

# RACIAL DISCRIMINATION

High School level

Grade	Strand	Standard	Code	Benchmark
9	History	Historical Perspectives	9.4.19.11	U.S. History Era 5
9	History	Historical Perspectives	9.4.19.12	U.S. History Era 6
9	History	Connecting Past and Present	9.4.22.11	U.S. History Era 5
9	Geography	Culture	9.3.17.3	Explain the social construction of race and how it was used to oppress people of color.
9	Ethnic Studies	Identity	9.5.23.1	Analyze how the definitions, identifications and understanding of racial and ethnic groups have changed over time as a result of politics.
9	Ethnic Studies	Identity	9.5.23.3	Investigate the connection between language and power and how it has benefitted or been used against various racialized and ethnic groups.
9	Ethnic Studies	Resistance	9.5.24.2	Examine the characteristics of freedom movements. Develop an analysis of racial capitalism, political economy, anti-Blackness, Indigenous sovereignty, illegality and indigeneity.
9	Ethnic Studies	Ways of Knowing/Methodologies	9.5.25.4	Explore how criminality is constructed and how social, political and legal systems define a person as a criminal, and the possible impact of that label on individuals and communities.

**Core Concept:** How has the Supreme Court's approach to racial discrimination changed over time, and what roles do the courts, legislatures, and citizens play in improving racial justice?

### Preliminary Activities

- Use the following links to read about three important cases relating to racial discrimination:

Dred Scott v. Sanford, 60 U.S. 393 (1857):

<https://www.archives.gov/milestone-documents/dred-scott-v-sanford>

Plessy v. Ferguson, 163 U.S. 537 (1896):

<https://www.oyez.org/cases/1850-1900/163us537>

Brown v. Board of Education, 347 U.S. 483 (1954)

[https://www.law.cornell.edu/wex/brown\\_v\\_board\\_of\\_education\\_\(1954\)](https://www.law.cornell.edu/wex/brown_v_board_of_education_(1954))

- Read the text of the Thirteenth Amendment to the United States Constitution here: <https://constitution.congress.gov/constitution/amendment-13/>
- Read the text of Section 1 of the Fourteenth Amendment to the United States Constitution here: <https://constitution.congress.gov/constitution/amendment-14/#amendment-14-section-1>

### Discussion Questions

1. What are your initial reactions to the Supreme Court rulings in the Dred Scott, Plessy, and Brown cases?
2. The Dred Scott decision is considered one of the worst rulings in the Supreme Court's history. How was the decision overturned?
3. In Plessy and Brown, the Supreme Court reached different conclusions about whether racial segregation violates the Fourteenth Amendment right to equal protection. Why do you think the cases were decided differently?
4. Can you think of examples where racial discrimination or segregation continues to exist in our country? How about in your state, community, or school?
5. Courts, legislatures, and citizens all play a role in achieving racial justice. What actions can you as students take to create change and improve racial justice in your school, community, state, or country?

6. The legal team for the plaintiffs in Brown included African American attorneys Thurgood Marshall and Constance Baker Motley. Marshall later became the first African American justice on the United States Supreme Court. Baker Motley became the first African American woman elected to the New York senate and the first African American woman to become a federal judge.

Learn about Marshall and Baker Motley by viewing these links, and then answer the questions below.

Justice Thurgood Marshall Profile: <https://www.uscourts.gov/educational-resources/educational-activities/justice-thurgood-marshall-profile-brown-v-board>

Breaking Barriers: Constance Baker Motley: <https://www.icivics.org/videos/breaking-barriers-constance-baker-motley>

- Do you think Marshall and Baker Motley's race helped to make them effective advocates for civil rights when they were attorneys? Why or why not?
- Do you think Marshall and Baker Motley's race impacted the way they viewed and decided cases when they were judges? If so, how?
- What are some benefits to the legal system of having attorneys, judges, and legislators from diverse races, genders, religions, and socioeconomic backgrounds?

### Taking It Further

In Brown, the Supreme Court held that school segregation was "inherently unequal" because separating Black children from others solely because of their race "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." In reaching this conclusion, the Supreme Court cited to a social science experiment conducted in the 1940s known as the "Doll Test."

Research the Doll Test and answer the following questions:

- Who conducted the Doll Test?
- What was the purpose of the experiment?
- What did the results show?
- How did the results help to strike down the "separate but equal" doctrine in Plessy?

Do you think the Doll Test is still important in today's society? Explain your answer.

---