Grades: High School
Subject: U.S. History, African American History, English Language Arts
Time Required: 2 60-minute class periods
Author: Teaching with Primary Sources—MTSU

OVERVIEW
The legal fight to combat segregation in public education began long before Linda Brown was denied entrance to the elementary school closest to her neighborhood based on her race. Beginning in the 1930s, Charles Hamilton Houston and many of his Howard Law School students designed a legal strategy to methodically attack the legal underpinnings of segregated education beginning with universities and graduate schools. Each case built a new legal precedent that allowed this fight to extend to all of public education, which culminated in the Supreme Court’s 1954 Brown v. Board of Education decision that ruled that segregation in public education violated the Fourteenth Amendment.

UNDERSTANDING GOAL
Students will understand the importance of select legal cases that led up to the Brown decision, how those cases used the Fourteenth Amendment to build their arguments, and the role of social science in the Brown decision.

OBJECTIVES
Students will:
- Read and analyze a variety of primary sources including legal documents, oral history clips, and photographs to build their understanding;
- Work collaboratively and analyze how the Fourteenth Amendment was applied in different court cases;
- Write a reflection on the overall significance of Brown and the related cases.

INVESTIGATIVE QUESTION
How did the legal victories leading up to Brown v. Board of Education lay a foundation to attack segregation in public education more broadly? What is the significance of Brown?

CURRICULUM STANDARDS
African American History
AAH.39 Explain how legal victories prior to 1954 inspired and propelled the Civil Rights Movement. C, H, P

U.S. History
US.78 Examine the decision and impact of Brown v. Board of Education on desegregation. (T.C.A. § 49-6-1006) C, E, G, H, P, T, TCA

English Language Arts
11-12.RI.KID.1 Analyze what a text says explicitly and draw inferences; support an interpretation of a text by citing and synthesizing relevant textual evidence from multiple sources.
11-12.RI.IKI.7 Evaluate the topic or subject in multiple diverse formats and media.
11-12.RI.IKI.8 Evaluate how an author incorporates evidence and reasoning to support the argument and specific claims in a text.
11-12.SL.CC.1 Initiate and participate effectively with varied partners in a range of collaborative discussions on appropriate 11th -12th grade topics, texts, and issues, building on others’ ideas and expressing one’s own clearly and persuasively.
**CURRICULUM STANDARDS CONTINUED**

**English Language Arts**

11-12.SL.CC.2 Integrate multiple sources of information presented in diverse media formats in order to make informed decisions and solve problems; evaluate the credibility and accuracy of each source and note any discrepancies among the data.

11-12.W.RBPK.7 Conduct and write short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem by narrowing or broadening the inquiry when appropriate, synthesizing multiple sources on the subject, and demonstrating a new understanding of the subject under investigation.

**MATERIALS**

- Case Summary Worksheet
- Chromebooks or tablets for students *(optional)*

**RESOURCES**

- NAACP’s Chief Strategist Charles Hamilton Houston
- Memorandum for the Joint Committee of the NAACP and the American Fund for Public Service, Inc., October 26, 1934.
- Robert L. Carter oral history interview conducted by Patricia Sullivan in New York, New York
- Founding of the NAACP Legal Defense and Educational Fund
- Murray v. Maryland, 1936
  - Thurgood Marshall and Charles Houston with their client Donald Gaines Murray during court proceedings
  - Published opinion
  - Summary

- Missouri ex. Rel. Gaines v. Canada, 1938
  - Charles H. Houston to Walter White, May 24, 1938
  - Summary

- McLaurin v. Oklahoma, 1950
  - George W. McLaurin Segregated to the Anteroom
  - Summary

