

Civil War and Reconstruction Lesson Six

Objectives

- Students will review vocabulary, practice sentence-combining, and review the U.S. timeline
- Students will become familiar with the Bill of Rights, the constitutional principles of rule of law and judicial review
- Students will understand the importance of voting rights
- Students will practice interpreting political cartoons
- Students will write an informational essay to wrap up their study of the unit

Activity One: Review stations

Station One: VOCAB test

Station Two: Punctuation review: Which sentence is punctuated correctly?

Station Three: Fill-in-the-blanks for homework reading

Activity Two: Mini-Lesson on Dependent Clauses

Materials: stem sentences, attached

Steps:

1. Briefly review the use of FANBOYS to combine sentences by writing sentences about students on the board, for instance:
Carlo had worked all night and was exhausted.
He came to class anyway.
Ask students which FANBOY, “and,” “so” or “but,” would fit there. With students, combine the sentences, drawing attention to the placement of the comma and writing the rule about commas and coordinating conjunctions on the board.
2. Do a few more examples, with “and,” and “so,”
For instance, Eileen studied hard.
She passed the test.
3. When you feel students have the hang of it, ask each student to write a sentence about their partner using “and” “so” or “but” and go around the room reading them (this can be fun as students can make fun of each other).
4. Introduce dependent clauses. Say that FANBOYS are one way to combine sentences but there are other ways, too. One way is dependent clauses.

5. Write “Although Carlo had worked all night and was exhausted” on the board. Ask students, “Is this a sentence?” Students will likely answer that it is not. Ask students what it needs to be a sentence.
6. Explain that this is a dependent clause. It cannot stand alone. How do you know if you have a dependent clause? It begins with a dependent clause word. (You may want to stick with just “although” and “because” for this introduction). Write “He came to class anyway.” Ask students “Is this a sentence?”
7. Show that the dependent clause can come at the beginning or the end. Write the sentence both ways. Tell students that if the dependent clause comes at the beginning, there has to be a comma at the end of it.
8. Repeat the procedure with “because.” Write “Because Eileen studied hard.” Is it a sentence? Ask students to help you finish the sentence. Then show how the “because” phrase can come at the beginning or the end.
9. When you feel students understand the concept, hand out the sheet of stem sentences. Have students work in pairs to combine a set of sentences and put it up on the board. Review as a whole class.

Activity Three: Constitutional principles: The Bill of Rights and Rule of Law

Materials: “Plain English” version of the Bill of Rights; movie scenes, attached; handout on 13th, 14th and 15th amendments, attached; text of Black Codes, attached; handout on rule of law with examples, attached.

Steps:

1. Ask students what rights they think they have that are guaranteed by the Constitution. Ask students to talk in pairs/small groups about this, then come up to the board and write down the rights they think they have.
2. Give out the “Plain speech” version of the Bill of Rights. Ask students to read through them, and annotate by writing questions they have about any of the rights. Review the rights and make sure that students understand.
3. Tell students that now they will test their understanding of these rights. Give out the sheet describing scenes from movies, and ask students to read through them and decide whether one of the first ten amendments is being violated, and if so, which one. Bring the class back together and ask groups to report back. When finished,

give out the sheet with answers and let students read through them.

4. Say to students, “so, according to the Constitution, every U.S. citizen should get these rights. What did the 14th amendment say about the rights that newly freed slaves should have? Were they the same as these?”
5. Give out the text of the Mississippi Black Codes. Read through the first one as a class and work with students to paraphrase into one or two sentences. Divide the class into groups and have each group read one of the sections and summarize/paraphrase. Ask: What freedoms were supposedly free American citizens denied? Does this live up to “all men are created equal?”
6. Tell students that the Constitution and the Declaration did not always live up to their promise. We like to think that we live by the ideal “all men are created equal,” but do we? We’ve learned about the separation of powers and checks and balances built in to the Constitution. Another constitutional principle is called rule of law.
7. Give out the handout from the “Center for Teaching the Rule of Law” and ask students to read. Work with students to create some short paraphrases of #1, #2, and #3. How does rule of law help guarantee equality if it is followed?
8. Give the examples. Ask them to look at the examples and decide which ones reflect rule of law.

Activity Four: What’s judicial review?

Materials: pictures of Jim Crow South; descriptions of Plessy v. Ferguson and Brown v. Topeka Kansas; list of landmark Supreme Court cases, attached.

Steps:

1. Give out pictures of the Jim Crow south showing segregation. Allow students to take some time to look at them. Tell students: 100 years after the Civil War ended, this is what the South looked like.
2. Remind students about the 14th amendment. Based on the law of the land, the Constitution, was segregation legal? What do you think? Was rule of law applied?
3. Tell students, “Well, there was one man who thought it was NOT legal, and he challenged it and took it all the way to the Supreme Court. His name was Homer Plessy. Now you are going to read about him.”
4. Hand out the text on Plessy v. Ferguson and have students read silently. Tell students that this case is an example of what is called judicial review, another important constitutional principle.

Because of Plessy v. Ferguson, segregation continued in the South until the 1960s. Now they are going to read about the case that changed all that. It is called Brown v. Topeka Kansas. Hand out the text on Brown. When students have finished reading, tell them that this is the Supreme Court case that really changed everything and started the Civil Rights Movement in earnest.

5. Tell them that it is important to remember the concept of judicial review. Give out the list of landmark Supreme Court cases and have them read through them. Ask each pair of students to choose one case and discuss why it was important. Ask for a report back.
6. Tell students that one thing they need to practice for the TASC is short answer, or constructed response, questions. They are going to do that now. Write the question on the board: Do Supreme Court decisions impact the daily lives of U.S. citizens? Provide two examples to support your point.
7. Have students list out with you the ways that the Plessy case affected the lives of Americans. Then, ask them to work along to do the same for the Brown case, having students share in pairs then report to the whole class. Write bullet points under each case. Discuss the criteria for a good constructed response (complete; answers the question; provides text-based evidence; answer may come from more than one part of the text). Ask students to work in pairs to write the response. Have a few brave ones put theirs on the board. As a class, discuss how each might be stronger or to revise or correct the grammar.

Activity Five: Civil Rights and Voting Rights

Materials: Graph: Black Elected Officials, attached; graph: How the Voting Rights Act Changed Congress, attached; student voices on voting from *The Change Agent*, attached. If there is computer access, youtube clip of Oprah Winfrey trying to vote in the movie *Selma*; Newsela article on Voter I.D. laws in North Carolina, attached.

Steps:

1. Remind students that one of the key ideas in our country's government is the idea of equality. Of course, it was blatantly ignored again and again when it came to civil rights. However, it is an ideal that was aspired to. One way that the Founders tried to ensure equality was through the vote.
2. Ask students: Do you vote? Do you think most people vote? Is it important to vote? Why or why not? Ask students to discuss, and walk around as they are discussing. Put "reasons to vote/not vote" up on the board.
3. Give the student answers from Change Agent.

4. Give out the line graph “Black Elected Officials.” Ask students to look at it and think about (1) what they notice and (2) what they wonder. Why do they think the line goes up so quickly right after 1960? What happened? Then give out the other graph: “How the Voting Rights Act Changed Congress.” What do we notice? What do we wonder? What do you think the Voting Rights Act might have been? What do you think happened? Why did we suddenly have so many more African Americans in Congress?
5. Show the youtube clip of Oprah Winfrey trying to register to vote in the movie “Selma.” How is she being prevented from voting?
6. Give out the pages from “The Unfinished March” and have students read. What were some of the ways that whites kept African Americans from voting in the South? What do you think might have been some of the consequences of that? You can’t be a juror, so in the South there were all-white juries who passed judgement on African Americans.
7. Discuss the fact that voting rights continue to be an issue. The Supreme Court in a case entitled *Shelby v. Holder*, made a decision in 2013 which weakened the Voting Rights Act of 1964. As a result of that decision, some states have now begun to make some changes to their voting requirements that many in the country are unhappy about.
8. Give out the Newsela article, and have students read the title. Write a claim on the board: States should not be permitted to make voter i.d. laws because they restrict voting and deprive some people of their rights. As students read silently, ask them to mark parts of the text that contain *evidence* that supports this claim and *evidence* to the contrary. (This may require some teacher modeling.)
9. Bring the class together and discuss the evidence found. You may want to ask students to write a constructed response for homework.

