supreme Court of the United States agrees to hear a case, it does so because the case "presents questions whose resolution will have an immediate importance far beyond the particular facts and parties involved" (Lewis 25). The justices were interested not simply with the merits of Gideon's case, but with the larger issue of whether poor people charged with noncapital offenses are entitled to a free lawyer in state criminal trials. In a 1942 case, *Betts* v. *Brady*, the Court had ruled that in state criminal trials, the state must supply an indigent defendant with a lawyer only if special circumstances exist. These special circumstances include complex charges, incompetence, and illiteracy on the part of the defendant. Gideon did not claim any of these special circumstances, so for the Court to rule in his behalf, they would need to overturn *Betts* v. *Brady*. The Supreme Court of the United States asked both sides to present arguments on the issue of "Should *Betts* v. *Brady* be overturned"?

Lewis, Anthony. *Gideon's Trumpet*. New York: Random House, 1964.

Questions to Consider

1. What were the charges against Gideon?
2. Did Gideon seem to be capable of defending himself? Could a lawyer have helped him? If so, how?

3. What was unique about the petition that Gideon filed with the Supreme Court of the United States?
4. Why did the Supreme Court of the United States agree to hear Gideon's case?

Summary of the Decision

The Supreme Court ruled in favor of Gideon in a unanimous decision. Justice Black wrote the opinion for the Court, which ruled that the right to the assistance of counsel in felony criminal cases is a fundamental right, and thus must be required in state courts as well as federal courts. Justices Harlan and Clark wrote concurring opinions.

The Court rejected part of their prior decision in Betts v. Brady (1942). In that case, the justices had ruled that indigent defendants need only be provided with a lawyer under special circumstances. The decision accepted the portion of the Court's ruling in Betts which stated that the parts of the Bill of Rights that are "fundamental and essential to a fair trial" are made binding on the states by the Due Process clause of the Fourteenth Amendment. They specifically noted, however, that "the Court in Betts was wrong … in concluding that the Sixth Amendment's guarantee of counsel was not one of these fundamental rights."

The Court said that the best proof that the right to counsel was fundamental and essential was that "[g]overnments … spend vast sums of money to … try defendants accused of crime … Similarly, there are few defendants charged with crime[s]… who fail to hire the best lawyers they can get to prepare and present their defenses." This indicated that both the government and defendants considered the aid of a lawyer in criminal cases absolutely necessary. In addition, the opinion noted that the Constitution places great emphasis on procedural safeguards designed to guarantee that defendants get fair trials. According to the opinion, "this noble idea cannot be realized if the poor man charged with a crime has to face his accusers without a lawyer to assist him." The Court concluded that the Sixth Amendment guarantee of a right to counsel was fundamental and essential to a fair trial in both state and federal criminal justice systems. In all felony criminal cases, states must provide lawyers for indigent defendants.

In his concurring opinion in Gideon, Justice Clark agreed that Betts v. Brady should be overturned, and that the Sixth Amendment must be interpreted to require states to provide counsel for criminal defendants. Under Betts, states were only required to provide lawyers for criminal defendants under special circumstances, which included capital cases. Justice Clark noted that the Constitution does not make any distinction between capital and noncapital cases, but requires procedural protections for defendants meeting the standard of due process of law in both situations. The procedural protections required therefore should not be different depending on whether the defendant was charged with a capital crime or a noncapital crime, according to Justice Clark.

In his concurring opinion, Justice Harlan also agreed that the right to counsel in criminal cases is a fundamental and essential right. He explained that Betts v. Brady mandated that there must be special circumstances present, such as complex charges, incompetence or illiteracy of defendants, or the possibility of the death penalty as a sentence, to require states to provide criminal defendants with counsel. He then argued that "the mere existence of a serious criminal charge constituted in itself special circumstances." Since, according to Justice Harlan, all felony criminal trials involved special circumstances, states should be required to provide lawyers for indigent defendants.

Retrieved from: http://www.streetlaw.org///en/Case.8.aspx

New Jersey v. T.L.O (1985)

In 1980, a teacher at Piscataway High School in New Jersey found two girls smoking in a restroom. One of the girls was T.L.O., a freshman who was 14 years old. Smoking in the restrooms was a violation of school rules (but was permitted in other areas of the school). The teacher took the two girls to the principal's office, where they met with Assistant Vice Principal Theodore Choplick. The second girl admitted that she had been smoking. T.L.O. said she had not been smoking and said that she did not smoke at all.

Choplick took T.L.O. into his office and instructed her to turn over her purse. He opened the purse and found a pack of cigarettes. He took the cigarettes out of the purse and showed them to T.L.O. He accused her of having lied about smoking in the restroom. As he removed the cigarettes, he noticed a package of cigarette rolling papers. He believed that cigarette rolling papers were a sign of involvement with marijuana. Therefore, he decided to search further in T.L.O.'s purse. He found the following items: a small amount of marijuana, a pipe, empty plastic bags, a significant amount of money in one-dollar bills, a list of students who owed T.L.O. money, and letters implicating T.L.O. in dealing marijuana.

Choplick then called T.L.O.'s mother and the police. The mother came to the school. The police asked her to take her daughter to the police station. Choplick gave the items from the purse to the police. At the police station, T.L.O. admitted that she had been selling marijuana at school. As a result of her admission and the evidence from the purse, the State of New Jersey brought delinquency charges against T.L.O. in the Juvenile and Domestic Relations Court of Middlesex County.

T.L.O. tried to have the evidence from her purse kept out of court, saying that the search violated the Fourth Amendment. She also argued that her confession should be suppressed, because it resulted from the illegal search. The juvenile court turned down her Fourth Amendment arguments, although it did agree that the Fourth Amendment applies to searches by school officials. However, it held that a school official may search a student if that official has a "reasonable suspicion that a crime has been or is in the process of being committed, *or* reasonable cause to believe that the search is necessary to maintain school discipline or enforce school policies."

The juvenile court concluded that Choplick's search was reasonable. Choplick was justified in searching the purse, the Court said, because of his reasonable suspicion that T.L.O. had violated school rules by smoking in the restroom. When he opened the purse, evidence of marijuana use was in plain view. This justified the further search of the purse. T.L.O. was found to be a delinquent and, in January 1982, she was sentenced to one year of probation.

T.L.O. appealed her case in the New Jersey courts. The Supreme Court of New Jersey found that Choplick's search was unreasonable. The state appealed.

In 1983, the Supreme Court of the United States granted the State of New Jersey's petition for *certiorari*. In 1985, the Court handed down its decision.

