

Lesson Plan: Comparative Government **The Evolution of Equal Protection Law**

Overview:

In this lesson, students will learn and demonstrate knowledge of the 14th Amendment's guarantee that every citizen be treated equally under the law. Students will examine landmark events in the area of equal protection of the laws, including Lincoln's issuance of the Emancipation Proclamation, passage of the 14th Amendment itself, and the Supreme Court's decisions in *Plessy v. Ferguson* and *Brown v. Board of Education*. Students will make a foldable timeline to use as a study tool for later assessment.

Materials:

PowerPoint Presentation tracing highlights of the evolution of equal protection law
Lyrics to Billie Holiday song "Strange Fruit"
Paper for foldables; instructions for folding

Aim/Essential Questions:

What efforts have been made in the United States to provide all citizens equal protection of the laws? What impact have these efforts had?

Background Information

Objectives:

1. Students will be able to list and explain the major developments in the area of equal protection of the laws in the United States, beginning with Lincoln's efforts in issuing the Emancipation Proclamation with special emphasis on the 14th Amendment's Equal Protection Clause.
2. Students will be able to explain and discuss the impact of the two major tests courts apply when evaluating equal protection claims – the rational basis test and the strict scrutiny test.
3. Students will construct a foldable timeline summarizing and illustrating landmark developments in equal protection of the laws.

Motivation:

Students will participate in a "think-pair-share" activity requiring them to study a photo taken during the arrest of Professor Henry Louis Gates in the summer of 2009 and write a short paragraph explaining what, if any, equal protection issues arose during this event. They will then turn to a classmate sitting next to them and share their thoughts on this issue. The teacher will then call on students to share their ideas.

Procedures:

1. Students will have been directed in the class prior to this one to read applicable textbook sections on the 14th Amendment's Equal Protection. After the warm-up activity, the teacher will transition to a Powerpoint presentation illustrating a chronology of equal

protection developments during different periods of U.S. history. Students will take notes and volunteer answers to questions posed by the teacher during the lecture.

The presentation will begin with a brief description of the evolution of Lincoln's policy toward the slaves during the Civil War. The teacher will describe how Lincoln was elected on a promise of not interfering with slavery where it already existed because he did not believe he had the constitutional authority to do so. Lincoln then emphasized offering compensation to states if they would free their slaves while simultaneously supporting plans to colonize slaves in Africa. By late summer 1862, Lincoln had decided to issue an proclamation of emancipation that would free slaves in rebel-occupied territory. He later he supported passage of the 13th Amendment in part because he feared the Emancipation Proclamation would be declared unconstitutional when the war ended.

The presentation will continue with the actual language of the 14th Amendment's Equal Protection Clause and a description of its early interpretation by the courts, including an outline of the Supreme Court's rational basis and strict scrutiny tests for evaluating claims of discrimination.

Next, the students will scrutinize Frederick Douglass's recognition in 1889 that Reconstruction had failed. Students will read his comments on the 26th anniversary of emancipation in D.C.

“[The former slave] is the victim of a cunningly devised swindle, one which paralyzes his energies, suppresses his ambition, and blasts all his hopes; and though he is nominally free he is actually a slave. I here and now denounce his so-called emancipation as a stupendous fraud – a fraud upon him, a fraud upon the world. It was not so meant by Abraham Lincoln; it was not so meant by the Republican Party; but whether so meant or not, it is practically a lie, keeping the word of promise to the ear and breaking it to the heart.”

The teacher will then highlight the rise of Jim Crow laws in the south, and the phenomenon of lynchings. To dramatize this, the teacher will distribute to the students the lyrics to Billie Holiday's song "Strange Fruit." The teacher will play the song (available on YouTube.com) while students read the lyrics. Visual images of Billie Holiday as well as infamous lynchings will be projected while the song is playing.

Before and after the description referred to above of the Jim Crow south, the teacher will profile the landmark Supreme Court decisions in *Plessy v. Ferguson* and *Brown v. Board of Education*.

After the Powerpoint presentation, the teacher will project classwork activity on the screen. Students will create a flip-chart foldable timeline highlighting the major events in the evolution of equal protection law. Students must label the front flap, label each of the visible borders, and create a simple illustration with bulleted points inside the flaps.

Summary/Wrap Up:

Teacher will solicit students' opinions about the future of equal protection. For example, will affirmative action soon disappear? Will a new group soon receive the benefit of equal protection? (for example, gays or women). Lastly, the teacher will pass out pre-printed "exit slips" asking them to summarize the main point of the lesson in one well-constructed sentence.

US/VA History 11th Grade

Materials

- Two sheets of printer paper, folded in half to form a booklet that should be stapled twice at the crease
- Regular and colored pencils

Instructions

Now that you have learned more about the Emancipation Proclamation, it's time to take a trip with President Lincoln to the summer home he stayed at while he was planning that important document. Study the map outlining the route President Lincoln usually took as he traveled to and from the Soldiers' home during the summers of 1862, 1863, and 1864. Assume you are riding with the President in his open carriage during the summer of 1863.

Create a **travel log** describing in writing five of the following sites ten sites that the President passed directly by or could see from his route. Make sure to include the White House and The Anderson Cottage in your five selections. Make your entries as detailed as possible, appealing to a range of senses (sites, sounds, smells, touch, etc.). What important role did each of these sites play during the Civil War? At least one paragraph is required for each entry. Next, illustrate each of your five sites, making your pictures are detailed, colorful, and relevant to the time period.

1. White House
2. Washington City
3. Walt Whitman's home (and Whitman himself)
4. Contraband camps
5. Seventh Street Turnpike
6. War hospitals
7. National Cemetery
8. Forts surrounding Washington
9. Soldiers Home
10. Anderson Cottage

Record your written descriptions and illustrations on the booklet you form by folding both pieces of unlined paper in half and stapling the crease. Holding this vertically, you will form a booklet. Make the first page your cover page and title it "My Ride with President Lincoln." After the cover page, make each of the following pages devoted to a separate site.

Remember: The White House and the Lincoln cottage are required for your booklet. The other three are up to you. Good luck!



“Strange Fruit”

Music and lyrics by Lewis Allan, 1940

Source: http://explorepahistory.com/images/ExplorePAHistory-a0a7g2-a_349.jpg

Southern trees bear a strange fruit
Blood on the leaves and blood at the root
Black body swinging in the Southern breeze
Strange fruit hanging from the poplar trees
Pastoral scene of the gallant South
The bulging eyes and the twisted mouth
Scent of magnolia sweet and fresh!
Here is a fruit for the crows to pluck
For the rain to gather, for the wind to suck
For the sun to rot, for a tree to drop
Here is a strange and bitter crop