Activity Six: Political cartoons

Materials: political cartoons; cartoon analysis worksheet, attached

Steps:

1. Tell students that political cartoons often appear on the Social Studies TASC. They are now going to practice interpreting them.
2. Give out the cartoon that says “Due Process” and “Michael Brown.” Ask students to just sit in pairs and discuss everything they notice. Bring the class back together and ask for a report out.
3. Tell students, “When we look at political cartoons, we need to think about what we already know, because cartoonists often make reference to things that aren’t in the cartoon. When you look at

this cartoon, is there anything you have questions about? Is there anything that looks familiar? You want students to notice the manhole cover, which shows that they are looking at a street, and to remember that police often draw an outline around dead bodies.

4. Discuss with students what this might mean. Who is Michael Brown? Ask whether anyone knows what due process means. Why is there the outline of a body drawn around due process?
5. What do you think the cartoonist is saying here about due process in the case of Michael Brown? Was due process “alive and well?”
6. Put a claim on the board: “The laws were not applied fairly in the case of Michael Brown.” Ask whether the cartoonist would agree with this claim, and how they know.
7. Give out the cartoon analysis worksheet and review briefly. Divide students into groups and give each one of the remaining political cartoons, some regarding voting rights. Ask students to work in groups, go through the worksheets, and then be prepared to present to the class on 1) what their cartoon shows; 2) what they think the message is and why; 3) what is the cartoonist’s point of view about this issue?

OPTIONAL FINAL PROJECT

There are many possibilities for projects that could culminate the unit.

- **Teach-in**

Have the class prepare an exhibit and “teach in” for another class in the program. First, have students brainstorm what they have learned over the course of the six lessons, then work with students to divide these into categories, such as “The Civil War,” “Cotton and the Economy,” “40 Acres and a Mule,” etc. Each group of students will work on one of the topics to create a poster and presentation for another class.

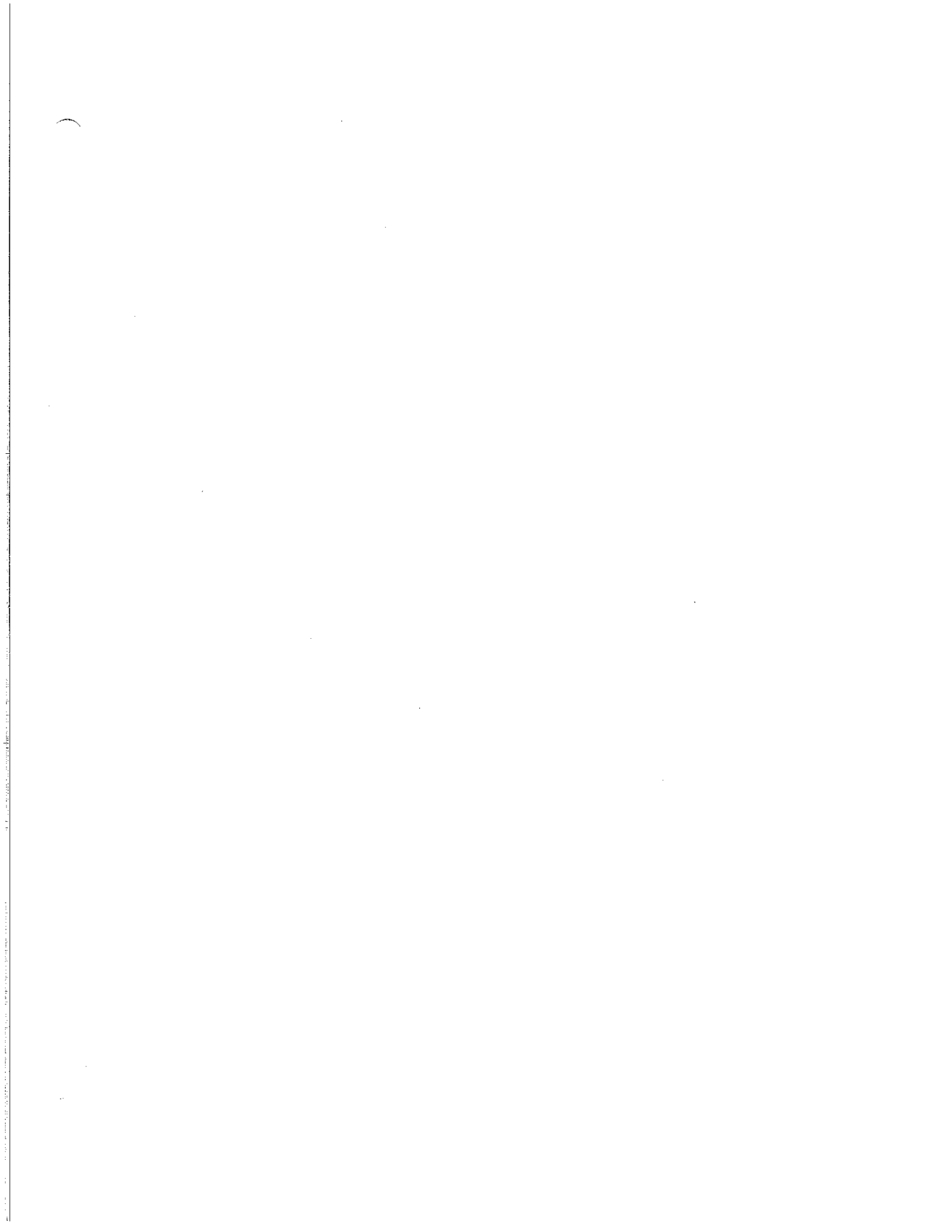
- **Final Exam**

A final exam gives students the chance to review, study and consolidate their understanding. It’s a good idea to have students write at least some of the questions once they review their notes. It is also a good idea to make a list for students of the topics that will be on the test. Regents test questions, posted online as soon as a particular Regents is given; TASC exercise questions, vocabulary review, etc. can all be sources for questions asked.

- **Writing Assignment**

Students might be asked to write informational essays explaining the Reconstruction period and its importance.

Another idea is to have students write an alternate history. There are a number of “Alternate History” videos available on the web. Watch one together as a class and discuss how the actual events are different from the alternate history. What were the key events? Then, review with students what the key events and turning points were in the Reconstruction period. Choose one and write a description of how the course of history would have been changed if the outcome of this one event were different.



CIVIL WAR RECONSTRUCTION LESSON SIX

HANDOUTS

ACTIVITY ONE: REVIEW STATIONS:

- VOCABULARY TEST
- PUNCTUATION REVIEW
- FILL-IN-THE BLANKS FOR HOMEWORK READING

ACTIVITY TWO: MINI-LESSON ON DEPENDENT CLAUSES

- STEM SENTENCES

ACTIVITY THREE: CONSTITUTIONAL PRINCIPLES: THE BILL OF RIGHTS AND RULE OF LAW

- "PLAIN ENGLISH" VERSION OF BILL OF RIGHTS
 - MOVIE SCENES
- 13TH, 14TH AND 15TH AMENDMENTS
 - BLACK CODES EXCERPT
- RULE OF LAW WITH EXAMPLES

ACTIVITY FOUR: WHAT'S JUDICIAL REVIEW?

- PICTURES OF JIM CROW
- OVERVIEW: PLESSY V. FERGUSON AND BROWN V. TOPEKA
 - LIST OF LANDMARK SUPREME COURT CASES

ACTIVITY FIVE: CIVIL RIGHTS AND VOTING RIGHTS

- GRAPH: BLACK ELECTED OFFICIALS
- GRAPH: HOW THE VOTING RIGHTS ACT CHANGED CONGRESS
- STUDENT VOICES ON VOTING FROM THE CHANGE AGENT
- NEWSOLA ARTICLE ON VOTER I.D. LAWS IN NORTH CAROLINA

ACTIVITY SIX

- POLITICAL CARTOONS
- CARTOON ANALYSIS WORKSHEET

CIVIL WAR/RECONSTRUCTION LESSON SIX

ACTIVITY ONE: REVIEW STATIONS:

- VOCABULARY TEST
- PUNCTUATION REVIEW
- FILL-IN-THE BLANKS FOR HOMEWORK READING

REVIEW STATIONS

STATION ONE: VOCABULARY TEST

NOTE TO TEACHERS: EACH TEACHER WILL CREATE HIS OR HER OWN
VOCABULARY QUIZ

STATION TWO: PUNCTATION PRACTICE

Punctuation Exercise

Put in semicolons, colons, dashes, where ever they are needed in the following sentences.