Questions to Consider:

1. Read the Fourth Amendment to the U.S. Constitution. Using the words of the Amendment, try to make an argument that the search of T.L.O.'s purse was a violation of her Fourth Amendment rights.
2. Now try to make an argument that the Fourth Amendment does not apply to students in public schools at all.
3. Under the circumstances outlined above, does the search of T.L.O.'s purse seem "reasonable" to you? Why or why not?

4. What procedures are in place in your school governing searches of students? Could a search like the one in this case happen in your school?
5. How should the Supreme Court of the United States rule in this case?

Summary of the Decision

In a 6-3 decision, the Supreme Court ruled in favor of New Jersey and the school, and against T.L.O. Justice White wrote the majority opinion. The majority concluded that school officials do not need a warrant to justify a search as long as the search was reasonable under the circumstances. Justices Brennan, Marshall and Stevens dissented.

The Fourth Amendment's prohibition against unreasonable searches and seizures applies to public school officials because they act under the authority of the state. In addition students have a reasonable expectation of privacy for the property they bring with them to school. They have not "waived all rights to privacy in such items merely by bringing them onto school grounds."

However, the justices said the privacy interest of students must be balanced against the interest of teachers and school officials in maintaining order and discipline in school. Trying to achieve a balance between these interests, the Supreme Court ruled that school officials should not be required to obtain a warrant to conduct a search of a student suspected of breaking school rules because this would "unduly interfere with the maintenance of the swift and informal disciplinary procedures needed in the schools."

The Court decided that schools officials do not need to have probable cause to believe that a student has violated school rules in order to initiate a search, even though probable cause is required for police to initiate a search of children or adults outside of school. Instead, school officials are only required to have a "reasonable suspicion" that a student has violated school rules in order to search that student. A search will be deemed reasonable if, when it is started, "there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated … either the law or the rules of the school." In addition, the scope of the search must be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." The Court concluded that "the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search."

Applying this standard to T.L.O., the Court ruled that the search was reasonable. It was reasonable for the vice principal to believe that T.L.O. had been smoking in the bathroom in violation of school rules because a teacher witnessed it. Thus the vice principal had adequate grounds to search T.L.O.'s purse for cigarettes. While doing so, he came across evidence suggesting that T.L.O. was selling marijuana in the school. This gave him grounds to search the rest of her purse for drugs.

In his dissent, Justice Brennan first argued that the same probable cause standard that is applied outside of schools should be applied inside schools. The Fourth Amendment states that "the right of the people to be secure … against unreasonable searches and seizures shall not be violated." According to Justice Brennan's interpretation, the Fourth Amendment explains what it means by "unreasonable" by specifying that "no Warrants shall issue but upon probable cause." Thus, searches that take place without probable cause, including those based only on "reasonable suspicion," are unreasonable, and violate the Fourth Amendment.

Justice Stevens also dissented. Like Justice Brennan, he believed that the Court's new standard of "reasonable suspicion" was inappropriate. Instead of allowing school officials to search a student based on the reasonable suspicion that the student was breaking a school

rule, Justice Stevens would require that the student be suspected of "violating the law or engaging in conduct that is seriously disruptive of school order, or the educational process." Smoking in the bathroom was not a "violent or disruptive activity," he argued, so an immediate search was unnecessary.

Retrieved from: http://www.streetlaw.org/en/Case.14.aspx

Texas v. Johnson (1989)

Gregory Lee Johnson participated in a political demonstration during the Republican National Convention in Dallas, Texas, in 1984. The demonstrators were protesting the policies of the Reagan Administration and of certain companies based in Dallas. They marched through the streets, shouted slogans, and held protests outside the offices of several companies. At one point, another demonstrator handed Johnson an American flag.

When the demonstrators reached Dallas City Hall, Johnson poured kerosene on the flag and set it on fire. During the burning of the flag, demonstrators shouted "America, the red, white, and blue, we spit on you." No one was hurt, but some witnesses to the flag burning said they were extremely offended. One witness picked up the flag's burned remains and buried them in his backyard.

Johnson was charged with violating the Texas law that prohibits vandalizing respected objects. He was convicted, sentenced to one year in prison, and fined $2,000. He appealed his conviction to the Court of Appeals for the Fifth District of Texas, but he lost this appeal. He then took his case to the Texas Court of Criminal Appeals, which is the highest court in Texas that hears criminal cases. That court overturned his conviction, saying that the State could not punish Johnson for burning the flag because the First Amendment protects such activity as symbolic speech.

The State had said that its interests were more important than Johnson's symbolic speech rights because it wanted to preserve the flag as a symbol of national unity, and because it wanted to maintain order. The court said neither of these state interests could be used to justify Johnson's conviction.

The court said, "Recognizing that the right to differ is the centerpiece of our First Amendment freedoms, a government cannot mandate by fiat a feeling of unity in its citizens. Therefore that very same government cannot carve out a symbol of unity and prescribe a set of approved messages to be associated with that symbol . . ." The court also concluded that the flag burning in this case did not cause or threaten to cause a breach of the peace.

The State of Texas asked the Supreme Court of the United States to hear the case. In 1989, the Court handed down its decision.

Questions to Consider

1. Read the First Amendment to the U.S. Constitution. What part of the Amendment is relevant to this case?
2. What do you think is meant by "symbolic speech"? What are some other examples?
3. What argument could you make that flag burning is likely to cause violence and therefore should be against the law?
4. What argument could you make that flag burning is symbolic speech that should be protected by the First Amendment?
5. How should the Supreme Court of the United States decide this case? Why?

Summary of the Decision

In a 5-4 decision, the Supreme Court ruled for Johnson. Justice Brenan wrote the opinion for the majority, ruling that Johnson’s act of burning the American flag was protected by the First Amendment because it was expressive conduct. Justices Rehnquist, Stevens, White and O’Connor dissented.

The justices in the majority first considered whether expressive conduct was protected by the First Amendment, which only explicitly guarantees "freedom of speech." Noting that the Court has "long recognized that [First Amendment] protection does not end at the spoken or written word," they added that conduct may be "sufficiently imbued with elements of communication to fall within the scope of the First and Fourteenth Amendments." Conduct is sufficiently expressive when "an intent to convey a particularized message was present, and the likelihood was great that the message would be understood by those who viewed it." Given the context of political protest in which Johnson's conduct occurred, the justices concluded that it was sufficiently expressive to invoke First Amendment protection.

The Court acknowledged that while "the government generally has a freer hand in restricting expressive conduct than it has in restricting the written or spoken word," it still cannot prohibit certain conduct just because it disapproves of the ideas expressed. The justices declared that "if there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." The government must have reasons for regulating the conduct that are unrelated to the popularity of the ideas it expresses.

