LAW DAY 2004
PLANNING GUIDE

The Road to Brown
Talking points for great speeches
Law Day success in 10 steps
Take Law Day to schools
Tips from the experts
Find out how the pros do it
Contests & awards

TO WIN EQUALITY BY LAW: Brown v. Board at 50
The founder of Law Day, Charles S. Rhyne, died earlier this year. As President of the ABA almost a half a century ago, he introduced the concept of a day especially set aside to honor the rule of law and to demonstrate that “respect for the rule of law is the key to individual freedom and justice.”

In 1958, Rhyne established the first Law Day and presented a draft of the first presidential proclamation in support of Law Day. President Eisenhower issued that Law Day proclamation—and every President has issued one since.

Rhyne felt that Law Day could help Americans understand and appreciate the blessings of liberty under law. He wrote:

“They are the birthright of every citizen: the right to equal protection of the law. For it is the rule of law that is the bond of individual freedom and justice. The phrase ‘Equal Justice Under Law’ is our creed and birthright. Our Constitution guarantees every citizen equal protection under the law. Not some protection, but equal protection. And this means equal justice under the law to the poor and to the rich, to the weak and powerful alike.”

Charles Rhyne was a visionary who worked ceaselessly both to improve the law and to help his fellow citizens better appreciate it. He was blessed with a long life and a career filled with accomplishments. He will be missed.

“The phrase ‘Equal Justice Under Law’ is our creed and birthright.”

Charles S. Rhyne
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Credits
Standing Committee on Public Education
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CHAIR’S MESSAGE: commemorate Brown

The Quest for Equality

This year, Law Day will celebrate the 50th anniversary of one of the U.S. Supreme Court’s most important cases, Brown v. Board of Education, decided on May 17, 1954, changed the civil rights landscape in America forever. Brown showed that resolute citizens, served by dedicated lawyers, can strike powerful blows against social injustice through law and the courts. And even in ruling that the Constitution forbids laws segregating public schools by race, Brown raised questions about equal opportunity and equal protection of the law that Americans are still struggling to answer.

We’re telling the story of Brown in words and pictures in this planning guide. A special pull-out section beginning on page 31 contains helpful background information on the four cases that were decided in Brown, fleshing out both their human and legal dimensions. Feel free to reproduce this section and distribute it to participants in your Law Day events.

Because of the wealth of images offered by our theme, we’re using historical photos from the Brown era throughout the publication. You’ll find them at the beginning of each section of the guide. We’ve left the images without captions so that they’ll be stronger visually and suitable for posting around a classroom or framing. You’ll find their captions on page 34 of the guide.

The sections of the planning guide look at

- Planning tips, so that bar associations, courts, schools, and community groups can work together to make the Brown celebration and Law Day a special, high-profile event (see page 7);
- Publicizing Law Day with the help of the media (page 13);
- Teaching about Brown v. Board of Education and the rule of law, along with special tips on enlisting the schools in the effort and making the most of classroom visits (page 19);
- Community outreach, with Law Day programs for the general public on Brown and the issues it raises (page 27);
- Speaking on Law Day, with the help of our talking points on equality, the road to Brown, and contemporary issues (page 37);
- Winning recognition by entering our awards and contests (page 43).

As always, our help for you goes beyond what’s in this book. You’ll find additional material on our theme, as well as information on programs from your colleagues around the country and updates on the latest developments, on our website, www.lawday.org.

We hope this planning guide will help you plan a Law Day that will give this landmark case—and the issues it raises for our society today—the prominence it so richly deserves.

Please let us know about your programs so we can help publicize them on our website and help others learn from them. Please share your photos and program descriptions of Law Day 2004 by e-mailing them to abapubed@abanet.org or by mailing them to Law Day, 15.3, 541 N. Fairbanks Court, Chicago, IL 60611-3314. Let us know what you are doing and how we may help you.

David A. Collins
Chair
Law Day 2004
Interview with ABA President
Dennis W. Archer

Why is commemoration of the decision in Brown v. Board of Education appropriate on Law Day?
Commemorating Brown is appropriate because it is entirely consistent with educating our nation’s young people about a historic decision by this nation’s Supreme Court, which finally ended segregation in our school systems. Law Day also provides a good opportunity for adults to reflect on Brown. I find that sometimes many adults, including myself, forget important events in our respective lives or in our country’s history, until we are reminded of them by recognizing or acknowledging them. For example, we have been celebrating for a number of years the life and legacy of Dr. Martin Luther King Jr. on the third Monday of January. If there was not a federal holiday, I’m sure that many people would have forgotten his impact.

When Brown v. Board of Education was handed down, do you think people saw the decision as a precursor of broader social change?
People certainly appreciated that the decision meant the beginning of the end of legislated segregation in public schools. That in itself was a revolutionary social change for much of the country. Fewer people saw how the decision would spark demands for justice in other contexts, in areas like voting rights, gender equity, and protections for disabled Americans. The spirit of Brown deserves much of the credit for the country’s achievements in social justice, and it continues to inspire the push for progress.

So do you think the promise of the decision has been fully realized?
No. Not in my view. The decision in Brown set forth the law, but you still need the people to respect the rule of law and embrace it to assure equality of education, especially in our public schools. However, I do believe that many things have occurred as a result of Brown and as a result of the work of those outstanding lawyers who followed the work of attorney Thurgood Marshall, who have used the Brown decision to open a lot of doors.

Is Brown still a relevant decision today?
There is no question that Brown is a seminal and important decision. It was the centerpiece of the Bakke decision that came out in 1978 [Regents of the University of California v. Bakke], and clearly it was on the minds of everyone when the University of Michigan cases [Grutter v. Bollinger and Gratz v. Bollinger] were argued and decided this past spring by a divided U.S. Supreme Court.

