



AMERICAN  
CONSTITUTION  
SOCIETY FOR  
LAW AND POLICY

Constitution in the Classroom

Lesson Plan

## The Fourteenth Amendment

### Elementary School

- Description:** This unit introduces students to the 14<sup>th</sup> Amendment and the decision of *Brown v. The Board of Education of Topeka, Kansas* decision.
- Objectives:** (1) Familiarize students with the facts of *Brown v. Board*; (2) Introduce them to the concept of Equal Rights; and (3) Leave them with an understanding of the Constitution and that the rights outlined in the Constitution have not always applied equally to everyone, but that we can work to make sure they do in the future.
- Lesson Length:** 30-45 minutes
- Age Group:** 3<sup>rd</sup> – 6<sup>th</sup> Grades

### About Constitution in the Classroom

Lawyers, law students, and educators have a valuable resource to share with students: knowledge and appreciation of the Constitution. Constitution in the Classroom brings ACS members into high school, middle school, or elementary classrooms to raise awareness of fundamental constitutional principles and excite young minds about their constitutional rights and responsibilities.

### About the American Constitution Society for Law and Policy

Founded in 2001, the American Constitution Society realizes the promises of the U.S. Constitution by building and leading a diverse legal community that dedicates itself to advancing and defending democracy, justice, equality, and liberty; to securing a government that serves the public interest; and to guarding against the abuse of law and the concentration of power.

As we celebrate our 20<sup>th</sup> anniversary, the American Constitution Society (ACS) continues to be the nation's leading progressive legal organization, with over 200 student and lawyer chapters in almost every state and on most law school campuses. In addition to shaping debate on key legal and policy issues, ACS is building the bench for the next generation of progressive lawyers, judges, policy experts, legislators, and academics.

## I. Constitutional Basics

When our country first began, the Founding Fathers got together and decided to write a set of rules for running the new government. They met in Philadelphia, Pennsylvania, in 1797 and wrote a set of rules about how Congress, the President, and the States should work. They called it the United States Constitution.

**Q:** **What are some other types of rules you know about?** *Guide the students to understand the similarity between rules for our government and the rules for games and classroom behavior.*

After the Founding Fathers wrote rules for the government, then they realized something was missing: rules for the people. So they went back to work and added 10 more rules, or amendments, to fix the Constitution. These 10 rules make up what is called the Bill of Rights. However, the Amendments in the Bill of Rights did not protect all people in the United States. Black, Brown, and Indigenous people did not have the same protections as white people. After the Civil War, three new amendments were added, the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>, to make slavery illegal and to make sure the government could not get carried away and help make sure that everyone was considered equal under the law.

Unfortunately, the three new amendments did not automatically give everyone equal rights. It took a number a court cases, the civil rights movement, and takes continued legal action today to get us closer to that reality. Today, we are going to talk about one case that helped make public schools open to all children.

## II. The Brown v. Board Case

This is a true story about a little girl named Linda Brown. She lived with her dad, mom, and two younger sisters in Topeka, Kansas. She attended Monroe Elementary School. To get to school, Linda would walk between the train tracks that went through a railroad-switching yard, which was a dangerous place for children to be walking. When she reached the bus stop, she often had to wait about 30 minutes in the cold or rain for the bus to take her the next 21 blocks to school.

One day her father took her to a different school, called Sumner Elementary School. It was much closer to their house, and her father wanted to enroll her there. The principal told her dad that Linda could not come to Sumner Elementary because only white students were allowed to attend, and Linda was black. Linda's dad was very hurt and didn't think that this was fair to Linda or any other black child.

There is an organization called the National Association for the Advancement of Colored People (NAACP). This group fights for equal rights for black people. Linda's dad decided to go to the NAACP for help to get Linda enrolled at Sumner.

The law at that time said it was OK for black students not to attend the same schools as white students. The law said that if the schools were equal, then it was fair for black children and white children to attend separate schools. Linda's dad did not agree that the schools were equal for his daughter, and he agreed to fight for the law to be changed. He and others felt that because the

children were separated, the schools were not equal. Linda's dad and the people working with the NAACP all believed that separating children could make them think they were different from one another. They also argued that black children and white children playing and learning together could help them be able to work well together when they grew up.

Many people did not want to change the schools. Some people were afraid of change, and some people were prejudiced. They did not want all the children to go to the same school, even if the school was closer to their homes. The black lawyers from the NAACP decided to go to court to change the law that said "separate but equal" is fine for schools. A famous black lawyer, Thurgood Marshall, decided with a group of other black lawyers to fight against segregation, or the separation of black children and white children.

The case that the lawyers took to court was named *Brown v. Board of Education of Topeka, Kansas*. It was named "Brown" after the Brown family, but the case included the stories of four other black children who could not enroll in their neighborhood school because of their color. On May 17, 1954, almost a year later, the Supreme Court justices ruled that separate is not equal and that children of all races should be allowed to go to school together.

This ruling changed schooling for all children. Now it was OK not only for Linda Brown to attend Sumner Elementary but also for all children in the United States to attend the school closest to their home. Today teachers of all races and backgrounds work together at the same schools and children from various races, backgrounds, and cultures get to know one another in school and learn together (*California Department of Education*, <https://www.cde.ca.gov/ci/hs/im/brownvboardk3.asp>).

### III. Understanding the Fourteenth Amendment

The Fourteenth Amendment is the Constitution's longest amendment, with over 200 words. It is one of the most common parts of the Constitution to be debated in American courts, including the U.S. Supreme Court. The Fourteenth Amendment consists of five sections, with the first section guaranteeing American citizenship to anyone born or naturalized in the United States, due process in courts of law, and equal protection under the laws. The *Brown v. Board of Education* case focused on equal protection under the laws guaranteed in the 14<sup>th</sup> Amendment.

#### **Section 1, Fourteenth Amendment, U.S. Constitution:**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## Discussion

- Q:** **What does it mean when a person has “rights?”** *It means they are guaranteed certain things by the Constitution and that the government cannot take those things away from them.*
- Q:** **How would you feel if you were Linda Brown?**
- Q:** **What does “equal” mean to you?** *People are obviously very different, so what, exactly, do we mean by “equality”? Equality of opportunity? Equal treatment under law?*
- Q:** **How different would it be today if schools were still segregated and how would you feel if schools were still segregated?** *Even though the Supreme Court said in Brown v. Board of Education that schools could not be segregated, many schools still are. This happens because of residential and class segregation where people are divided because of where they live and how rich they are.*
- Q:** **How do you think we can end segregation in schools today?**