The Court considered two central arguments asserted by Texas. The first was that the government can prevent expressive speech to prevent breaches of the peace. According to Supreme Court precedent, speech can be prohibited when it would incite "imminent lawless action." The justices decided that the Texas law prohibiting flag burning did not limit its prohibition to situations in which it would incite "imminent lawless action," and no such violent disturbance of the peace occurred when Johnson burned the flag. This reason was therefore not sufficient.

Second, Texas argued that the reason for prohibiting flag burning was to preserve the flag as a symbol of national unity. The Court decided, however, that the Court had never "recognized an exception to [the First Amendment] even where our flag has been involved." They acknowledged that while the government does have an interest in encouraging its citizens to treat the flag with respect, this interest did not justify the criminal prosecution of a man who burned the flag as part of a political protest.

A better way to encourage respect for the American flag would be to persuade people to recognize its unique symbolic value. The justices urged that there is "no more appropriate response to burning a flag than waving one's own, no better way to counter a flag burner's message than by saluting the flag that burns, no surer means of preserving the dignity even of the flag that burned than by ... according its remains a respectful burial." The Court concluded that "we do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

In his dissenting opinion, Justice Rehnquist acknowledged the special place the flag holds as the "visible symbol embodying our nation," noting that "millions and millions of Americans regard it with an almost mystical reverence." Because of its unique position, Rehnquist concluded that it was constitutionally permissible to prohibit burning the flag as a means of symbolic expression. He argued that Texas's prohibition on flag burning did not regulate the content of Johnson's message, but only removed one of the ways in which this message could be expressed. Johnson was left with "a full panoply of other symbols and every conceivable form of verbal expression" to convey his message. A ban on flag burning is thus consistent with the First Amendment, Justice Rehnquist concluded, because it is not directed at suppressing particular ideas, but rather seeks only to protect the special significance of the flag as the symbol of the United States.

Retrieved from: http://www.streetlaw.org/en/Case.16.aspx

Brown v. Board of Education (1954)

In the early 1950s, Linda Brown was a young African American student in the Topeka, Kansas school district. Every day she and her sister, Terry Lynn, had to walk through the Rock Island Railroad Switchyard to get to the bus stop for the ride to the all-black Monroe School. Linda Brown tried to gain admission to the Sumner School, which was closer to her house, but her application was denied by the Board of Education of Topeka because of her race. The Sumner School was for white children only.

Under the laws of the time, many public facilities were segregated by race. The precedent-setting *Plessy* v. *Ferguson* case, which was decided by the Supreme Court of the United States in 1896, allowed for such segregation. In that case, a black man, Homer Plessy, challenged a Louisiana law that required railroad companies to provide equal, but separate, accommodations for the white and African American races. He claimed that the Louisiana law violated the Fourteenth Amendment, which demands that states provide "equal protection of the laws." However, the Supreme Court of the United States held that as long as segregated facilities were qualitatively equal, segregation did not violate the Fourteenth Amendment. In doing so, the Court classified segregation as a matter of social equality, out of the control of the justice system concerned with maintaining legal equality. The Court stated, "If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plane."

At the time of the Brown case, a Kansas statute permitted, but did not require, cities of more than 15,000 people to maintain separate school facilities for black and white students. On that basis, the Board of Education of Topeka elected to establish segregated elementary schools. Other public schools in the community were operated on a nonsegregated, or unitary, basis.

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The Browns felt that the decision of the Board violated the Constitution. They sued the Board of Education of Topeka, alleging that the segregated school system deprived Linda Brown of the equal protection of the laws required under the Fourteenth Amendment.

> No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.
> ***—Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution***

Thurgood Marshall, an attorney for the National Association for the Advancement of Colored People (NAACP), argued the Brown's case. Marshall would later become a Supreme Court justice.

The three-judge federal district court found that segregation in public education had a detrimental effect upon black children, but the court denied that there was any violation of Brown's rights because of the "separate but equal" doctrine established in the Supreme Court's 1896 *Plessy* decision. The court found that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The Browns appealed their case to the Supreme Court of the United States, claiming that the segregated schools were not equal and could never be made equal. The Court combined the case with several similar cases from South Carolina, Virginia, and Delaware. The ruling in the *Brown* v. *Board of Education* case came in 1954.

Questions to Consider

1. What right does the Fourteenth Amendment give citizens?
2. What problems did Linda Brown encounter in Topeka that eventually resulted in this case?
3. What precedent did the *Plessy* v. *Ferguson* (1896) ruling establish? How was that precedent related to *Brown*?
4. This case is based on what the concept of "equality" means. What are the conflicting points of view on this concept in this case?

Summary of the Decision

In a unanimous decision, the Supreme Court ruled in favor of Brown. The Court found the practice of segregation unconstitutional and refused to apply its decision in Plessy v. Ferguson to "the field of public education." Chief Justice Earl Warren wrote the opinion for the Court.

The Court noted that public education was central to American life. Calling it "the very foundation of good citizenship," they acknowledged that public education was not only necessary to prepare children for their future professions and to enable them to actively participate in the democratic process, but that it was also "a principal instrument in awakening the child to cultural values" present in their communities. The justices found it very unlikely that a child would be able to succeed in life without a good education. Access to such an education was thus "a right which must be made available to all on equal terms."

The justices then assessed the equality of the facilities that the Board of Education of Topeka provided for the education of African American children against those provided for white children. Ruling that they were substantially equal in "tangible factors" that could be measured easily, (such as "buildings, curricula, and qualifications and salaries of teachers), they concluded that the Court must instead examine the more subtle, intangible effect of segregation on the system of public education.

Departing from the Court's earlier reasoning in Plessy, the justices here argued that separating children solely on the basis of race created a feeling of inferiority in the "hearts and minds" of African American children. Segregating children in public education created and perpetuated the idea that African American children held a lower status in the community than white children, even if their separate educational facilities were substantially equal in "tangible" factors. This feeling of inferiority reduced the desire to learn and achieve in African American children, and had "a tendency to retard their educational and mental development and to deprive them of some of the benefits they would receive in a racially integrated school system." Concluding that "separate education facilities are inherently unequal", the Supreme Court ruled that segregation in public education denied African American children the equal protection of the laws guaranteed by the Fourteenth Amendment.

One year later, the Court addressed the implementation of its decision in a case known as Brown v. Board of Education II. Chief Justice Warren once again wrote an opinion for the unanimous court. The Court acknowledged that desegregating public schools would take place in various ways, depending on the unique problems faced by individual school districts. After charging local school authorities with the responsibility for solving these problems, the Court instructed federal trial courts to oversee the process and determine whether local authorities were desegregating schools in good faith, mandating that desegregation take place with "with all deliberate speed."