On Law Day this year, what can Americans reflect on?
On Law Day and on the 50th anniversary of Brown on May 17th, I think our nation can, as a whole, reflect on and consider how we might as a country and how we might as a people appreciate the contributions that ethnic minorities have made to world and American civilization. I hope the commemoration will cause us to reduce race as a negative factor and to look at race as something that is positive.

If you look at the world, the majority of people living in the world happen to be people of color. And if we are to be competitive and to work with one another and cause the world to be a better place in which to live, it is important that we have respect for one another and for the rule of law.
Before the Law, no rich, no poor, no high, no low, no black, no white ... equal rights for all.

Frederick Douglass

Join the Law Day Team

Through great Law Day programs, you can help people understand how law keeps us free and how our legal system strives to achieve justice.

Think of Law Day as more than just a single day to reflect on our legal heritage—make it a community-wide program that can encompass a week or more of activities for kids and adults.

This year’s theme gives you opportunities to conduct wonderful programs that will help the public understand not only Brown v. Board of Education but the enduring issues it raises.

America’s circuitous march toward equality has changed our society and our institutions in ways the founders could not have imagined, profoundly reshaping the nation’s attitudes and values along the way. The law has been instrumental in these changes and has been influenced by them in turn. Through law and the courts, one group of Americans after another has redefined “equality” in a fiercely contested process that may never be complete.

No milestone in this process is more important than the Supreme Court’s 1954 ruling in Brown v. Board of Education. The culmination of a long line of court cases brought by the NAACP, Brown not only struck down laws segregating public schools but also sounded the death knell for government-sanctioned segregation generally, made all Americans more aware of our Constitution’s promise of equality, and helped launch the civil rights movement.

Law Day 2004 will celebrate the 50th anniversary of this historic case. By commemorating the Court’s decision in Brown, Law Day can help illuminate the meaning of equality in our democracy and the role of law, advocates, and courts in establishing and protecting our rights.

Origins of Law Day: A Chronology

1957
American Bar Association (ABA) President Charles S. Rhyne, a Washington, D.C., attorney, envisions a special day for celebrating our legal system.

1958
President Dwight D. Eisenhower establishes Law Day U.S.A. to strengthen our great heritage of liberty, justice, and equality under law.

1961
May 1 is designated by joint resolution of Congress as the official date for celebrating Law Day.

Every Year
May 1 remains the official date, but Law Day often becomes Law Week (or Weeks!) as the ABA is joined by national organizations, state and local bars, businesses, and schools in conducting thousands of programs on the rule of law in a constitutional democracy.
Wide Support for Law Day 2004

The ABA is pleased that the following organizations have confirmed their support of Law Day 2004 and its theme: “To Win Equality by Law: Brown v. Board of Education at 50.”

Alliance for Justice
American Alliance of Paralegals, Inc.
American Association of University Women, Legal Advocacy Fund
American Civil Liberties Union (ACLU)
American Federation of Teachers
American Inns of Court Foundation
American Judicature Society
America’s Promise
Brown Foundation
Brown v. Board of Education National Historic Site
Center for Civic Education
Children’s Defense Fund
Close Up Foundation
Constitutional Rights Foundation
Constitutional Rights Foundation Chicago
Council on Legal Education Opportunity
Equal Justice Works (formerly NAPIL)
Families Against Mandatory Minimums
Federation of State Humanities Councils
Hispanic National Bar Association
Humanities Council of Washington, D.C.
International Association of Defense Counsel
League of Women Voters
Mexican American Legal Defense and Education Fund (MALDEF)
Migrant Legal Action Program
National Asian Pacific American Bar Association
National Asian Pacific American Legal Consortium
National Association for the Advancement of Colored People (NAACP)
National Association of Criminal Defense Lawyers
National Association of Women Lawyers
National Bar Association
National Center for Youth Law
National Community Education Association
National Council for the Social Studies (NCSS)
National District Attorneys Association
National Education Association (NEA)
National Low Income Housing Coalition
National Native American Bar Association
Organization of Chinese Americans
Phi Alpha Delta Public Service Center
Street Law, Inc.

(Organizations on the list above committed their support of Law Day 2004 on or before the 19th of November 2003.)

For more information, visit our website, www.lawday.org
History
Plan now to make a big impact on Law Day! The Brown anniversary will be commemorated everywhere, and Law Day should be a big part of the events. This section provides ideas on joint planning by bar associations, courts, and school and community groups, to ensure that Law Day is a community-wide event.

“Good planning helps to make elusive dreams come true.”

Lester R. Bittel

For more planning ideas access: www.lawday.org click on: planning guide
10 Easy Steps for Law Day Success

1. **Start Early.** Build your Law Day committee now. The longer you have to think about the theme and plan Law Day activities, the better your Law Day will be.

2. **Diversify the Committee.** Diversity of group members is key—if you have members from a range of fields, you’ll come up with more ideas, have more contacts, and increase the number of people reached by your Law Day. Include lawyers, judges, and representatives from local schools. In light of this year’s theme, reach out to civil rights groups and others in the community. To guarantee media coverage, include someone from the local newspaper or TV station.

3. **Go for Experience and Fresh Ideas.** You’ll want some old committee hands who have been involved before and know what it takes to get things done and some new members who can provide a fresh perspective and some new ideas. Bring in new committee members who have a particular interest in this year’s theme.

4. **Make Sure You Have Good Leadership.** You’ll want to elect a chair to lead the Law Day Committee, perhaps with a vice-chair to take over next year. But the people are probably more important than the structure.

5. **Set Goals.** Of course you’ll want to increase the number of students you reach and the number of entries you receive in your competitions. Think about new ways of reaching people, so you can improve attendance and interest in some of your older programs. Many Law Day planners try to add one new activity every year.

6. **Match Your Programs to Your Goals.** Think about how you can achieve your goals through programs. Brainstorm some options, keeping your target audiences in mind. Make sure you use the expertise of your committee members—school representatives can help align programs to curriculum goals and student interests; community representatives can work to align the program to their target audience. Make an effort to tie your programs to this year’s Law Day theme. Would any of your established programs work well with this particular theme?