1. The men in question Harold Keene, Jim Peterson, and Gerald Greene deserve awards.
2. Several countries participated in the airlift Italy, Belgium, France, and Luxembourg.
3. Judge Carswell later to be nominated for the Supreme Court had ruled against civil rights.
4. In last week's New Yorker, one of my favorite magazines, I enjoyed reading Leland's article How Not to Go Camping.
5. There was only one thing to do study till dawn.
6. The following are the primary colors red, blue, and yellow.
7. Arriving on the 8 10 plane were Liz Brooks, my old roommate her husband and Tim, their son.
8. The automobile dealer handled three makes of cars Volkswagens, Porsches, and Mercedes Benz.
9. Though Phil said he would arrive on the 9 19 flight, he came instead on the 10 36 flight.
10. In baseball, a show boat is a man who shows off.

STATION THREE: Fill-in the Blanks for the homework reading

The Civil Rights Movement (CC Basics 120-122)

The Civil Rights Movement started a series of civil disobedience actions to protest

_____. They used boycotts, which are _____, and sit-ins.

The Freedom Riders _____.

Martin Luther King gave his _____ speech at the march on Washington which was organized in order to

_____.

Other minority groups, such as _____

_____ and _____ then began to seek equal rights. Anti-war protests began because _____.

Summarizing Practice: Answer these questions based on the CC Basics book, Chapters 3.3 and 3.4

1. Briefly describe the Korean War—who was fighting, why, when and where, and the outcome.

2. Briefly describe the space race. Who was involved and what did they want?

3. What was the Berlin Wall and why was it important?

4. What was Nixon's policy of détente?

5. What was the Iran hostage crisis?

6. What was Watergate?

7. What was the Energy Crisis?

8. What did Ronald Reagan do as president?

CIVIL WAR/RECONSTRUCTION LESSON SIX
ACTIVITY TWO: MINI-LESSON ON DEPENDENT CLAUSES

• STEM SENTENCES

SET ONE

At the end of the Civil War, the slaves were liberated.

They had no land or way to make a living.

SET TWO

At first, the U.S. government was determined to provide protection for newly freed slaves.

Military presence in the Southern states insured voting for African Americans.

Later, this protection was withdrawn.

SET THREE

People in the North got tired of the problems of the South after the Civil War.

They did not ensure that newly freed slaves had their rights.

SET FOUR

Ultimately, Reconstruction failed.

There are many problems in our country today as a result.

CIVIL WAR/RECONSTRUCTION LESSON SIX

ACTIVITY THREE: CONSTITUTIONAL PRINCIPLES: THE BILL OF RIGHTS AND RULE OF LAW

- “PLAIN ENGLISH” VERSION OF BILL OF RIGHTS
 - MOVIE SCENES
- 13TH, 14TH AND 15TH AMENDMENTS
 - BLACK CODES EXCERPT
- RULE OF LAW WITH EXAMPLES

THE BILL OF RIGHTS

AMENDMENT 1

Congress can't make any law that:

- Favors one religion over another religion, or no religion at all, or opposes any religion;
- Stops you from practicing your religion as you see fit;
- Keeps you from saying whatever you want, even if you are criticizing the President of the United States;
- Prevents newspapers, magazines, books, movies, radio, television or the internet from presenting any news, ideas, and opinions that they choose;
- Stops you from meeting peacefully for a demonstration or protest to ask the government to change something.

AMENDMENT 2

Congress can't stop people from having and carrying weapons.

AMENDMENT 3

You don't have to let soldiers live in your house, except if there is a war, and even then Congress needs to pass a law and set the rules.

AMENDMENT 4

Nobody can search your body, or your house, or your papers and things, unless they can prove to a judge that they have a good reason for the search.

AMENDMENT 5

Except during times of war or if you are in the military:

- You can't be tried for any serious crime without a Grand Jury meeting first to decide whether there's enough evidence against you for a trial;
- If at the end of a trial, the jury decides you are innocent, the government can't try you again for the same crime with another jury;

- You cannot be forced to admit you are guilty of a crime and if you choose not to, you don't have to say anything at your trial at all;
- You can't be killed, or put in jail, or fined, unless you were convicted of a crime by a jury and all of the proper legal steps during your arrest and trial were followed; and
- The government can't take your house or your farm or anything that is yours, unless the government pays for it at a fair price.

AMENDMENT 6

If you are arrested and charged with a crime:

- You have a right to have your trial soon and in public, so everyone knows what is happening;
- The case has to be decided by a jury of ordinary people from where you are, if you wish;
- You have the right to know what you are accused of doing wrong and to see and hear and cross-examine the people who are witnesses against you;
- You have the right to a lawyer to help you. If you cannot afford to pay the lawyer, the government will.

AMENDMENT 7

You also have the right to a jury when it is a civil case (a law case between two people rather than between you and the government).

AMENDMENT 8

The government can't make you pay more than is reasonable in bail or in fines, and the government can't inflict cruel or unusual punishments (like torture) even if you are convicted of a crime.

AMENDMENT 9

Just because these rights are listed in the Constitution doesn't mean that you don't have other rights too.

AMENDMENT 10

Anything that the Constitution doesn't say that Congress can do, is left up to the states and to the people.

1. *The unmarked car pulls silently to a stop on the darkened street in front of a club. It's midnight, long after closing time, but there might be evidence for a murder case inside, and Eddie Murphy has his mind made up. The sergeant who he is working with ~~is~~ ^{him} is against the idea. "This is breaking and entering," says the sergeant. "It's against the law." Murphy turns to the sergeant's young partner. "I'll go," says the young man. "See," says Murphy to the sergeant, "would you lighten up and take some risks?" They all leave the car, foil the alarm system, and break into the building.*

2. *On a bright Los Angeles afternoon, Mel Gibson is hard at work. He's on the street, joking with three drug dealers who have no clue they're about to be busted. "A hundred thousand dollars?" he says in disbelief when they name their price. "Oh I can't afford that on my salary. How about I take the whole stash off your hands for free, and you guys can go to jail?" he says, flashing his badge. "Now I could read you your rights, but you guys already know them, don't you?"*

3. *Danny Glover, Mel Gibson and Rene Russo are on a mission. A friend of Glover's son has been murdered, cut down by automatic weapons in a gang war and the cops want the man who's supplying the guns. In a garage, they find a whole bunch of bad guys.*
"Do any of you know Jack Travis?" says Russo.
"Do you have a warrant?" one of the guys asks in return.
"No, but I can get one," she replies.
"Well, until you get one, get outta here," the guy says. Wrong thing to say.
While Gibson looks on in admiration, Russo kicks and beats and tosses five large men into submission. Finally, one of the bad guys decides to cooperate.

4. *In the center of a vast, empty football stadium, a man is writhing in pain, unlucky enough to have just been shot in the leg by Clint Eastwood. Clint strides up and squints down at the whimpering victim, who is a rapist and a murderer. Clint questions him about a kidnapped woman.*
"Where's the girl?"
"I have the right to a lawyer."
Clint's eyes narrow until he can barely see.
"I said, where's the girl?"
"I have a right to a lawyer."
A look of scorn on his face, Clint lifts a booted foot and digs it into the murderer's wounded leg.

1. "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated," reads the 4th amendment.

That means that if Eddie Murphy were a real-life cop, his trick of breaking in to places without a warrant would be giving him serious problems. For more than 30 years, evidence uncovered by police in this way has been excluded from state and federal courts.

The "exclusionary rule," the Court decided in the 1961 case *Mapp. v. Ohio*, was the only way to keep cops from acting like the criminals they catch. Cleveland police had broken in on a Ms. Mapp, whom they suspected of harboring a criminal. Instead, after ransacking the place, they found obscene materials. With these as evidence, Mapp was convicted of possession of pornography.

Ms. Mapp, however, was saved by the Supreme Court, which ruled that allowing the use of evidence seized illegally "tends to destroy the entire system of constitutional restraints on which the liberties of the people rest."

Had Eddie Murphy wanted to play by the rules, he would have gone to a judge to get a search warrant by proving he had "probable cause" to believe that evidence of a crime would be found. According to the Supreme Court, police may search without a warrant only when they're in danger or the evidence is likely to be destroyed.

2. Mel Gibson may look great on the big screen, but he suffers from a severe lack of legal knowledge. He does not know about the important Miranda case.