Retrieved from: http://www.streetlaw.org/en/Case.4.aspx

Miranda v. Arizona (1966)

Ernesto Miranda was a poor Mexican immigrant living in Phoenix, Arizona in 1963. A Phoenix woman was kidnapped and raped. She identified Miranda in a police lineup. Miranda was arrested, charged with the crimes, and questioned by the police for two hours. The police officers questioning him did not inform him of his Fifth Amendment right against self-incrimination or of his Sixth Amendment right to the assistance of an attorney. The Fifth Amendment states that no person "shall be compelled in any criminal case to be a witness against himself. . . ." The Sixth Amendment states that, "In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense."

As a result of the questioning, Miranda confessed in writing to the crimes. His statement also said that he was aware of his right against self-incrimination. During his trial, the prosecution used his confession to obtain a conviction, and he was sentenced to 20 to 30 years in prison on each count.

Miranda appealed his case to the Arizona Supreme Court. His attorney argued that his confession should have been excluded from trial because he had not been informed of his rights, nor had an attorney been present during his interrogation. The police officers involved admitted that they had not given Miranda any explanation of his rights. The state argued, however, that because Miranda had been convicted of a crime in the past, he must have been aware of his rights. The Arizona Supreme Court denied Miranda's appeal and upheld his conviction.

The case comes down to this fundamental question: What is the role of the police in protecting the rights of the accused, as guaranteed by the Fifth and Sixth Amendments to the Constitution? The Supreme Court of the United States had made previous attempts to deal with these issues. The Court had already ruled that the Fifth Amendment protected individuals from being forced to confess. They had also held that persons accused of serious crimes have a fundamental right to an attorney, even if they cannot afford one. In 1964, after Miranda's arrest, but before the Court heard his case, the Court ruled that when an accused person is denied the right to consult with his attorney, his or her Sixth Amendment right to the assistance of a lawyer is violated. But do the police have an obligation to ensure that the accused person is aware of these rights before they question that person?

In 1965, the Supreme Court of the United States agreed to hear Miranda's case. At the same time, the Court agreed to hear three similar cases. The Court combined all the cases into one case. Since Miranda was listed first among the four cases considered by the Court, the decision came to be known by that name. The decision in *Miranda* v. *Arizona* was handed down in 1966.

Questions to Consider

1. What rights of the accused does the Fifth Amendment protect? The Sixth Amendment?
2. If the police had informed Ernesto Miranda of these rights, do you think he might have done anything differently?
3. Individual rights must be balanced against the values of society at large. For instance, the right to free speech must be balanced against our desire for an orderly society. This is why demonstrations, while protected by the First Amendment, can have certain restrictions placed on them. In Miranda, what values or goals of society must be balanced against the right against self-incrimination and the right to counsel?
4. You are probably learning about the rights of the accused in a government or history class. Some would argue that it is the individual's responsibility to know what his or

her rights are under the Constitution, and the government can assume that accused persons know their rights without informing them after they are arrested. Do you think the government should have to inform each individual who is arrested of his or her rights? Why or why not?

Summary of the Decision

In a 5-4 opinion, the Supreme Court ruled in favor of Miranda. The majority opinion, written by Chief Justice Earl Warren, concluded that defendants arrested under state law must be informed of their constitutional rights against self-incrimination and to representation by an attorney before being interrogated when in police custody. Justices Clark, Harlan, Stewart and White dissented.

In their majority opinion, the justices explained that the Fifth Amendment right against self-incrimination is fundamental to our system of justice, and is "one of our Nation's most cherished principles." This guarantee requires that only statements freely made by a defendant may be used in court. The justices described some of the techniques used by police officers in interrogations. They observed that "the modern practice of in-custody interrogation is psychologically rather than physically oriented," and cited the advantage police officers hold in custodial interrogations (interrogations that take place while the subject is in police custody). Because of these advantages, they concluded that "the very fact of custodial interrogation exacts a heavy toll on individual liberty, and trades on the weakness of individuals."

The Court ruled that in order to reconcile the necessary practice of custodial interrogations with the guarantees of the Fifth Amendment, police must ensure that defendants are aware of their rights before they are interrogated in custody. Because the right against self-incrimination is so important to our system of justice, a case by case determination made by police officers of whether each defendant understands his or her rights is not sufficient. Before interrogating defendants in police custody, they must be warned 1) that they have the right to remain silent 2) that anything they say may be used against them in court, 3) that they have the right to an attorney, either retained by them or appointed by the court, and 4) that they may waive these rights, but they retain the right to ask for an attorney any time during the interrogation, at which point the interrogation can only continue in the presence of a lawyer.

The Supreme Court reasoned that because the right against self-incrimination is so fundamental, and because it is so simple to inform defendants of their rights, any statements made by defendants during a custodial interrogation in which the defendant has not been read his "Miranda rights" are inadmissible in both state and federal courts.

Justice Harlan wrote the main dissent. He argued that the newly created rules did not protect against police brutality, coercion or other abuses of authority during custodial interrogations because officers willing to use such illegal tactics and deny their use in court were "equally able and destined to lie as skillfully about warnings and waivers." Instead, he predicted that the new requirements would impair and substantially frustrate police officers in the use of techniques that had long been considered appropriate and even necessary, thus reducing the number of confessions police would be able to obtain. He concluded that the harmful effects of crime on society were "too great to call the new rules anything but a hazardous experimentation."

Retrieved from: http://www.streetlaw.org/en/Case.9.aspx

Lesson Two: Strategy Six
Application

Name: _____

Court Case: _____

Background Information	
Identification of Majority/Minority	
Summary of Argument	
Relation to Amendment/ Right	
Decision of Supreme Court	
Does the group agree with the result?	

Lesson Three: Strategy One
Majorities Rule!

Simulation Proposals

Proposal A:

There are two high schools that students in this district may attend. High School A is very prestigious. Students who attend High School A tend to be accepted into good universities and get high paying jobs. High School B has had little success in getting students into colleges. Students who attend High School B tend to earn less than two-thirds of what students from High School A earn after graduating. Only half of the students in this class will be accepted into High School A.

Students belonging to the Majs group must earn a 70 or above to qualify for acceptance into High School A. Students in the Mins group must earn an 85 or above to qualify for acceptance into High School A. Students not meeting the requirements will be assigned to High School B.

Proposal B:

School administrators have identified a problem at school that they are determined to solve. The problem is that students are running out of classrooms when the lunch bell rings to get to the cafeteria so that they can be first in the lunch lines.