7. **Divide the Workload.** Once you have some programs to work towards, start assigning the work! Depending on the size of your committee, you might want to create sub-committees to deal with programs, finances, and media. Staff members can provide support to volunteer committee members and should check in now and again to make sure everything is on track.

8. **Sign Up Sponsors and Partners.** This is a great Law Day to really work at bringing in some sponsors or partners to share the costs and enhance your programs. Libraries can provide you with facilities; media partners can help you with costs and publicity; local print shops can help you reduce your costs. Make sure that you share the goodwill by recognizing your sponsors in your publications and programs.

9. **Enjoy Law Day!**

10. **Evaluate.** Once Law Day is over and things have settled down, convene one final meeting for the year (or look at it as the first step in planning your next Law Day). Talk about what activities worked and what didn’t. Depending on the success of a program, you’ll need to decide whether you want to stick with it, expand it, or start afresh.
Tips from the Experts: Planners from across the country share their top tips for Law Day planning.

Susan Andres
Alabama State Bar Association
- Something that’s really worked for us has been having two committee chairs. That way the ball doesn’t get dropped if one person gets busy.
- This year we’d like to commemorate Brown v. Board by performing a drama based on the transcript of the case.
- Don’t get discouraged if you try a program and you don’t get much interest. If it’s a good idea, then it will grow from year to year.

Chris Cendagorta
Washoe County Bar Association (Nevada)
- Limit the scope of your programs and keep a narrow focus. If you start small and have the logistics in place and you have a successful program, then you can build on that.
- Staff should try and monitor the progress of the Law Day Planning Committee. Staff can help by providing support and can also make sure a Law Day program stays on track and doesn’t become an “octopus.”

Marcia Stribling
Nevada State Bar
- We assemble a small “planning team” made up of myself (the Law Related Education Coordinator for the Nevada State Bar), the Clark County School District’s social studies coordinator and her assistant, and the president of the Clark County Bar Association. Last year, the personnel for the school district sent out communications to high school teachers inviting them to participate in a Dialogue on Freedom.
- Given the problems of preparing (or not preparing!) the teacher and the participating attorneys for classroom visits, we plan to have a training or orientation session for the program this year.

Dan Cirucci
Philadelphia Bar Association
- This year, we’d like to get in touch with people in the area who were involved with the Brown case or with the Civil Rights movement. We’d like to recognize them on the anniversary of Brown v. Board, get them involved in Law Day, and make this story come alive.

Jan Jung
Sarasota County Bar Association (Florida)
- If you’re planning your first Law Day, the best advice I can give is: start small. Don’t try to do too much, but try to focus on quality programs.
- Look for folks you can collaborate with—for example, the League of Women Voters, community foundations, and cable TV stations.

Bret A. Bosker
Houston Bar Association
- Our main goal has always been to involve as many age groups and segments of the population as possible. Early on, it is important for our committee to decide the number of projects to be done. We also try to plan projects that we can replicate annually and that serve to educate, rather than a one-time project solely related to the Law Day theme.
Law Day 2004

Planning Timeline

First Steps
■ Create Law Day committee and select chair.
■ Establish a plan of action.

January, 2004
■ Identify community resources and contact potential partners and sponsors.
■ Select lessons for the schools and materials for the public.

February, 2004
■ Order ABA Law Day materials by February 16 to get 10% discount.
■ Make arrangements for mock trials, films, speakers, and courtroom tours.
■ Contact companies about sponsoring paid advertisements in support of Law Day.
■ Recruit volunteers.
■ Finalize participants, dates, and sites.

March, 2004
■ Order ABA Law Day materials by March 15 to get 5% discount.
■ Contact media for Law Day coverage.
■ Officially invite VIPs to programs.
■ Begin publicity campaign.

April, 2004
■ Order ABA Law Day materials by April 12 to guarantee delivery by Law Day.
■ Confirm all details of programs.
■ Print programs for events (forums, speeches, courthouse sessions).
■ Distribute materials to schools, lawyers, and other participants.

May, 2004
■ Celebrate Law Day!
■ Take lots of photos or have a professional photographer on hand.
■ Send thank-you letters to program participants and media.

June 11, 2004
A PICTURE IS WORTH A THOUSAND WORDS!

Posters continue to reinforce the themes of Law Day throughout the year. This year’s Law Day theme poster, as well as others, are available in the Poster Shop on pages 54–55.
The 50th anniversary of *Brown v. Board* gives you great publicity opportunities. This section gives you tips on making a big splash with your Law Day activities through radio and TV stations, newspapers, and other outlets.

**Kentucky** Youth court programs attract the media on Law Day or any day. This photo is from a youth court swearing-in ceremony, one of 29 that take place throughout the Commonwealth every October. These students have just completed six weeks of formal training by local district judges and attorneys and are about to begin service in the Juvenile Division of District Court for an academic year.

“Everything you do or say is public relations.”

For more media opportunities access: [www.lawday.org](http://www.lawday.org) click on: reaching the media
## Making an Impact on Law Day

### What Do You Need?

#### Media coverage before Law Day
- Prepare a news release or announcement about your Law Day programs and send it to your local newspaper. Don’t forget to contact free community newspapers—they’re one of the best ways to get your message out.
- Write a letter to the editor for the local newspaper.
- Write short articles about your Law Day programs and send them to the newsletters of local organizations. For example, see if you can get a spot in local Neighborhood Watch newsletters.
- Find out about upcoming public meetings (for example, PTA meetings and school board sessions) and contact organizers to obtain time on the agenda to give a short public announcement about Law Day.
- Send a calendar of events to everyone who might help get the word out—schools, libraries, big law firms, public interest agencies, government offices, courts, and law schools.

### How Do You Get It?

#### TIP
- Having a journalist from the local newspaper or TV station on your planning committee can help you reach the media and provides valuable contacts.

