Greetings from the Kansas Bar Association (KBA).

IN THIS ISSUE
Welcome ................................................................. 1
60th Anniversary of Brown v. Board of Education .................. 1
Lesson Plan: Learning to Respect Each Other .................. 2
Recent United States Supreme Court Affirmative Action Cases .......................... 4
60th Anniversary of the Landmark U.S. Supreme Court Decision
Brown v. Board of Education ...................................... 5
Timeline of Events Leading to the Brown v. Board of Education Decision, 1954 .... 5
Terrific Technology for Teachers ................................. 6

CALENDAR OF EVENTS
March 28-29, 2014 State Mock Trial Competition
May 1, 2014 Law Day

WELCOME

60TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

May 17, 2014, will mark 60 years since the United States Supreme Court decided the case of Brown v. Board of Education of Topeka, Shawnee County, Kan., 347 U.S. 483 (1954). Brown held that segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprives the children of the minority group of equal educational opportunities, in contravention of the Equal Protection Clause of the 14th Amendment.

Did you know that in 1954, the Topeka Board of Education was not embarrassed to have been selected as the test case out of many similar lawsuits in the nation? Being chosen to test the separate but equal theory validated the Board’s position that its facilities and other tangible factors were in fact equal, regardless of the race of the students. Of course, the Supreme Court decision effectively denied that legal basis for segregation in Kansas and approximately 20 other states.

The Brown decision is viewed by many as the most important legal decision of the 20th century. It not only initiated educational reform throughout the United States, but also served as a catalyst in launching the modern civil rights movement, which produced the major anti-discrimination laws we have today. Chief among these is the Civil Rights Act of 1964 that prohibits discrimination in employment and public accommodations on the basis of race, color, national origin, religion, and sex. 42 U.S.C. 2000e. The unifying characteristics of these protected classes include a history of longstanding, widespread discrimination, economic disadvantage, and immutable characteristics. Subsequent acts prohibit discrimination on the basis of age and disability.

QUERY

Your students are likely familiar with this part of Martin Luther King, Jr.’s speech during the march on Washington, D.C., August 28, 1963: “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.” Ask your students whether they think we have reached that point yet in our society or in your school. Are we a color-blind society? Should we be? Is race or color a non-issue

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at your school? Have you seen racial, religious, or sex discrimination at your school? Has the emphasis on diversity caused us to revert to making stereotypes and assumptions about persons based on skin color? Should college admissions or other programs be permitted to make a person’s race or skin color a factor that advantages them over another equally-qualified student? Is it OK to discriminate against a student based on their obesity, their purple hair color, the fact they drive a pick-up, their short stature, their meanness, or their acne?

**Lesson Plan**

**Learning to Respect Each Other**

*Lesson plan by Jackie Glassman, freelance writer and editor of educational material*  

**Objectives**

Students will understand the following:

1. Dr. Martin Luther King Jr. was a strong advocate of nonviolent protest and fought for civil rights for all Americans with an eloquence that can be found in speeches such as his famous “I Have a Dream” speech.
2. Throughout U.S. history, certain groups of people have been discriminated against for characteristics as superficial as the color of their skin. That racism still exists despite the passage of laws that make it illegal.
3. Stereotypes can lead people to make unfair judgments about individuals and groups.
4. Segregation is hurtful and unfair to those discriminated against.

**Materials**

The class will need the following:

- Dr. Martin Luther King Jr.’s “I Have a Dream” speech  
  (available online at [http://mlk-kpp01.stanford.edu/](http://mlk-kpp01.stanford.edu/))
- Notebooks or journals (one per student)
- Pens or pencils
- Chart paper
- Markers
- Take-Home Activity Sheet: Fighting De Facto Racism  
  (see printable version)

**Procedures**

Day 1

1. Read Dr. King’s “I Have a Dream” speech to the class. (The speech is available on the Martin Luther King, Jr., Papers Project site at [http://www.stanford.edu/group/King/](http://www.stanford.edu/group/King/))
2. After reading the speech, write the following quotation on the chalkboard:

   “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.”