In 1963, Ernesto Miranda was arrested in Phoenix, Arizona at the warehouse where he worked. The charges were serious—kidnapping and rape—and after hours of questioning, Miranda confessed. He was convicted, but on appeal the Supreme Court ruled that the confession could not be used in court. By not informing Miranda of his rights, the Justices said, the police had violated his 5th Amendment right to due process under the law.

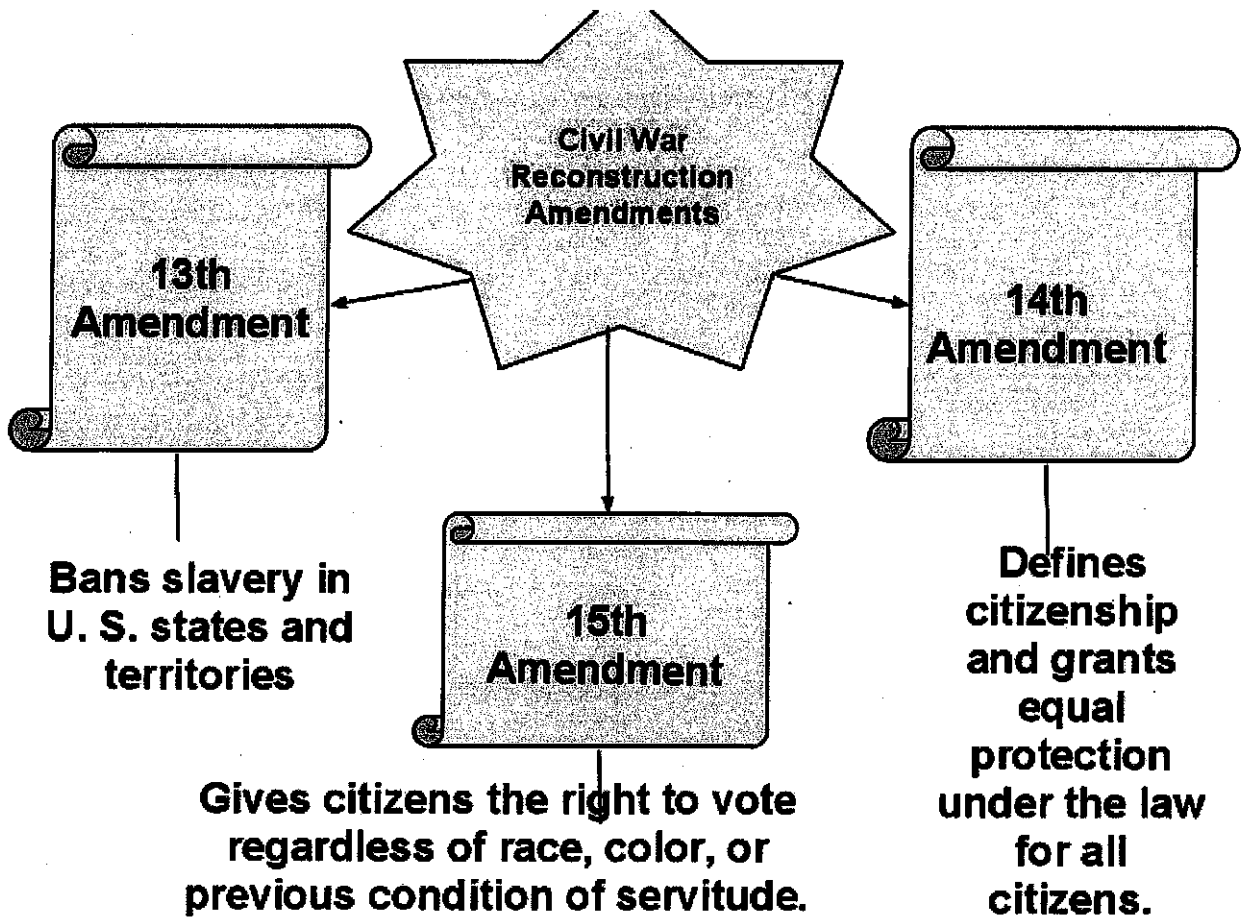
Since that decision, cops have been required to advise suspects that they have the right to remain silent, the right to consult a lawyer, and that everything they say can be used against them.

3. No one, states the 5th Amendment, can be deprived of his or her freedom without due process of law. Simply put, the police cannot coerce, or force, a suspect to give information.

Even techniques more subtle than Russo's have been outlawed. Thus, confessions have been thrown out of court when police tricked a suspect by pretending to arrest his sick wife or threatening to take away his children. "Safeguards must be provided against the dangers of the overzealous," wrote Justice Felix Frankfurter in 1943, so that "brutality [is not] substituted for brains as an instrument of crime detection."

4. Eastwood does not appear to have spent long hours studying the 6th Amendment, which requires that every suspect "have the assistance of counsel for his defense." He does not seem to know about the Escobedo, the 1964 case in which the Supreme Court extended that right to suspects under interrogation.

Of course, it's hard to feel a lot of sympathy for Clint's suspect: he's a serial killer. But then, Danny Escobedo was no great role model either. He was convicted of murder in Illinois after he confessed during a police interrogation. The Supreme Court, however, ruled that since police would not let Escobedo see his lawyer, the information they got from him during the interrogation was inadmissible in court. "If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement," wrote Justice Arthur Goldberg, "then there is something wrong with that system."



Selected portions of the Mississippi Black Codes

Section 3. All freedmen, free negroes or mulattoes who do now and have heretefore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes; and it shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life.

Section 4. All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawful assembling themselves together, either in the day or night time, and all white persons assembling themselves with freedmen, Free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, freed negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro or mulatto, fifty dollars, and a white man two hundred dollars, and imprisonment at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

Section 5. Every freedman, free negro and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof.

Section 7. Every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause; and said officer and person shall be entitled to receive for arresting and carrying back every deserting employee aforesaid the sum of five dollars.

What is the Rule of Law?

Derived from internationally accepted standards, the World Justice Project's definition of the rule of law is a system in which the following four universal principles are upheld:

1. The government and its officials and agents as well as individuals and private entities are accountable under the law.
2. The laws are clear, publicized, stable, and just; are applied evenly; and protect fundamental rights, including the security of persons and property and certain core human rights.
3. The process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient.
4. Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

WHICH ARE EXAMPLES OF RULE OF LAW?

EXAMPLE A: WATERGATE

Before the 1972 election, President Nixon and his staff were worried about Nixon's chances of winning. In June, five men broke into the Democratic Party's national headquarters in Washington. They were caught and arrested. It was soon revealed that one of the men worked for the Committee to Re-Elect the President. Nixon denied knowing anything about the break in.

After his re-election, the Senate committee continued to investigate the break-in. Information came out proving that Nixon had ordered a cover-up. He had also told the CIA to stop their investigation of the break-in. Nixon resigned on August 9, 1974 amid threats of impeachment.

EXAMPLE B: LYNCHING

For many African Americans growing up in the South in the 19th and 20th centuries, the threat of lynching was commonplace. The popular image of an angry white mob stringing a black man up to a tree is only half the story. Lynching, an act of terror meant to spread fear among blacks, served the broad social purpose of maintaining white supremacy in the economic, social and political spheres.

Although the practice of lynching had existed since before slavery, it gained momentum during Reconstruction, when viable black towns sprang up across the South and African Americans began to make political and economic inroads by registering to vote, establishing businesses and running for public office. Many whites -- landowners and poor whites -- felt threatened by this rise in black prominence.

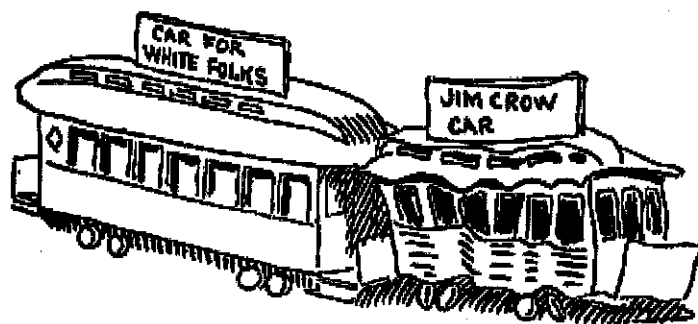
Lynchings were often advertised in newspapers and drew large crowds of white families. They were a kind of vigilantism where Southern white men saw themselves as protectors of their way of life and their white women. By the early twentieth century, the writer Mark Twain had a name for it: the United States of Lyncherdom.