#### Media coverage of a Law Day activity
- Invite the city editor, assignments editor, or legal affairs reporter of the local newspaper, or ask for a columnist who regularly includes coverage on community events.
- Make your activity newsworthy. Get a big-name speaker for the luncheon, or host an awards ceremony for an elementary school poster contest, and you’ll get some attention.
- A short cut to media interest is to ask a journalist to help judge a poster or essay contest.

#### Media coverage after Law Day
- Have someone on hand who can take quality photographs or a professional videotape of the event and contact the media the next day to ask if you can submit it to them with a story.
- Ask newspapers whether they’re interested in publishing winning entries from Law Day contests.

### TIP
- Publicity this year can help you publicize your activity next year. Keep in touch with journalists so you can build on the relationship for even more publicity for Law Day next year.
Your Media Tool Kit

**HOW TO... Write a press release**
- Make sure your press release includes the basic who, what, when, why, where information in the first or second paragraph.
- Give the reader all the relevant information about the program or event. A journalist might use your press release as the basis for a story. Of course, all the information should be accurate.
- You can also use your press release to sell the story. Try to emphasize the elements of the story that make it newsworthy.
- Write in short sentences that get to the point fast.
- Send the release to the local newspapers six weeks before your Law Day activities.
- Include a contact person’s telephone number and make sure that number is staffed during business hours. Follow up with a phone call two weeks before the event.

**HOW TO... Do a Public Service Announcement**
- Public service announcements (PSAs) are not press releases. They contain information for the community calendar section of newspapers, or they can be read by an announcer over the air at radio stations.
- A PSA should briefly spell out who, what, when, and where in one or two sentences. A newspaper will only publish a PSA that is a few sentences long. Radio stations usually only use PSAs that are 10 seconds long, so practice reading your copy out loud at varying speeds to make sure it’s about the right length.
- Send the PSA to local newspapers and stations one month before the event.

**HOW TO... Use a proclamation**
- A great way to kick off Law Day is to ask your governor or mayor to “proclaim” it.
- You can approach your official with the ABA’s sample Law Day proclamation on page 17 or adapt it to fit the emphasis of your program.
- You’ll need to start the process early and be persistent as the request works its way through channels.
- A public signing of the proclamation is a good photo opportunity and provides another way to promote and publicize Law Day.

**ONE LAST TIP**
- As Law Day approaches, stay in touch with your contacts and make sure they keep getting the message out.
PR Experts Share Their Secrets

**Dan Cirucci.** Public Relations Manager, Philadelphia Bar

*How early do you start publicizing Law Day?*

We start publicizing Law Day at least one month before the first program. We don’t want to start too early because events fall off people’s radar screens and they get confused.

*What’s the best way to publicize Law Day?*

The best form of public relations is public service. If you give people a service—for example, by giving free legal advice throughout the city on Law Day—then you have credibility and a good story. It’s also important to humanize a story. Get lawyers out there in the community so people can see that they’re good neighbors who care about their community. That brings a story alive.

**Marcia Stribling.** Law-Related Education Coordinator, Nevada State Bar

*What steps are you taking to publicize and promote this year’s Law Day?*

We can get more publicity for a program if it is tied into a bigger picture. Our Young Lawyers sponsor a poster and essay contest each year for Martin Luther King Jr. Day, and they could easily incorporate the theme of *Brown*. As the year progresses, I will try to get other programs to incorporate the Law Day theme.

*What’s the best way to publicize Law Day?*

Keep it simple but interesting. Involve key people (not necessarily an army of people) in planning and development. Put out blurbs periodically as the year progresses to pique audience interest.

**Hon. David O. Fraga.** Co-Chair of the Houston Bar Association Law Week Committee

*How early do you start publicizing Law Day?*

We begin our publicity to members about two months in advance, with stories in our monthly newsletter about planned activities. Publicity to media begins about six weeks in advance, with a letter to local news directors and editors that sets out the Law Day theme and suggests tie-ins to local or national events that are going on. This letter includes a bulleted list of our planned events. Then about three weeks before Law Day, we begin sending out news releases with more detail. We follow up with phone calls to target specific media or coverage areas. Finally we send additional releases and make phone calls the week of various events.

*How can Law Day planners take advantage of the interest in *Brown v. Board of Education*?*

Get to editors and news directors early if you are planning events that will focus on *Brown*. Let them know what you are planning and that you are a good resource for them on the subject.

*What’s your advice for someone publicizing Law Day for the first time?*

Develop programs that directly benefit the public and target your media. Show them that your programs are relevant to people’s lives and that you engage in ongoing education, not just events for Law Day. Don’t be discouraged if you don’t garner all the press you think you should the first year. Keep at it—repetition brings recognition and results!
 Sample 2004 Law Day Proclamation

Whereas, Law Day is a celebration of our great heritage of liberty, justice, and equality under law; and

Whereas, the U.S. Supreme Court case of Brown v. Board of Education is a landmark in the nation’s march towards equality and a testament to the legal system’s ability to establish and protect our rights; and

Whereas, the work of dedicated lawyers in Brown v. Board of Education and in hundreds of other cases challenging segregation demonstrated the highest standards of advocacy in the service of a great cause; and

Whereas, Brown v. Board of Education not only ended legally imposed segregation in the schools but was instrumental in ending it in parks, libraries, and all other public institutions; and

Whereas, the decision in Brown v. Board of Education inspired and gave heart to the civil rights movement and helped usher in an unprecedented era of progress; and

Whereas, May 17, 2004, is the fiftieth anniversary of the decision in Brown v. Board of Education;

Now, therefore, as we celebrate Law Day 2004, we acknowledge this great milestone case and its moral and legal imperative of equality under law, and we renew our commitment to a society of equality of opportunity and to a recognition of the value and richness of our diversity as a people.