- Sweatt v. Painter, 1950

- The Henderson, McLaurin and Sweatt Cases
- Summary

- Brief of the Attorneys for the Plaintiffs in Brown

- Psychological Effects of Racism

- Dr. Kenneth Clark conducting a “Doll Test” with young male child


- Warren's Reading Copy of the Brown Opinion, 1954

- Brown v. Board at Fifty: “With an Even Hand” - The Aftermath
## Procedure

<table>
<thead>
<tr>
<th>Day 1</th>
<th>Step 1</th>
<th>Begin class with a quick fact-storm to review students on the following: 14th Amendment (Equal Protection Clause), <em>Plessy v. Ferguson</em>, segregation, and the NAACP. Students need to have a basic understanding of each of these before proceeding.</th>
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<td>Step 2</td>
<td>Introduce students to <strong>Charles Hamilton Houston</strong>. After providing a brief biography of Houston, have students read the second and third paragraphs of <em>Memorandum for the Joint Committee of the NAACP and the American Fund for Public Service, Inc., October 26, 1934</em>. Why does Houston want to concentrate their efforts on fighting segregation in education?</td>
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<td>Step 3</td>
<td>Play a short segment from <em>Robert Carter’s oral history</em> (36:28 to 38:35). How did Houston plan to fight segregation in education? After the video, discuss the students’ responses.</td>
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<td>Step 4</td>
<td>Introduce the <strong>NAACP Legal Defense Fund</strong> (NLDF). Be sure to explain to your students that Houston’s students from Howard Law, most notably Thurgood Marshall, worked for and ran the NLDF.</td>
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<td>Step 5</td>
<td>Divide students into four groups. Each group will be assigned a different court case that either Houston or the NLDF pursued that laid the foundation for the <em>Brown v. Board of Education</em> decision. Students will need to analyze their primary and secondary sources. Each group will be responsible for presenting to the class a summary of the case and how it advanced Hamilton’s plan to fight segregation in education. Each group will complete a case summary worksheet to organize their analysis and summary. You may choose to have each student complete a worksheet as they analyze a portion of their group’s source material and then have each group compile individual responses into one for presentation.</td>
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- **Murray v. Maryland**, 1936
  - Thurgood Marshall and Charles Houston with their client Donald Gaines
  - Murray during court proceedings
  - Published opinion (Note: Students should focus on pages 1-3 of this document)
  - Summary
- **Missouri ex. Rel. Gaines v. Canada**, 1938
  - Charles H. Houston to Walter White, May 24, 1938
  - U.S. Reports: *Missouri ex. rel. Gaines v. Canada*, 305 U.S. 337 (1938). (Note: Students should focus on pages 1-2 of this document.)
  - Summary
- **McLaurin v. Oklahoma**, 1950
  - George W. McLaurin Segregated to the Anteroom
  - U.S. Reports: *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950). (Note: Students should focus on page 1 of this document.)
  - Summary

*This step continued on next page...*
Step 5 (cont.)

- *Sweatt v. Painter*, 1950
  - *The Henderson, McLaurin and Sweatt Cases*
  - *U.S. Reports: Sweatt v. Painter*, 339 U.S. 629 (1950) *(Note: Students should focus on page 1 of this document.)*
- Summary

Step 6
Allow each group to present their findings.

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**Thurgood Marshall**

[1957 September 17]

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Day 2

Step 1
Review the conclusions drawn by each group from the previous day’s work. How did the four cases they analyzed advance Houston’s plan to fight segregation in education?

Step 2
Explain that the success of these previous cases allowed Thurgood Marshall and the NLDF to pursue challenging segregation in K-12. Have the class analyze Brief of the Attorneys for the Plaintiffs (Charles E. Bledsoe, Charles Scott, Robert L. Carter, Jack Greenberg, and Thurgood Marshall) in the case of Oliver Brown, . . . delivered in the United States Court for the District of Kansas, June 1951. What is the argument that Marshall is laying out? How is his approach different than Houston’s?

Step 3
To help build their case, Marshall enlisted the services of Dr. Kenneth Clark, a social psychologist. Provide your students with some context on Dr. Clark from “Psychological Effects of Racism.” *(Note: You will need to scroll down just a bit on the page to find this entry.)* Have students analyze the third paragraph of The Genesis of Racial Identification and Preferences in Negro Children, 1940 and the image Dr. Kenneth Clark conducting a “Doll Test” with young male child. *(Note: Click on the image to expand for better viewing.)* How does Dr. Clark’s work help to build a legal case against segregation? The testimony of social scientists was central to building the Brown case and provided the framework needed to push the case to the U.S. Supreme Court.

Step 4
In May 1954, the Supreme Court issued their ruling in the *Brown v. Board of Education* case. Distribute copies of Justice Earl Warren’s reading copy of the decision for student analysis. As students read, have them highlight the key phrases. How does the outcome of the case compare with Marshall’s initial goal from the 1951 brief?

Step 5
Have students write a reflection on the work of Houston, Marshall, and the NLDF. What is the significance? How did this work lay a foundation for the civil rights movement? Depending on time, you may elect to have students research the aftermath of the Brown decision and write a longer essay addressing the question of significance and long-term impact.
EVALUATION

Group Work – 40%
  Case Summary Worksheets
  Presentation
Significance of Brown Reflection written assignment – 40%
Class Discussion – 20%

EXTENSION

- Have students research the history of school desegregation in their school district and create a class exhibit to share their findings.
- Have students explore the current work of the NLDF and identify the priorities of their work. How have the priorities of the organization evolved since 1954?

Clinton, TN. School integration conflicts
[1956 Dec. 4]

Miss Mary Brent, principal of Glenn School, greets pupils, both white and Negro, in a previously all-white school [1957]

U.S. Troops escort African American students from Central High School, Little Rock, Arkansas, [October 3, 1957]
Case Summary Worksheet

1. Who were the parties involved in the case?

2. What was the case about?

3. What was the outcome?

4. How does this case align with Charles Hamilton Houston’s strategy?