This proposal attempts to solve that problem by requiring all students to be seated in the cafeteria before being allowed to get in the lunch line. Once students are seated, the students in the Majs group will be given permission to get into the lunch line. After all of the Majs have been served the Mins will be permitted to get in line.

Lesson Three: Strategy Two

Photo Analysis Worksheet

Step 1. Observation		
A.		Study the photograph for 2 minutes. Form an overall impression of the photograph and then examine individual items. Next, divide the photo into quadrants and study each section to see what new details become visible. _____
B.		Use the chart below to list people, objects, and activities in the photograph.

People	Objects	Activities

Step 2. Inference		
		Based on what you have observed above, list three things you might infer from this photograph. _____ _____ _____
Step 3. Questions		
A.		What questions does this photograph raise in your mind? _____ _____
B.		Where could you find answers to them? _____ _____

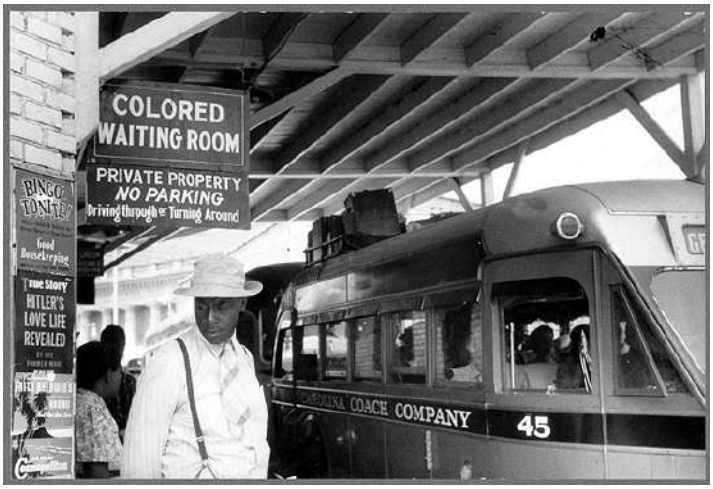
Designed and developed by the
Education Staff, National Archives and Records Administration, Washington, DC 20408.
http://www.archives.gov/education/lessons/worksheets/photo.html

Lesson Three: Strategy Two
Jim Crow Laws

Document #1

Source: http://www.lz95.org/msn/faculty/jlippert/images/waterfountain.jpg

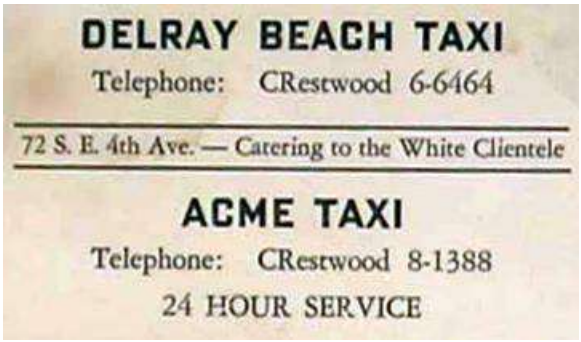
Document #2



Source: http://feldmeth.net/JimCrowInDurhamNC.jpg

Document 3:

Source: http://www.ferris.edu/jimcrow/what/108.htm



Document #4:

Source: http://www.ferris.edu/jimcrow/what/103.htm

Document #5:

Source: http://thisfragiletent.files.wordpress.com/2009/11/jim-crow-2.jpg

Document #6:

Source: http://worldofwonder.net/2009/04/06/6a4dcd78.jpg

Lesson Three: Strategy Two
Women's Suffrage Movement

Document #1

Suffragettes marching in front of the White House, 1918. AP/WIDE WORLD PHOTOS
Source: http://www.bookrags.com/research/womens-suffrage-movement-aaw-03/

Document #2

Source: http://womenshistory.about.com/library/pic/bl_p_opposed_suffrage_hq.htm

Document #3

Source: A Suffrage Cartoon Originally published before 1910, original copyright: E. W. Gustin

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http://womenshistory.about.com/library/graphics/suffrage_cartoon1.jpg

Document #4

Source:

http://staff.harrisonburg.k12.va.us/~cwalton/solpracticetests/USHistory/suffrageparade.jpg

Lesson Three: Strategy Two

Jim Crow Laws

From the 1880s into the 1960s, a majority of American states enforced segregation through "Jim Crow" laws (so called after a black character in minstrel shows). From Delaware to California, and from North Dakota to Texas, many states (and cities, too) could impose legal punishments on people for consorting with members of another race. The most common types of laws forbade intermarriage and ordered business owners and public institutions to keep their black and white clientele separated.

A sampling of laws from various states:

Nurses No person or corporation shall require any white female nurse to nurse in wards or rooms in hospitals, either public or private, in which negro men are placed. *Alabama*

Buses All passenger stations in this state operated by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white and colored races. *Alabama*

Railroads The conductor of each passenger train is authorized and required to assign each passenger to the car or the division of the car, when it is divided by a partition, designated for the race to which such passenger belongs. *Alabama*

Restaurants It shall be unlawful to conduct a restaurant or other place for the serving of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectually separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment. *Alabama*

Pool and Billiard Rooms It shall be unlawful for a negro and white person to play together or in company with each other at any game of pool or billiards. *Alabama*

Intermarriage All marriages between a white person and a negro, or between a white person and a person of negro descent to the fourth generation inclusive, are hereby forever prohibited. *Florida*

Cohabitation Any negro man and white woman, or any white man and negro woman, who are not married to each other, who shall habitually live in and occupy in the nighttime the same room shall each be punished by imprisonment not exceeding twelve (12) months, or by fine not exceeding five hundred ($500.00) dollars. *Florida*

Education The schools for white children and the schools for negro children shall be conducted separately. *Florida*

Barbers No colored barber shall serve as a barber [to] white women or girls. *Georgia*

Amateur Baseball It shall be unlawful for any amateur white baseball team to play baseball on any vacant lot or baseball diamond within two blocks of a playground devoted to the Negro race, and it shall be unlawful for any amateur colored baseball team to play baseball in any vacant lot or baseball diamond within two blocks of any playground devoted to the white race. *Georgia*

Parks It shall be unlawful for colored people to frequent any park owned or maintained by the city for the benefit, use and enjoyment of white persons...and unlawful for any white person to frequent any park owned or maintained by the city for the use and benefit of colored persons. *Georgia*

Circus Tickets All circuses, shows, and tent exhibitions, to which the attendance of...more than one race is invited or expected to attend shall provide for the convenience of its patrons not less than two ticket offices with individual ticket sellers, and not less than two entrances to the said performance, with individual ticket takers and receivers, and in the case of outside or tent performances, the said ticket offices shall not be less than twenty-five (25) feet apart. *Louisiana*