Whites could accuse at will and rarely was a white punished for a crime committed against a black. Even for those whites who were opposed to lynching, there was not much they could do. If there was an investigation, white citizens closed ranks to protect their own and rarely were mob leaders identified.

EXAMPLE C: In 1979, Earl Butz, the Secretary of Agriculture, was charged with failing to report more than \$148,000 of his income in 1978. Butz pleaded guilty to the tax evasion charge and was sentenced to 30 days in jail and five years of probation and was ordered to make restitution. He served 25 days behind bars before his release.¹

ACTIVITY FOUR: WHAT'S JUDICIAL REVIEW?

- PICTURES OF JIM CROW
- OVERVIEW: PLESSY V. FERGUSON AND BROWN V. TOPEKA
 - LIST OF LANDMARK SUPREME COURT CASES



What was the Supreme Court landmark case Plessy v. Ferguson?

Adapted from History.com

This 1896 U.S. Supreme Court case upheld¹ the constitutionality of segregation under the “separate but equal” doctrine². It stemmed from an 1892 incident in which African-American train passenger Homer Plessy refused to sit in the “colored” section of a car, breaking a Louisiana law. Rejecting Plessy’s argument that his constitutional rights were violated, the Court ruled that a state law did not conflict with the 13th and 14th Amendments.

The case came from Louisiana, which in 1890 adopted a law providing for “equal but separate accommodations for the white and colored races” on its railroads. In 1892, passenger Homer Plessy refused to sit in a Jim Crow car. He was brought before Judge John H. Ferguson of the Criminal Court for New Orleans, who upheld the state law. The law was challenged in the Supreme Court on grounds that it conflicted with the 13th and 14th Amendments.

By a 7-1 vote, the Court said that the state law did not conflict with the 13th Amendment forbidding involuntary servitude. It also ruled that the state law did not violate the 14th Amendment.

The 14th Amendment was voted into law in order to prevent newly freed slaves from being discriminated against because of color. However, in the 1896 Plessy case, the Supreme Court ruled that the purpose of the 14th Amendment was “to enforce the absolute equality of the two races before the law.... Laws ... requiring their separation ... do not necessarily imply the inferiority of either race.”

¹ Upheld—when a court “upholds” a decision, it means that the higher court agrees with a decision made by a lower court

² Doctrine—a set of beliefs, or a government policy

The Supreme Court justices said that segregation laws did not conflict with the 14th Amendment because of the “the enforced separation of the two races does not stamp the colored race with a badge of inferiority. If this be so, it is ... solely because the colored race chooses to put that interpretation upon it.”

The lone dissenter³, Kentuckian and former slave owner Justice John Marshall Harlan, denied that a legislature could differentiate⁴ on the basis of race with regard to civil rights. He wrote: “The white race deems itself to be the dominant race,” but the Constitution recognizes “no superior, dominant, ruling class of citizens.” Harlan continued: “Our Constitution is color-blind.... In respect of civil rights all citizens are equal before the law.” The Court’s majority opinion, he pointed out, gave power to the states “to place in a condition of legal inferiority⁵ a large body of American citizens.”

Following the *Plessy* decision, laws that allowed segregation based on race continued and expanded steadily, and were not changed until *Brown v. Board of Education of Topeka* in 1954, which started the Civil Rights Movement.

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³ Dissent—on the Supreme Court, a judge who does not agree with the majority of judges is called a “dissenter”

⁴ Differentiate—to separate into different categories

⁵ A condition of legal inferiority—in other words, the law is making one race—African Americans—in a less equal legal position than another race—whites

The landmark case of *Brown v. Board of Education of Topeka, Kansas*

Adapted from History.com

On May 17, 1954 the United States Supreme Court handed down its ruling in the landmark case of *Brown v. Board of Education of Topeka, Kansas*. The Court's unanimous decision overturned the 1896 *Plessy v. Ferguson* decision, which had allowed for "separate but equal" public facilities, including public schools in the United States. Declaring that "separate educational facilities are inherently⁶ unequal," the *Brown v. Board* decision helped break the back of state-sponsored segregation, and provided a spark to the American civil rights movement. This unanimous decision handed down by the Supreme Court on May 17, 1954, ended federal tolerance of racial segregation.

In *Plessy v. Ferguson* (1896) the Court had ruled that "separate but equal" accommodations on railroad cars conformed to the Fourteenth Amendment's guarantee of equal protection. That decision was used to justify segregating all public facilities, including schools. In addition, most school districts, ignoring *Plessy's* "equal" requirement, neglected their black schools.

In the mid-1930s, however, the National Association for the Advancement of Colored People (NAACP) challenged school segregation in a series of court cases. In these the Court required ruled that equipment, books, and the quality and training of teachers needed to be equal in schools for African American and The rulings prompted several school districts to improve their black students' schools. Then the NAACP contested⁷ the constitutionality of segregation in four regions.

⁶ inherently—by their very nature

⁷ contested—argued against

In the unanimous decision Chief Justice Earl Warren rejected the Plessy doctrine, declaring that “separate educational facilities” were “inherently unequal” because segregation deprived black students of equal protection under the law. A year later, the Court published guidelines requiring federal district courts to supervise school desegregation.

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LANDMARK SUPREME COURT CASES

1803

Marbury v. Madison was the first instance in which a law passed by Congress was declared unconstitutional. The decision greatly expanded the power of the Court by establishing its right to overturn acts of Congress, a power not explicitly granted by the Constitution. Initially the case involved Secretary of State **James Madison**, who refused to seat four judicial appointees although they had been confirmed by the Senate.

1819

McCulloch v. Maryland upheld the right of Congress to create a Bank of the United States, ruling that it was a power implied but not enumerated by the Constitution. The case is significant because it advanced the doctrine of implied powers, or a loose construction of the Constitution. The Court, Chief Justice **John Marshall** wrote, would sanction laws reflecting “the letter and spirit” of the Constitution.

1824

Gibbons v. Ogden defined broadly Congress's right to regulate commerce. Aaron Ogden had filed suit in New York against Thomas Gibbons for operating a rival steamboat service between New York and New Jersey ports. Ogden had exclusive rights to operate steamboats in New York under a state law, while Gibbons held a federal license. Gibbons lost the case and appealed to the U.S. Supreme Court, which reversed the decision. The Court held that the New York law was unconstitutional, since the power to regulate interstate commerce, which extended to the regulation of navigation, belonged exclusively to Congress. In the 20th century, Chief Justice John Marshall's broad definition of commerce was used to uphold civil rights.

1857

Dred Scott v. Sandford was a highly controversial case that intensified the national debate over slavery. The case involved Dred Scott, a slave, who was taken from a slave state to a free territory. Scott filed a lawsuit claiming that because he had lived on free soil he was entitled to his freedom. Chief Justice **Roger B. Taney** disagreed, ruling that blacks were not citizens and therefore could not sue in federal court. Taney further inflamed antislavery forces by declaring that Congress had no right to ban slavery from U.S. territories.

1896

Plessy v. Ferguson was the infamous case that asserted that “equal but separate accommodations” for blacks on railroad cars did not violate the “equal protection under the laws” clause of the 14th Amendment. By defending the constitutionality of racial segregation, the Court paved the way for the repressive **Jim Crow laws** of the South. The lone dissenter on the Court, Justice **John Marshall Harlan**, protested, “The thin disguise of ‘equal’ accommodations...will not mislead anyone.”

1954

Brown v. Board of Education of Topeka invalidated racial segregation in schools and led to the unraveling of **de jure** segregation in all areas of public life. In the unanimous decision spearheaded by Chief Justice **Earl Warren**, the Court invalidated the Plessy ruling, declaring “in the field of public education, the doctrine of ‘separate but equal’ has no place” and contending that “separate educational facilities are inherently unequal.”

Future Supreme Court justice Thurgood Marshall was one of the NAACP lawyers who successfully argued the case.

1963

Gideon v. Wainwright guaranteed a defendant's right to legal counsel. The Supreme Court overturned the Florida felony conviction of Clarence Earl Gideon, who had defended himself after having been denied a request for free counsel. The Court held that the state's failure to provide counsel for a defendant charged with a felony violated the Fourteenth Amendment's due process clause. Gideon was given another trial, and with a court-appointed lawyer defending him, he was acquitted.