NOW THEREFORE, I, ____________________________, (Mayor, Governor, etc.) of ______________________________________________, do hereby proclaim Saturday, May 1, 2004, as Law Day. I urge the citizens, schools, businesses, and media of ________________ to use this occasion to dedicate ourselves to preserve and strengthen the rule of law.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of April, in the year of our Lord two thousand and four, and of the Independence of the United States of America, the two hundred twenty-eighth.
Hope
Brown is a landmark decision that is directly relevant to schools. This section gives you ideas about how schools can convey the importance of this great decision. We also provide tips on how to make the most out of each classroom visit and give you teaching strategies you can use at every grade level.

Boise, Idaho Judge Stephen S. Trott of the 9th Circuit Court of Appeals at Capital High School. Judge Trott participated in a “Dialogue on Freedom” with over 200 high school seniors as part of Law Day activities.

“Good teaching is one-fourth preparation and three-fourths theater.”

Gail Godwin

For additional school activities access: www.lawday.org click on: for schools
Bringing Law Day to Schools

Follow this seven-step plan and Law Day and the story of Brown will reach youngsters everywhere.

**Be Ambitious**

Go wherever young people are. Law Day can reach not only public, private, and parochial schools, but also home schoolers and after-school programs such as Scouts, Boys/Girls Clubs, and YMCA/YWCA’s.

**Network**

Do you have friends who are teachers? Are school people on your planning committee? They can connect you to the people who can make Law Day happen in the classroom. Once you identify key administrators, add them to the planning committee. They will be critical long-term contacts.

**Plan**

When you first contact the schools, have a plan of action with several options. School people will appreciate having good choices. This is not the time to brainstorm. That’s the role of the planning committee.

**Know Your Audience**

School people are accountable for improving kids’ performance on standardized tests. Show teachers and administrators how your Law Day activities will help them. Making the connection says that you want to be a partner in the education process.

**Brag**

Testimonials are great. Find local educators who will speak on behalf of Law Day. School people listen to their peers. Do up a one-pager outlining the Law Day activities and including a signature list of participating teachers, along with a few quotations.

**Have Fun!**

And you will, if you actively engage students while giving them insights into our legal system. Students will love seeing our legal system up close and personal.

**Think Ahead**

As soon as Law Day is over, contact school people to make sure Law Day is on the calendar for next year. This will eliminate conflicts with other school activities.
Beyond the essay competition—
Contest Ideas

Contests and competitions generate excitement about Law Day. Essay and poster competitions are especially popular.

How about thinking outside the box this year, and trying out some new contest ideas? Try to reach kids taking all kinds of courses, such as drama and speech, art and design, and computers.

Entries can grow out of classroom instruction. Try to tie your competition into work already being done in the school.

Consider
■ A drama competition, where kids do a staged reading based on the arguments in Brown. You'll find extracts from the key arguments at www.abanet.org/brown.

■ An interview/writing assignment competition, where kids interview someone in their community who remembers segregated schools, the reaction in the community when Brown was decided, etc. See www.rememberbeteach.com for ideas.

■ A speech competition, where kids vie to make the best argument to a court (see essay contest ideas below for possible topics).

■ A student writing competition, where the best assignment on Brown/equal protection wins an award.

■ An exhibit competition, where kids make exhibits on Brown/equal protection for a Law Day Fair.

■ A Brown/equal protection website competition, where teams of students compete for the best researched and designed site. Access www.thinkquest.org for ideas.

■ A debate competition. See sidebar on essay contest ideas for possible topics.

■ A student journalism contest, where kids compete for the best stories on desegregation/resegregation in the schools, affirmative action, and the like.

■ A rap contest/poetry slam, where kids use their own creations to compete.

Display winning entries in schools, law offices, city hall, courthouses, and other public areas. Put the winners up on legal or school websites.

Cash prizes are not necessary. A certificate presented at a public gathering can be sufficient. Winners could be recognized at Law Day events.

Debate/Essay Contest Ideas
Many of the issues Brown raised are still topics of debate. These include

■ What is the status of racial integration and segregation in the United States today?

■ Do we have equality of opportunity in education today in light of school funding, particularly the disparities between affluent and poor districts?

■ Are race-based preferences and affirmative action necessary to overcome the effects of past discrimination?

■ What is the meaning of equality in the United States?

■ What is the role of law, lawyers, and courts in protecting our rights?

✓ Check out pages 40–43 of this guide for other ideas on Brown and equal protection that might become essay topics.

For more contest information access: www.lawday.org
click on: for schools/competitions
Being a Hit in the Classroom

Tips for making presentations—on Law Day or any day

<table>
<thead>
<tr>
<th>Problem</th>
<th>Try This</th>
</tr>
</thead>
<tbody>
<tr>
<td>Getting the kids’ attention right from the start.</td>
<td>Have a dynamic opening. Use a startling fact or question that will pull everyone’s attention to you.</td>
</tr>
<tr>
<td>A sea of blank looks—you’re losing them.</td>
<td>No talk really needs “whereupon” or “whereas.” In fact, you don’t even have to lecture. Use language students can understand, but don’t talk down to them.</td>
</tr>
<tr>
<td>Kids don’t see what your topic has to do with them.</td>
<td>Invite questions and ask questions as a way to involve as many students as you can. Never criticize a student’s question. If you don’t know the answer, say so, and agree to locate the answer and get back to them.</td>
</tr>
<tr>
<td>Yikes! Now the kids are so interested and curious that they’re getting the discussion totally off into their own ideas.</td>
<td>Be prepared for the unexpected. Encourage students’ input and allow digression, but look for an opening to get the activity back on track.</td>
</tr>
<tr>
<td>The kids use something at their school as an example of an autocratic, bureaucratic, freedom-denying system.</td>
<td>Don’t get caught in the middle of a school discussion or dilemma. Don’t take sides against the school. Always stress responsibility as well as rights when talking about the law.</td>
</tr>
<tr>
<td>Mutiny in the ranks—the kids are out of control.</td>
<td>Leave all discipline to the teacher.</td>
</tr>
<tr>
<td>The kids start to gather their books and shuffle their feet.</td>
<td>This one is easy—it’s time to go. Watch the clock!</td>
</tr>
</tbody>
</table>

"The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. The great teacher inspires."