Housing Any person...who shall rent any part of any such building to a negro person or a negro family when such building is already in whole or in part in occupancy by a white person or white family, or vice versa when the building is in occupancy by a negro person or negro family, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) nor more than one hundred ($100.00) dollars or be imprisoned not less than 10, or more than 60 days, or both such fine and imprisonment in the discretion of the court. *Louisiana*

Hospital Entrances There shall be maintained by the governing authorities of every hospital maintained by the state for treatment of white and colored patients separate entrances for white and colored patients and visitors, and such entrances shall be used by the race only for which they are prepared. *Mississippi*

Prisons The warden shall see that the white convicts shall have separate apartments for both eating and sleeping from the negro convicts. *Mississippi*

Education Separate free schools shall be established for the education of children of African descent; and it shall be unlawful for any colored child to attend any white school, or any white child to attend a colored school. *Missouri*

Militia The white and colored militia shall be separately enrolled, and shall never be compelled to serve in the same organization. No organization of colored troops shall be permitted where white troops are available, and while white permitted to be organized, colored troops shall be under the command of white officers. *North Carolina*

Transportation The...Utilities Commission...is empowered and directed to require the establishment of separate waiting rooms at all stations for the white and colored races. *North Carolina*

Fishing, Boating, and Bathing The [Conservation] Commission shall have the right to make segregation of the white and colored races as to the exercise of rights of fishing, boating and bathing. *Oklahoma*

Lunch Counters No persons, firms, or corporations, who or which furnish meals to passengers at station restaurants or station eating houses, in times limited by common carriers of said passengers, shall furnish said meals to white and colored passengers in the same room, or at the same table, or at the same counter. *South Carolina*

Child Custody It shall be unlawful for any parent, relative, or other white person in this State, having the control or custody of any white child, by right of guardianship, natural or acquired, or otherwise, to dispose of, give or surrender such white child permanently into the custody, control, maintenance, or support, of a negro. *South Carolina*

Education [The County Board of Education] shall provide schools of two kinds; those for white children and those for colored children. *Texas*

Intermarriage All marriages of white persons with Negroes, Mulattos, Mongolians, or Malaya hereafter contracted in the State of Wyoming are and shall be illegal and void. *Wyoming*

Retrieved from: http://academic.udayton.edu/race/02rights/jcrow02.htm

Women's Suffrage Movement

American women's efforts to win the vote were significantly influenced by both the Civil War and World War I. The organized suffrage movement was in its beginning stages in 1861 when the pressures of the Civil War forced activists such as Elizabeth Cady Stanton and Susan B. Anthony to choose between concentrating their energies on such activities as organizing fundraisers to support Union troops or focusing on suffrage laws and property rights for married women. In World War I the choice was the same, although the context and the response were different. In August 1920, the Nineteenth Amendment was ratified. Partly as a result of the war, all American women finally received the right to vote.

Nineteenth-Century Efforts

Before the Civil War, the idea of women voting was a radical concept that threatened the traditional male role as head of the household. In 1848, at the Seneca Falls Convention in New York, activists from the Northeast began a seventy-year struggle for what seemed to them a natural right of all Americans. In the document written for this meeting by Elizabeth Cady Stanton, "The Declaration of Rights and Sentiments," women laid claim to the need for judicial, religious, and civil equality with men. The most controversial of the resolutions held that men had denied them their "inalienable" right to the franchise and that women had a duty to seek the right to vote. By the 1850s, suffragists, sometimes affiliated with antislavery and temperance groups, were actively lobbying at the state level for constitutional changes at the same time that they traveled throughout the United States giving speeches to raise the women's consciousness of the importance of the vote. Connecting freedom for slaves with their own civic emancipation, women had great hopes for the postwar period.

These hopes were not realized. Instead, women were not included in the postwar settlement that included the ratification of the Fourteenth and Fifteenth amendments. The courts continued to deny that citizenship included the right to vote, although as women activists such as Stanton and Anthony noted that their conditional citizenship included the obligation to pay taxes. Another argument used by opponents was that women did not serve in the military and hence did not merit the vote. By the end of the nineteenth century, four Western states—Idaho, Colorado, Utah, and Wyoming—had enfranchised women, in most cases after elaborate, expensive campaigns by the suffrage associations at the state level.

Twentieth-Century Movements

In the twentieth century, the focus turned to a crusade by the National American Woman's Suffrage Association to pass a national amendment, the Susan B. Anthony Amendment authorizing suffrage, which had been presented to Congress annually from 1870 on, but until 1914 the resolution never had sufficient support for an affirmative vote, much less the requisite two-thirds majority.

Inspired by the radical tactics used by women in Great Britain, a group of younger American women led by Alice Paul and Lucy Burns formed the National Woman's Party in 1915. They emphasized attention-getting parades and other forms of publicity as well as pressure tactics that made women's suffrage an unavoidable topic even for those who opposed it. When World War I began in April 1917, the more conservative National American Woman's Suffrage Association for a time submerged its suffrage activities in war work. The association supported war work and efforts to inspire female patriotism even at the cost of suffrage efforts. Women who had little to do with the suffrage campaign were drawn into wartime work outside the home, and their contributions became an important part of the suffragists' argument that women deserved the vote.

Meanwhile, Paul and her activists challenged Woodrow Wilson's government. Beginning in 1917, these women made the case, often using President Wilson's own words on their banners, that the war was being fought for democracy. Quoting Wilson, a favorite banner read, "We shall fight for the right of those who submit to authority to have a voice in their own governments."

The National Woman's Party stationed pickets outside the White House until embarrassed officials began arresting and imprisoning them on frivolous charges such as impeding access to sidewalks. In prison, Alice Paul insisted that they were political prisoners. When privileges such as writing letters and not wearing prison uniforms were denied, the Paul and other women in jail began hunger strikes, which, in an overreaction by the government, led to their being force-fed. Still, Wilson—who believed that suffrage was a state and not a federal issue—withheld his support from a national amendment. Finally, in early 1918, under pressure from both of the suffrage associations, he urged a compliant Congress to pass what became, when it was ratified in the summer of 1920, the Nineteenth Amendment.

Source: http://www.bookrags.com/research/womens-suffrage-movement-aaw-03/

Transcript of 19th Amendment to the U.S. Constitution: Women's Right to Vote (1920)

Sixty-sixth Congress of the United States of America; At the First Session,

Begun and held at the City of Washington on Monday, the nineteenth day of May, one thousand nine hundred and nineteen.