1964

New York Times v. Sullivan extended the protection offered the press by the First Amendment. L.B. Sullivan, a police commissioner in Montgomery, Ala., had filed a libel suit against the *New York Times* for publishing inaccurate information about certain actions taken by the Montgomery police department. In overturning a lower court's decision, the Supreme Court held that debate on public issues would be inhibited if public officials could sue for inaccuracies that were made by mistake. The ruling made it more difficult for public officials to bring libel charges against the press, since the official had to prove that a harmful untruth was told maliciously and with reckless disregard for truth.

1966

Miranda v. Arizona was another case that helped define the due process clause of the 14th Amendment. At the center of the case was Ernesto Miranda, who had confessed to a crime during police questioning without knowing he had a right to have an attorney present. Based on his confession, Miranda was convicted. The Supreme Court overturned the conviction, ruling that criminal suspects must be warned of their rights before they are questioned by police. These rights are: the right to remain silent, to have an attorney present, and, if the suspect cannot afford an attorney, to have one appointed by the state. The police must also warn suspects that any statements they make can be used against them in court. Miranda was retried without the confession and convicted.

1973

Roe v. Wade legalized abortion and is at the center of the current controversy between "pro-life" and "pro-choice" advocates. The Court ruled that a woman has the right to an abortion without interference from the government in the first trimester of pregnancy, contending that it is part of her "right to privacy." The Court maintained that right to privacy is not absolute, however, and granted states the right to intervene in the second and third trimesters of pregnancy.

1978

Regents of the University of California v. Bakke imposed limitations on affirmative action to ensure that providing greater opportunities for minorities did not come at the expense of the rights of the majority. In other words, affirmative action was unfair if it lead to reverse discrimination. The case involved the University of Calif., Davis, Medical School and Allan Bakke, a white applicant who was rejected twice even though there were minority applicants admitted with significantly lower scores than his. A closely divided Court ruled that while race was a legitimate factor in school admissions, the use of rigid quotas was not permissible.

2000

Bush v. Gore the Court reversed the Florida Supreme Court decision ordering manual recount of presidential election ballots. A majority of justices (7–2) agreed that the recount violated the Constitution's equal protection and due process guarantees, since counting standards varied among counties. The Court remanded the case to the Florida Supreme Court for remedy but, in 5-4 split, maintained that deadline for recount ended at midnight. The decision effectively ended the presidential election, handing a victory to George W. Bush.

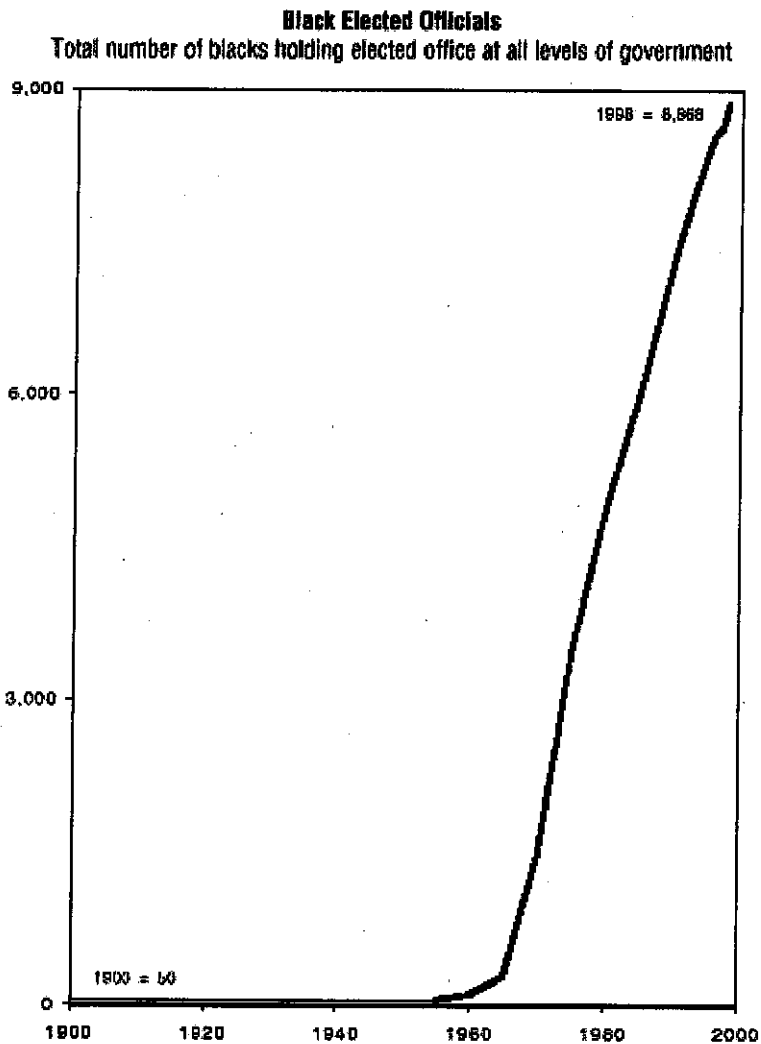
2010

In ***Citizens United v. Federal Election Commission***, the Supreme Court ruled, 5–4, that the government cannot restrict the spending of corporations for political campaigns, maintaining that it's their First Amendment right to support candidates as they choose. This decision upsets two previous precedents on the free-speech rights of corporations. President Obama expressed disapproval of the decision, calling it a "victory" for Wall Street and Big Business.

CIVIL WAR/RECONSTRUCTION LESSON SIX

ACTIVITY FIVE: CIVIL RIGHTS AND VOTING RIGHTS

- GRAPH: BLACK ELECTED OFFICIALS
- GRAPH: HOW THE VOTING RIGHTS ACT CHANGED CONGRESS
- STUDENT VOICES ON VOTING FROM THE CHANGE AGENT
- NEWSOLA ARTICLE ON VOTER I.D. LAWS IN NORTH CAROLINA



How The Voting Rights Act Changed Congress

Number of black members in Congress

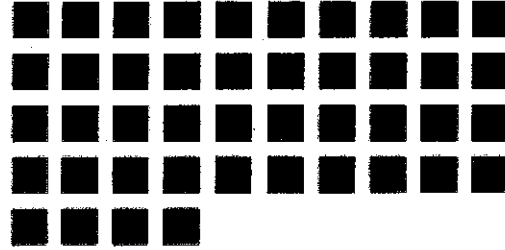
1965



5

Source: Congressional Research Service
THE HUFFINGTON POST

2013



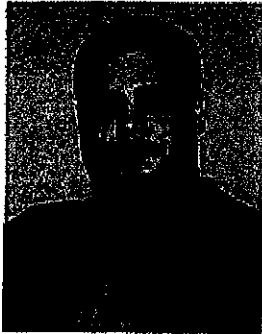
44

Do You Vote? What Are Your Responsibilities?



Yes, I vote because it is one of the most important rights I have.

Iris M. Santiago



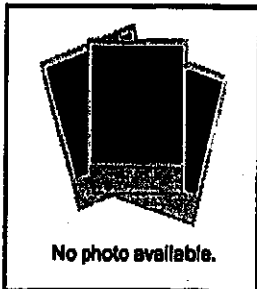
I don't vote because I don't like to vote. I don't know who the mayor of the city is. I don't know who my local representative is. I take responsibility in my community by paying my bills, taking care of my kids, and going to school.

Jose Ortiz



No, I don't vote because I don't like rules. But I respect my neighbor. I respect women at my work. I went to jury duty. And I pay taxes.

Ramesh



I believe poor people and middle class people, especially kids, have a right to health care. I believe it is important to pay taxes because that is the way the government raises funds to pay for services for the people. It is also important to know what's right and what's wrong and to take responsibility for your actions. Volunteering for your community and helping people is a good way to be responsible. Speak your mind about what's right and wrong. And vote. It is very important for us and our community.

Yashira Velilla

How do you Participate?



Voting doesn't matter because it's just an inside job. My responsibilities are my children. I make sure they do their school work and keep going on the right path.



Dennis Rodriguez



Do I vote? Yes, I vote because my vote makes a difference. I take responsibility in my community by not throwing garbage on the street, by taking care of older people in my community by helping them cross the streets, and by helping young children if they are lost in the community and take them to the policeman.