William Arthur Ward

New Hampshire Bar Association
Attorney Amy LaBelle teaches lessons in the law to third graders at the Jewett Street School as part of the state bar’s “A Lawyer in Every School” program.
Law Day
Presentation Options

Elementary Level

Overview
Through listening to a story and discussing a series of photos, students will begin to understand how the education of Linda Brown resulted in one of the most important cases ever to be decided by the U.S. Supreme Court.

Preparation
- Read the insert on Brown in the planning guide and become familiar with the story. Think about how to tell the story using grade-appropriate language.
- Attach the photos from pages 6, 12, 18, 26, 36, and 42 of this planning guide to poster boards to facilitate viewing.

A Girl Named Linda

Presentation
- Ask the students if they have heard the story of Linda Brown. Because this is an anniversary year, it is possible that students are aware of Linda Brown and/or Brown v. Board of Education.

- Retell the story at a grade-appropriate level. Remember to make the story brief and interesting because of the students’ short attention span.

As an example, start by saying, “I am going to tell you a story about a little girl named Linda Brown. Linda was a normal little seven-year old girl who liked to play games with her sisters. Linda had to go to Monroe Elementary School because she was African American. To walk to Monroe each day was sometimes difficult, especially in the cold weather. Linda’s father decided that Linda should be allowed to go to Sumner Elementary School because it was very close to her home.” (continue the story)

- Use the photos on pages 6, 12, 18, 26, 36, and 42 of this guide. As you hold up each photo, ask the following questions. By moving from specific to broad in the questioning process, the students will gain a better understanding.

  What do you see in the photo?
  What do you think the people in the photo are doing?
  Why was it important for the people in the photo to be doing what they are doing?

- Bring closure to the activity by asking students to think about how our country ensures that all individuals are treated equally.

Websites/Resources
www.abanet.org/publiced/conversations/brownvboard.pdf
This contains the “Dialogue on Brown v. Board of Education,” an excellent background reference. It has everything a person needs to make a presentation on Brown v. Board of Education.

www.brownvboard.org
The Brown Foundation for Educational Equality, Excellence, and Research has an activity booklet containing printable interactive activities focusing on Brown v. Board of Education.

www.abanet.org/publiced/lawday/schools/lessons/k6kansas.html
“A Famous Kansas Child” focuses on the Brown story written for the elementary level. The story is divided into four short “chapters,” with questions and answers provided at the end of each.

Rhode Island
Judge Bruce Q. Morin and State Bar President Michael A. St. Pierre went to the head of the class along with about 200 other judges, lawyers, and police officers on Rhode Island Law Day.
TEACHING: middle school strategy

Middle Grades

Overview
Using a series of quotes and working in teams, students will develop a broad understanding of the concept of equality.

Preparation

- Read the insert on Brown in the planning guide; become familiar with the facts.
- Make two copies of each of the following quotes.

1. “We conclude that in the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal.”

2. “We hold these truths to be self-evident; that all men are created equal.”
   Declaration of Independence (1776)

3. “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.”
   Justice John Marshall Harlan

4. “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.”
   U.S. Constitution, Article XIV, Section 1

Equality Under Law

Presentation

- Ask the students to define equality. Use a classroom dictionary to document the definition.
- Divide the class into eight teams. Distribute one quote to each team. Having eight teams allows for smaller discussion groups.
- Ask each team to review their quote and establish consensus on what equality is. Allow about five to seven minutes for each team to complete the assignment.
- As the teams are working, write the four quote sources on the board or flipchart.
- Call time. Have each team report their findings—reporting one quote at a time. As the first team finishes, ask the second group reviewing the same quote if they have any additional findings.
- As the teams report, capture their findings briefly under the appropriate quote reference on the board or flipchart.
- When all teams have completed their reports, provide a brief background of the quote.
- Bring closure to the activity by asking the following questions.
  - Is there a difference in the meaning of the term “equality” among the quotes? If so, what is it?
  - What is the status of equality now?
  - What debates about equality do you see in the future?

Websites/Resources

www.abanet.org/publiced/conversations/brownvboard.pdf
Contains another version of this lesson, and much more.

www.abanet.org/publiced/lawday/schools/lessons/79_equal1.html
An additional and extended lesson on equal protection.

www.cr.nps.gov/nr/travel/civilrights/ka1.htm
The Brown v. Board of Education National Historical Site provides topics that can be used in a class discussion to introduce Brown v. Board of Education and then carry the discussion into a larger civil rights discussion. Each of the segments provides a printable photo with background to use as discussion points.

www.landmarkcases.org
The Street Law site includes a sequential series of activities depending on available class time. Three examples include
  - Does Treating People Equally Mean Treating Them the Same?
  - Classifying Arguments in the Case
  - All Deliberate Speed
### Overview
This strategy focuses on the resistance to implementing the *Brown* decision.

### Preparation
- Make a class set of the following:
  - The Supreme Court did not order immediate implementation of the decision in *Brown*. The reason was that Chief Justice Earl Warren could not otherwise have achieved a 9-0 decision, which he believed to be crucial to national acceptance of the decision. The case was re-argued on the question of relief, and in 1955 the Court issued an opinion, commonly referred to as *Brown II*, in which the district courts were ordered to oversee implementation of the Supreme Court’s 1954 decision “with all deliberate speed.”
  - “The NAACP urged desegregation to proceed immediately, or at least within firm deadlines. The states claimed both were impracticable. The Court, fearful of hostility or even violence if the NAACP views were adopted, embraced a view close to that of the states…. [e]ssentially return[ing] the problem to the courts where the cases began for appropriate desegregative relief—with … ‘all deliberate speed.’ By 1964, a decade after the first decision, less than 2 percent of formerly segregated school districts had experienced any desegregation.”