   Ask the class what they think that quote means and jot their ideas down on the chalkboard.

3. Follow up the discussion of Dr. King’s quote by explaining to students that throughout American history, minorities have been discriminated against and judged for characteristics as superficial as the color of their skin. Talk about some examples of discrimination in our nation’s past. Here are some examples:
   - In the 17th and 18th centuries, millions of African-Americans were taken from their homeland and forced into slavery.
   - For many years, Native Americans were forced from their land by European settlers who immigrated to America.
   - Japanese American citizens were unfairly imprisoned in camps in the United States during World War II simply because their ancestry was Japanese and the United States was in a war against the country of Japan.

4. Explain that our nation has made great strides fighting discrimination, such as
   - The passage of the 13th Amendment to the constitution, which abolished slavery;
   - The 15th Amendment, which made it illegal to deny people the right to vote because of the color of their skin or their religious beliefs; and
   - The Civil Rights Act of 1964, which made it illegal to discriminate against other persons in a public place or facility based on their color, sex, or religion.

   But despite these tremendous accomplishments, racism still exists today.

5. Explain to students that discrimination, like the examples discussed above, can grow from assumptions and stereotypes that people make about others. Explain that an assumption is an idea that is taken for granted but not necessarily proven to be true. For example, it was assumed by European settlers that because the Native Americans looked different, spoke a different language, practiced different customs, and worshipped God differently, that they were somehow not as good or as “civilized” as the European settlers. How might assumptions have played a role in the other examples of discrimination mentioned above?

6. Now ask students to help define the word stereotype. Explain that when we make assumptions about an entire group of people, those assumptions are referred to as stereotypes. When assumptions and stereotypes influence our attitudes, we may find that making a fair judgment about someone or something is difficult. This influence on our judgment is called a bias.

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Day 2

8. Today’s lesson involves arbitrarily segregating students into two groups—a “majority” group and a “minority” group—during the course of one school day. Before beginning this lesson, teachers may want to send a letter home to parents that describes this activity. In the note, explain that in this experiment children will discover how stereotypes and biases toward others come about and how it feels to be discriminated against. If any parent is opposed to the idea of their child’s participation, then of course that child is excused from the exercise.

9. Prior to the mock segregation, inform students that this exercise is merely “acting.”

10. Segregate students on an arbitrary but visible criterion. For example, you can randomly assign red and blue stickers for students to wear on their clothing throughout the experiment. The reds will comprise a majority of the population; the blues will represent the minority. The minority will not be given the same privileges or opportunities as members of the majority, for example:

   • The majority (reds) will be given free time to read or talk quietly with friends. The minority (blues) will work and not have free time to relax.
   • The majority will be allowed to work together on projects, if they wish. The minority must work independently.
   • The majority will get questions answered first. The minority will be called on last.
   • The majority will be dismissed first for lunch, recess, and at end of day. The minority will be dismissed last.

NOTE: The “privileges” above will be exercised during the course of one full school day. To ensure that everybody has an opportunity to be in the majority and in the minority, you may want to switch groups halfway through the day or make this a two-day exercise.

11. Have all students keep a personal journal throughout the mock segregation. Encourage them to take notes on the dynamics of segregation and discrimination, noting how it feels to be a member of the privileged group and what it feels like to be discriminated against.

Day 3

12. Break the red and blue groups into smaller subgroups of three or four students each. All the students within a subgroup must be from the same original group. (Therefore, reds should be with other reds and blues with blues.)

13. In their small groups, have students share their ideas and thoughts on the mock segregation experiment using their journals for reference. On chart paper, have a recorder in each group write down what they felt was the most striking aspect of the mock segregation experiment. What did they find most disturbing or hurtful? What was most memorable?