JOINT RESOLUTION

Proposing an amendment to the Constitution extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislature of three-fourths of the several States.

"ARTICLE ————.

"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 sex.

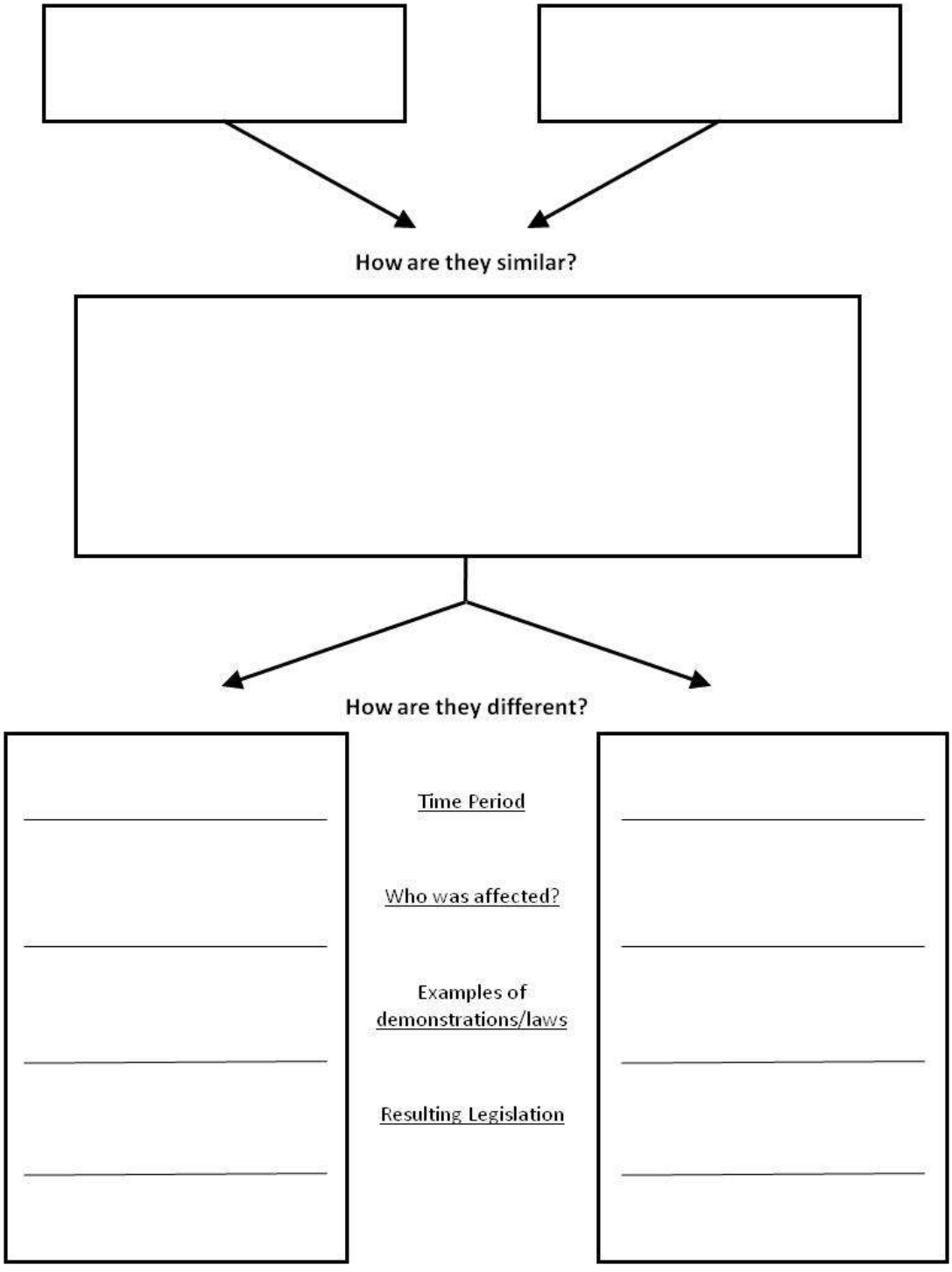
Congress shall have power to enforce this article by appropriate legislation."

Source:

http://www.ourdocuments.gov/print_friendly.php?flash=true&page=transcript&doc=63&title=Transcript+of+19th+Amendment+to+the+U.S.+Constitution%3A+Women%27s+Right+to+Vote+%281920%29

Lesson Three: Strategy Two

Making Comparisons



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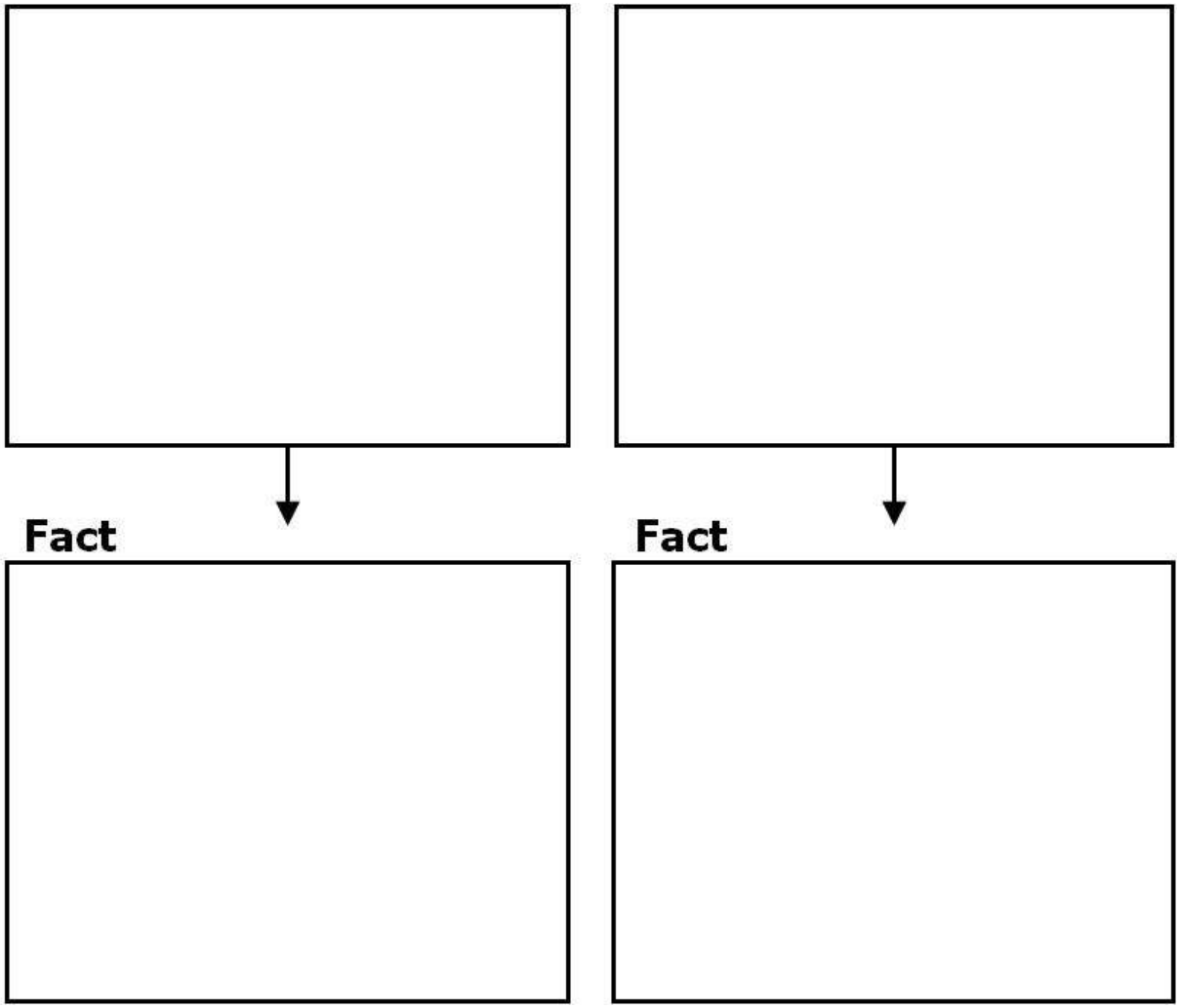
Lesson Three: Strategy Three