**Dennis J. Hutchinson, Brown v. Board of Education, in the Oxford Companion to the Supreme Court of the United States**

### Presentation
- Pass the reading out to the class and then explore the following questions.

1. Reaction to the first *Brown* decision was fierce in the South. Newspapers predicted violence; political leaders promised defiance. How do you think the ruling for desegregation with “all deliberate speed” should have been interpreted? Did it give too much deference to white resistance in the South? What would have happened had the Court demanded immediate desegregation? What would you have done as a justice in this situation?

2. How can the Supreme Court enforce its decisions? What is the role of the other branches of government in enforcing Court decisions? What can the Court do without the full support of the other branches?

3. Why were schools the focus of desegregation litigation? Is it more important for schools to be diverse and desegregated than the rest of society?

4. What do you think are the possible problems and risks involved in using schools as the site of social reform?

5. Schools that once were segregated by law have tended to “resegregate” as a result of housing patterns. Is “voluntary” resegregation of schools harmful? In terms of effect on students, is there a difference between legally mandated segregation and segregation due to other factors? Should national, state, or local governments try to do something about this issue? If so, what can be done?

### Websites/Resources
- **www.archives.gov/digital_classroom**
  - The National Archives and Records Administration has documents that include the dissenting opinion in one of the lower-court cases, a letter from President Eisenhower on a related legal case, and the Court’s decision in *Brown*.
  - Included in the activity is a document analysis worksheet.

- **www.pbs.org/jefferson/enlight/brown.htm**
  - This PBS site provides a good brief introduction to the case.

- **http://usinfo.state.gov/usa/infousa/facts/democrac/36.htm**
  - The U.S. Department of State, International Information Programs, has key excerpts from the Court’s opinion and recommendations for further reading.

- **www.cr.nps.gov/nr/travel/civilrights/ka1.htm**
  - **www.landmarkcases.org**
  - These two sites, mentioned earlier, provide useful information for this grade level as well.
section 4: Community Outreach

Columbus, Ohio Adhanet Habte, a student at Columbus South Urban Academy, discusses her essay with Ohio House Representative Geoffrey Smith at the Law Day luncheon in Columbus on May 1. Habte, a Sudanese refugee, proposed a constitutional amendment that would allow naturalized citizens who had lived in the United States for at least 25 years to run for the office of U.S. President.

The anniversary of Brown could be celebrated at the courthouse, the library, the town hall, a community center—or at all these sites. This section gives you tips on how to integrate your community’s activities with Law Day.

“The service you do for others is the rent you pay for the time you spend on earth.”
Muhammad Ali

For program ideas access: www.lawday.org
click on: sample programs
Program Options

This year’s Law Day theme, “To Win Equality by Law: Brown v. Board at 50,” affords many opportunities to reach not only the in-school population but also a wide variety of audiences of all ages throughout the community. Why involve the community? The following events allow all audiences to learn about and discuss the meaning of equality in our democracy and the role of law, advocates, and courts in establishing and protecting our rights.

The following traditional Law Day options continue to be effective. Explore how these community activities and outreach vehicles might help you convey the story of Brown v. Board of Education.

- Call-in Shows (radio, television)
- Court Tours
- Information Fairs
- Luncheons
- Mock Trial Programs
- Speakers Bureaus
- Public Kiosks
- Media Outreach (radio, newspapers, cable television)
- PSAs (Public Service Announcements)

When you are considering which format will be most effective in exploring Brown v. Board and projecting outcomes for Law Day 2004, it may help to use the following planning checklist.

DECISION POINTS

✓ What audience will you seek?
- Age of Participants
- Size of Audience

✓ Which format will you choose?
- Forum
- Exhibit
- Speaker
- Tour
- Film Presentation
- Other

✓ Where will your program be held?
- Courtroom
- Community Center
- Shopping Mall
- Public Square or Park
- Other

✓ Who will be your partners/cooperating groups?
- Churches
- Senior Groups
- Youth Groups
- Community-Based Organizations
- Other

✓ Where will you find funding?
Reading Circles

A reading circle gathers regularly to read and discuss specific books. This is a growing phenomenon throughout the United States; America Reads is probably the best-known program. However, a reading circle is more than a group of people just gathering. To be effective, reading circles need roles and responsibilities and should be well organized.

Consider...
The following points while planning a reading circle.

Site This could range from the library or community centers (for larger discussions) to neighborhood gatherings (for smaller discussions). Wherever the site, it should be easy to locate with ample parking. At the site, the meeting space should be roomy and comfortable. Coffee and light refreshments are always welcome.

Audience Most reading circles are targeted at a specific age—youths, young adults, adults, seniors. However, consider an audience of mixed ages. This would allow for inter-generational perspectives. Consider having advance registration but do not be surprised by walk-ins.

Partners/Sponsors The first partner that most people think of is the library. However, do not overlook local bookstores, literary organizations, etc. Consider involving community-based organizations such as the NAACP, Urban League, Legal Aid, League of Women Voters, Chamber of Commerce, and Humanities Council.

Book Selection Before selecting a book, review it carefully to ensure it will be informative, interesting, and audience appropriate. Work with the library and bookstores to ensure that sufficient copies of the books are available. Bookstores may be willing to offer a price discount for the selected book.

Although most reading circles involve the study of one book, do not overlook the possibility of identifying two books that would provide a point and counterpoint perspective on Brown v. Board.

Roles and Responsibilities The key person is the discussion leader. However, some reading circles will also have someone draw an illustration to be used in the discussion. The critical point is that everyone has a responsibility to participate in the process. However, there are individuals who feel more comfortable in the listening mode. Be sensitive to individual differences.

Promotion Solicit promotional assistance from the local newspaper and radio and TV stations. Do not overlook public-access stations that could assist with advertising the event and might actually broadcast it.