Suhail Arce



Do I vote? No, I don't vote, and to be completely honest I don't have a reason why I don't vote. My responsibilities in my community are (1) being a cautious driver. I make sure I'm safe, and I'm not a danger for others. (2) Volunteering: I like to help so the community can get better. And (3) child care: I love kids and I try to help so they can be good, helpful and most importantly so they can be safe.

Iris Anavitate

These quotes are from ABE and GED students in the Holyoke Adult Learner Opportunity (HALO) Center in Holyoke, MA. They were collected by teachers Margaret Boyle and Kelly Martin as part of classroom writings and discussions about voting and elections. Glenn Yarnell photographed the students and recorded the audio clips. This was the first time that HALO students utilized digital recording technology as part of class, and it sparked many ideas for future projects. Audio versions, read by the students themselves, accompany writings where you see the headphones symbol. Listen to the audio at <www.nelrc.org/changeagent/extras>.



Discussion Questions and Activities

1. Do you vote? Why or why not?
2. What are your responsibilities to yourself, your family, and your community?
3. Do you think voting is a right or a responsibility or both or neither?
4. Look at the "Three Types of Community Member" chart on page 4. Make your own chart with a column for each type of community member. Pick several of the students above and list their actions in the appropriate columns. For example, Suhail Arce directs lost children to the police. What type of community member is she when she helps lost children? What about when she votes?
5. Make a list of the actions you think contribute to a strong democracy.

U.S. government sues to block North Carolina's new voting law

From Newsela

WASHINGTON - The U.S. Justice Department sued North Carolina on Monday over a new state voting law. The law forces people to present a photo identification before casting a ballot and limits early voting. Attorney General Eric Holder argues the measure discriminates against minorities.

It was the second time in recent months that the Democratic Obama administration has challenged a voting law in a Republican-led state. In August, it sued to block a 2011 Texas voter-identification measure.

Holder said the North Carolina law imposes several "troubling new restrictions" on voters. It would reduce early voting days. Voters would not be able to register the same day they voted if they voted early. And the law puts a tough new photo-ID requirement in place.

Law Aimed At Minority Voters, Holder Says

The law was meant to make fewer people vote, he said. It also was intended to "result in unequal access to the participation in the political process on account of race," Holder said during a news conference. He was joined by federal prosecutors based in North Carolina.

The North Carolina law is one of a series enacted in Republican-governed states imposing new voting requirements. Republicans argue that the changes are needed to combat voter fraud. Democrats say that the laws are meant to make it harder for blacks and other people who are likely to vote Democratic cast their ballots.

Holder said his department could bring more voting rights cases. "I fear that it will not be our last," he added.

The U.S. Supreme Court in June invalidated part of the 1965 U.S. Voting Rights Act that the federal government had previously relied upon to challenge state voting laws.

Republican Governor Pat McCrory signed North Carolina's voting changes into law in August. He said then that people needed a photo ID to board an airplane and buy cold medicine. "We should expect nothing less for the protection of our right to vote," he said.

"North Carolina Is In The Mainstream"

On Monday, McCrory said there was no merit in the Justice Department's lawsuit. "I believe that North Carolina is in the mainstream on this issue, and it's the Justice Department that's working in the fringes," he added.

Civil rights groups filed suit against the law immediately after it was signed. Democratic U.S. Senator Kay Hagan of North Carolina also asked Holder to review the matter.

Holder said he was especially troubled that the law would shorten the early voting period.

U.S. elections generally are held on Tuesdays. North Carolina and some other states allow people to vote early. Part of the reason for early voting is to make it more convenient to vote.

Shortening the early voting period affects minorities more than other voters, Holder said. More than 70 percent of blacks who voted in the November 2008 and 2012 elections in North Carolina voted early, according to the Justice Department.

The department's suit asks the court to block four provisions of the North Carolina law:

- -- cutting early voting from 17 to 10 days. The overall number of early voting hours remains unchanged;
- -- the elimination of same-day voter registration during early voting;
- -- the ban on counting certain provisional ballots. Voters fill out those ballots when there are questions about his or her registration;
- -- and the adoption of an ID requirement that is stricter than the Justice Department allows.

Voter ID A Big Issue

Changes in voting laws can affect voter turnout and swing close elections. Civil rights advocates say recent changes echo the earlier fight to win voting rights for black Americans in the U.S. South.

The challenge to North Carolina would fall under the Voting Rights Act's Section 2. That part of the law prohibits state voting rules that discriminate by race. The federal government will have to prove that discrimination was both the intent behind the North Carolina law and its effect.

Requiring voters to show identification has been a major issue. The Justice Department has approved rules in some states such as Virginia. Those states take steps to ensure that IDs are available at little to no cost. But it has opposed the rules in states where it said the mandate would be a burden on the poor and minorities.

The department said that blacks made up 23 percent of the North Carolina's registered voters. But they accounted for 34 percent of registered voters who did not have a driver's license or other ID provided by the state.

The case was assigned to a federal judge in Winston-Salem, N.C.

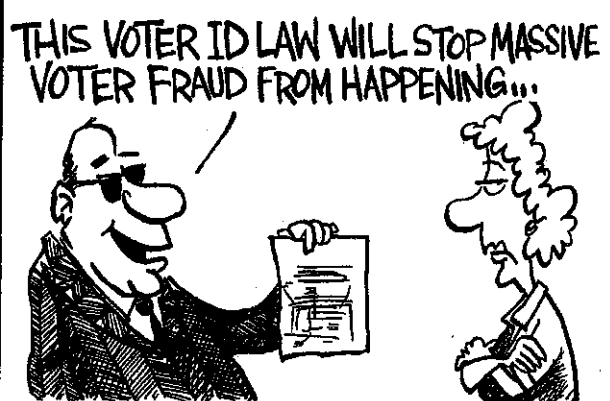
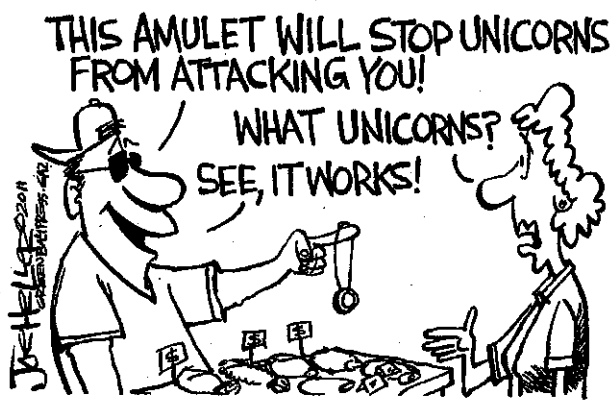
CIVIL WAR/RECONSTRUCTION LESSON SIX