Constructing Support Organizer

Position: Why is this legislation important?

Reason/Examples: How does it protect minorities?



Adapted from LFS organizer

Strategy 3: Extending and Refining Constructing Support

The Voting Rights Act of 1965

This "act to enforce the fifteenth amendment to the Constitution" was signed into law 95 years after the amendment was ratified. In those years, African Americans in the South faced tremendous obstacles to voting, including poll taxes, literacy tests, and other bureaucratic restrictions to deny them the right to vote. They also risked harassment, intimidation, economic reprisals, and physical violence when they tried to register or vote. As a result, very few African Americans were registered voters, and they had very little, if any, political power, either locally or nationally.

In 1964, numerous demonstrations were held, and the considerable violence that erupted brought renewed attention to the issue of voting rights. The murder of voting-rights activists in Mississippi and the attack by state troopers on peaceful marchers in Selma, AL, gained national attention and persuaded President Johnson and Congress to initiate meaningful and effective national voting rights legislation. The combination of public revulsion to the violence and Johnson's political skills stimulated Congress to pass the voting rights bill on August 5, 1965.

The legislation, which President Johnson signed into law the next day, outlawed literacy tests and provided for the appointment of Federal examiners (with the power to register qualified citizens to vote) in those jurisdictions that were "covered" according to a formula provided in the statute. In addition, Section 5 of the act required covered jurisdictions to obtain "preclearance" from either the District Court for the District of Columbia or the U.S. Attorney General for any new voting practices and procedures. Section 2, which closely followed the language of the 15th amendment, applied a nationwide prohibition of the denial or abridgment of the right to vote on account of race or color. The use of poll taxes in national elections had been abolished by the 24th amendment (1964) to the Constitution; the Voting Rights Act directed the Attorney General to challenge the use of poll taxes in state and local elections. In *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), the Supreme Court held Virginia's poll tax to be unconstitutional under the 14th amendment.

Because the Voting Rights Act of 1965 was the most significant statutory change in the relationship between the Federal and state governments in the area of voting since the Reconstruction period following the Civil War, it was immediately challenged in the courts. Between 1965 and 1969, the Supreme Court issued several key decisions upholding the constitutionality of Section 5 and affirming the broad range of voting practices for which preclearance was required.

The law had an immediate impact. By the end of 1965, a quarter of a million new black voters had been registered, one-third by Federal examiners. By the end of 1966, only 4 out of the 13 southern states had fewer than 50 percent of African Americans registered to vote. The Voting Rights Act of 1965 was readopted and strengthened in 1970, 1975, and 1982.

Source: http://www.ourdocuments.gov/doc.php?doc=100

Strategy 3: Extending and Refining

Civil Rights Act of 1964

In a nationally televised address on June 6, 1963, President John F. Kennedy urged the nation to take action toward guaranteeing equal treatment of every American regardless of race. Soon after, Kennedy proposed that Congress consider civil rights legislation that would address voting rights, public accommodations, school desegregation, nondiscrimination in federally assisted programs, and more.

Despite Kennedy's assassination in November of 1963, his proposal culminated in the Civil Rights Act of 1964, signed into law by President Lyndon Johnson just a few hours after House approval on July 2, 1964. The act outlawed segregation in businesses such as theaters, restaurants, and hotels. It banned discriminatory practices in employment and ended segregation in public places such as swimming pools, libraries, and public schools.

Passage of the act was not easy. House opposition bottled up the bill in the House Rules Committee. In the Senate, opponents attempted to talk the bill to death in a filibuster. In early 1964, House supporters overcame the Rules Committee obstacle by threatening to send the bill to the floor without committee approval. The Senate filibuster was overcome through the floor leadership of Senator Hubert Humphrey of Minnesota, the considerable support of President Lyndon Johnson, and the efforts of Senate Minority Leader Everett Dirksen of Illinois, who convinced Republicans to support the bill.

Source: http://www.ourdocuments.gov/doc.php?doc=97

Major Features of the Civil Rights Act of 1964

Title I
Barred unequal application of voter registration requirements, but did not abolish literacy tests sometimes used to disqualify African Americans and poor white voters.

Title II
Outlawed discrimination in hotels, motels, restaurants, theaters, and all other public accommodations engaged in interstate commerce; exempted private clubs without defining "private," thereby allowing a loophole.

Title III
Encouraged the desegregation of public schools and authorized the U. S. Attorney General to file suits to force desegregation, but did not authorize busing as a means to overcome segregation based on residence.

Title IV
Authorized but did not require withdrawal of federal funds from programs which practiced discrimination.

Title V
Outlawed discrimination in employment in any business exceeding twenty five people and creates an Equal Employment Opportunities Commission to review complaints, although it lacked meaningful enforcement powers.

Source: http://www.congresslink.org/print_basics_histmats_civilrights64text.htm

Lesson Three: Strategy Four

Cause/Effect Timeline