14. Invite each group to report its findings to the whole class.

15. Conclude the three-day lesson plan by looking back at Dr. King’s quote and students’ notes about the quote. Is there anything more they’d like to add? Have students discuss what they’ve learned about discrimination. What didn’t they know or truly understand before the experiment?

16. As a homework assignment, pass out copies of the “Take Home Activity Sheet: In the Words of Martin Luther King, Jr.” In this activity, students will be asked to look at quotes taken from King’s “I Have a Dream” speech and describe King’s message in their own words.

ADAPTATIONS

Younger children may have a difficult time understanding the mock segregation experiment, so focus the lesson plan instead on Martin Luther King Jr’s “I Have a Dream” speech. Explain to children who Dr. King was and why he’s an American hero. Tell students that Dr. King embraced the idea of “nonviolent resistance” to protest discrimination in America. Explain that “nonviolent resistance” is done without yelling or fighting, and that it is a way of protesting against something that a person doesn’t believe in without hurting other people. As you read the speech aloud, point out some of the images Dr. King had for the future. Encourage children to make illustrations to go with the speech.

DISCUSSION QUESTIONS

1. Where have you observed racism? How did it make you feel?
2. Define the ideas of civil disobedience and nonviolent resistance that Martin Luther King, Jr., embraced. Do you think his tactics would work today? Why or why not?
3. How might the media (newspapers, TV, movies, advertisements) perpetuate unfair racial stereotypes? What can these sources do to eliminate racial bias?
4. The Civil Rights Act of 1964 made it illegal to discriminate against a person in a public place or a federally funded business based on color, sex, or religious beliefs. Do you think this law has completely eliminated racism in public places, such as restaurants, hotels, and businesses? Why or why not? What factors still play a role in racial discrimination?
5. Imagine you observe a classmate being discriminated against by other students because of some physical attribute, like skin color. What do you do? What could you say to the students who are being mean to their classmate?
6. Sometimes people make assumptions about an individual based on that person’s skin color or religion. Why is that unfair? How do assumptions affect people’s behavior toward others?

EVALUATION

You can evaluate students using the following three-point rubric:

• Three points: Active participation during discussion of the “I Have a Dream” speech; keeps detailed, thoughtful notes in journal during mock segregation experiment; shares ideas during small group discussion; and participates in presentation of small group discussion notes to whole class.

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The Kansas Bar Foundation provided several new books and DVDs for the KBA Law Related Education Clearinghouse at Emporia State University. Visit www.ksbar.org/lre_resource to search the online directory.

**Recent United States Supreme Court Affirmative Action Cases**

In 2003, the Supreme Court ruled that the University of Michigan Law School could consider race in its admissions process as part of its efforts to achieve a diverse student body. *Grutter v. Bollinger*, 539 U.S. 306 (2003).

In 2013, the Supreme Court revisited affirmative action in the case of *Fisher v. University of Texas at Austin*. There, a white woman from Texas who was not accepted at the university alleged she had been a victim of racial discrimination because minority students with less impressive credentials than hers had been admitted. Fisher did not outlaw affirmative action, but held that affirmative action must be strictly reviewed. It explained that courts must strictly scrutinize the use of race and that a university’s use of race will be constitutional only if it is “narrowly tailored.” This means courts cannot simply rubber-stamp a university’s determination that it needs to use affirmative action to have a diverse student body. Instead, courts themselves need to confirm that the use of race is “necessary,” meaning there is no other realistic alternative that does not use race that would also create a diverse student body. Because the lower court had not done so, the Court sent the case back for the Fifth Circuit to determine whether the university could make this showing. The Fifth Circuit reheard the case in November 2013, but has not yet issued its decision.