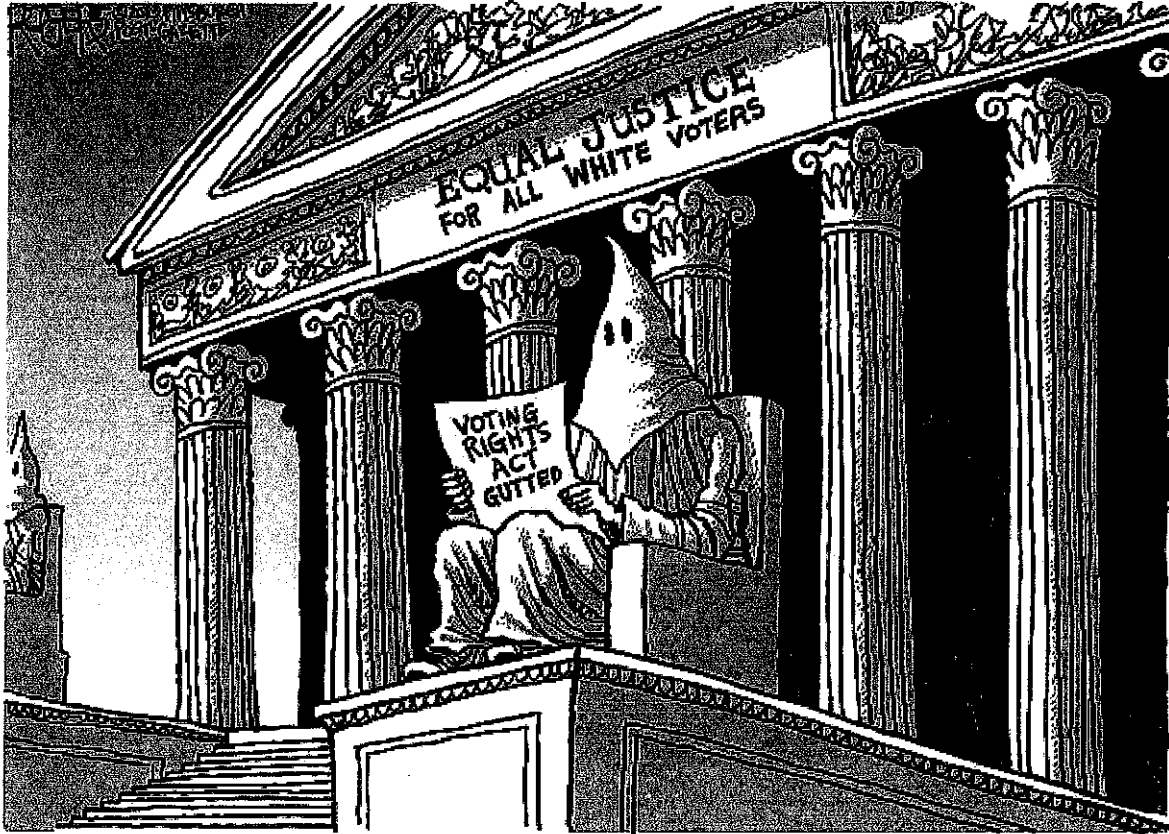
ACTIVITY SIX: POLITICAL CARTOONS

- POLITICAL CARTOONS
- CARTOON ANALYSIS WORKSHEET

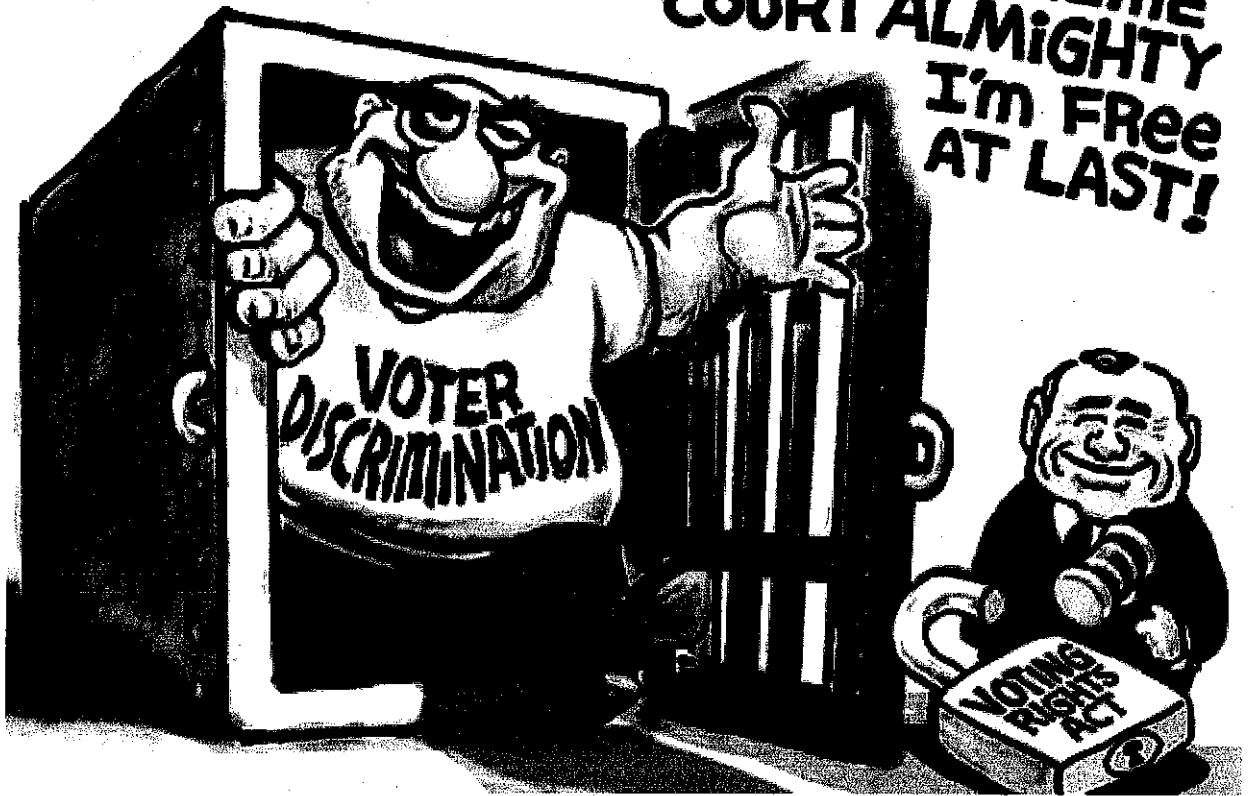
CARTOON ANALYSIS WORKSHEET

1. Does the cartoon have a title?
2. List the people and objects you see in the cartoon.
3. Are any of the people or objects on your list symbols? What do the symbols stand for?
4. Are there any dates or numbers in the cartoon?
5. Does the cartoon have words, and who is saying them?
6. Describe the action taking place.
7. Explain the cartoonist's message.
8. Can you think of any individuals or groups who would agree/disagree with the message?





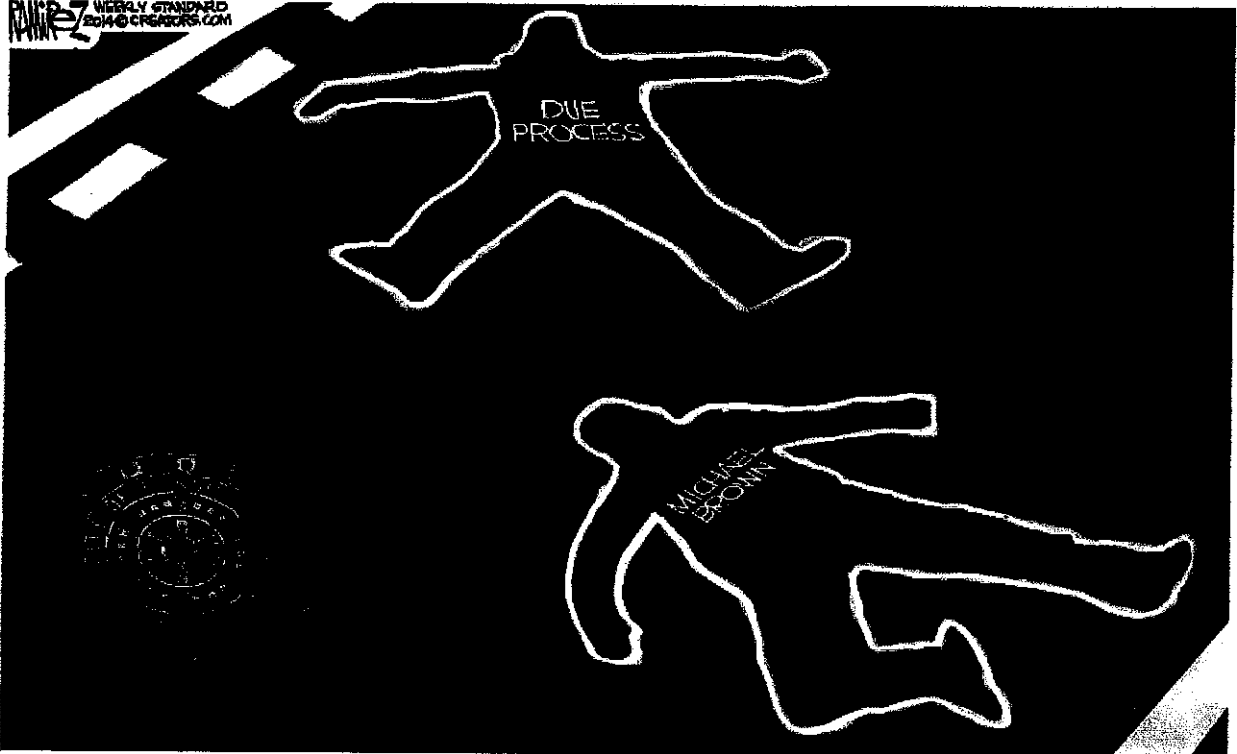
**FREE AT LAST! FREE AT
LAST! THANK THE SUPREME
COURT ALMiHTY
I'm FREE
AT LAST!**





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