**New this year:**
- Buddy Learns About Teasing (DVD)
- Real Life Teens: Bullies & Harassment On Campus (DVD)
- Real Life Teens: Cyber Bullying (DVD)
- Guns & Violence in Schools (DVD)
- Teens at Risk: Youth & Guns (book)
- Buddy Learns About Bullying Student Involvement Pack (book)
Dear Kansas Educators:

May 17, 2014, marks the 60th anniversary of the most important United States Supreme Court decision of the 20th century. By a unanimous vote the court struck down its own 1896 decision of Plessy v. Ferguson. Plessy had ruled that legislation allowing or requiring discrimination based on race in the use of public transportation was lawful as long as “separate but equal” facilities were provided. The Plessy ruling was applied to other public services, most notably public education.

Brown was the consolidation of five cases from Kansas, South Carolina, Virginia, Delaware, and the District of Columbia. It was the culmination of a long struggle by civil rights crusaders to convince the Supreme Court, and the people of the United States, that racial segregation of schools violated the rights of Americans guaranteed by the 14th Amendment to the Constitution of the United States.

The key ruling by the Court was simply that racial segregation of public schools was wrong. The Court said, “Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does…”

The striking down of racial discrimination in public schools by the Brown case eventually led to the striking down of many other laws that discriminated on the basis of race.

In 2004 the Kansas Bar Association produced a video on the Brown oral arguments in the Supreme Court. The justices and lawyers involved in Brown were played by Kansas judges and lawyers.

We encourage teachers to use the video to help explain this important part of American history. We also urge you to use other KBA videos to explore the cases of Miranda v. Arizona (the right to counsel and the right to remain silent), New York Times v. Sullivan (freedom of the press), and The Short Story of Sam Snead’s Search at School, (search and seizure).

Sincerely,

Judge G. Joseph Pierron, Jr.
Kansas Court of Appeals

Please contact Anne Woods, Public Services Manager, to request a free copy of the DVD and teacher materials at awoods@ksbar.org. These DVDs are free as a public service made possible by funding from the Kansas Bar foundation.

Full descriptions of available DVDs and links to materials are available at www.ksbar.org/brownvboard.

Timeline of Events Leading to the Brown v. Board of Education Decision, 1954

http://www.archives.gov/education/lessons/brown-v-board/timeline.html

This link provides a far more detailed timeline of events leading to the Brown v. Board of Education decision than what can fit in an issue of Law Wise. Please look at the link above to find out more about important cases preventing equal rights, and more importantly, promoting equal rights in the United States.
**Terrific Technology for Teachers**

**Brown v. Topeka Board of Education Oral History Collection at the Kansas State Historical Society**
This collection provides a look at the background surrounding the *Brown v. Board* case from some who were involved with the cases before they reached the Supreme Court or who were affected by the ruling. Those interviewed include former students, community leaders and activists, attorneys, judges, and others.

[bitly.com/BrownFindingAid](bitly.com/BrownFindingAid)

**Brown v. Board of Education Oral Arguments, reenacted by Kansas Judges and Attorneys**
This DVD, produced by the Kansas Bar Association, recreates part of the oral arguments in the *Brown v. Board* case. Teacher materials included. Time 74:44 minutes. Contact Anne Woods at awoods@ksbar.org to request a copy.

**Play Argument Wars: Select Brown v. Board of Education**
[www.icivics.org/games/argument-wars](www.icivics.org/games/argument-wars)

**Street Law: Landmark Cases**

**Brown Foundation**
[http://brownvboard.org](http://brownvboard.org)

**Supreme Court of the United States Blog:** “The Global Impact of *Brown v. Board of Education*”
[bitly.com/GlobalImpactBrownVBOE](bitly.com/GlobalImpactBrownVBOE)

**The National Archives: Teaching with Documents Related to *Brown v. Board of Education***

**Smithsonian National Museum of Natural History Power of Precedent: Separate is Not Equal**
[bitly.com/SeparateNotEqual](bitly.com/SeparateNotEqual)

This site includes lesson plans and materials related to the Jim Crow laws.
[bitly.com/JimCrowLawsDiscrimination](bitly.com/JimCrowLawsDiscrimination)