Event Evaluation Use a form to collect feedback on the reading circle. This information will be valuable when planning for Law Day 2005.

Suggested reading list
- *Jim Crow’s Children*, by Peter Irons (a contemporary look at the school districts in the Brown cases)
- *Thurgood Marshall: American Revolutionary*, by Juan Williams
- *Crusaders in the Courts*, by Jack Greenberg (a firsthand account by a prominent NAACP lawyer)

For further information about reading circles, access: www.sevenoaks.wa.edu.au/linkpage/reading/
www.frontiercollege.ca/english/programs/children/circle.htm

Background on Brown, access: www.abanet.org/publiced/conversations/brownvboard.pdf

Continuous updates on Law Day activities, access: www.abanet.org/publiced/lawday
Community Forums

Community forums are very popular and usually well attended. In today’s technological age, the virtual forum is becoming popular as people become more comfortable “connecting into” a public forum from the comfort of their homes.

The ABA has prepared an 8-page booklet on Brown v. Board that could easily be used in community forums. “Dialogue on Brown v. Board of Education” includes background on the case, starter questions, and issues/focus questions to help people discuss

- what is equality under the law
- should schools serve as laboratories for social change
- what was the impact of segregation beyond the black community
- what are acceptable preferences in college admissions, and
- who is guilty for the harms of slavery and segregation

You can get free copies of the dialogue from the ABA by calling 800-285-2221 and asking for product code 317-0357. A .pdf version is available at the ABA’s Division for Public Education website, [www.abanet.org/publiced/conversations/brownvboard.pdf](http://www.abanet.org/publiced/conversations/brownvboard.pdf)

The formats for forums vary greatly but usually consist of multiple speakers providing topic background and raising issues. The speaker(s) must provide enough details to enable the audience to participate in a meaningful discussion. The speakers may be followed by a reaction panel. However, the forum always involves audience participation in a Q&A format. Be sure to have appropriate technology, along with emergency back-ups. Consider distributing a list of “starter questions” to initiate the Q/A discussion segment.

There is also the option of the main speakers providing the background and generating several discussion questions. The audience is then divided into small discussion groups that return after an allotted time to share their findings in a forum format.

The key to a successful forum is in the leadership of a facilitator or moderator. This individual should continue to make transitions between the discussion points and to remind the audience of the focus of the forum. Do not overlook having appropriate legal personnel in attendance to answer any legal questions.

With this year’s Law Day theme, “To Win Equality by Law: Brown v. Board at 50,” consider identifying individuals in the community that could address some of the following themes.

- What is the meaning of equality in our democracy?
- How do the courts protect our rights?
- Brown v. Board—How far have we come nationally and locally in 50 years?
- Brown v. Board—America’s unfinished business?
- Was Brown the beginning of the modern Civil Rights movement?

For forum implementation tips, access: [www.abanet.org/publiced/lawday/community/programs/forums.html](http://www.abanet.org/publiced/lawday/community/programs/forums.html)

For continuous updates on Law Day activities, access: [www.abanet.org/publiced/lawday](http://www.abanet.org/publiced/lawday)
SPEAKING on Law Day

Sarasota, Florida The Women’s Legal Fund of Sarasota County, Inc. celebrated Law Day 2003 by honoring local attorneys who handle indigents’ cases. The featured speaker was Gordon Michalson, President, New College of Florida.

In this section you’ll find talking points to help you craft great speeches.

The points on the next four pages provide quick bullets of information on
- equality,
- the road to Brown, and
- current issues.

Make sure you have finished speaking before your audience has finished listening.

Dorothy Sarnoff

For many other talking points access: www.lawday.org click on: speech ideas/talking points
equality

how law protects equality

■ the declaration of independence says that “all men are created equal.”

■ “created equal” means that we don’t have titles of nobility (which are prohibited by the constitution). but 200 years ago, men and women were not equal in the eyes of the law (women could not vote, for example). nor were the races equal (slavery existed and the constitution tacitly recognized slavery by counting three-fifths of “other persons” for certain purposes, such as apportioning representatives). nor did all white men have equal rights—in many states they needed a certain amount of property to vote.

constitutioNal change

■ the post-civil war amendments abolished slavery (thirteenth amendment), provided that the right to vote shall not be denied or abridged on account of race (fifteenth amendment), and guaranteed equal protection of the laws (fourteenth amendment).

■ the fourteenth amendment protects against unequal treatment by state governments: “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.”

equal protection in the courts

■ in plessy v. ferguson (1896), the supreme court ruled that separate but equal railroad cars for black and white passengers did not violate equal protection:

“Our constitution is color-blind, and neither knows nor tolerates classes among citizens.”

justice john marshall harlan

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Segregationists protesting in 1954 in Baltimore, Maryland.

The Road to

**Brown v. Board**

**How Law Protects Equality**

- The story of *Brown v. Board of Education* begins long before 1954.
- The Fourteenth Amendment guaranteed equal protection of the law, but in *Plessy v. Ferguson* in 1896, the Supreme Court upheld a Louisiana law requiring segregated railway cars. This ushered in the “Jim Crow” era.
- Enforced segregation kept blacks from public schools and libraries, restaurants and theaters, residential neighborhoods, and many other facilities.
- These laws could not be changed through democratic processes because states erected legal barriers to black citizens voting.

**A Concerted Legal Campaign**

- Beginning in the 1930s, the NAACP evolved a strategy of using the law to improve the lot of African Americans. This campaign was carried out by a distinguished group of black attorneys, the most famous of whom was Thurgood Marshall.
- These lawyers chipped away at the legal structure of segregation. All-white jury pools, laws disenfranchising black voters, segregated graduate schools, and other forms of segregation were challenged, often successfully.
- Desegregating the public schools was a politically charged endeavor. The legal strategy focused first on insisting that states make separate facilities truly equal.
- This strategy required bringing cases district by district and did not directly challenge the doctrine of “separate but equal.” In 1950, the NAACP resolved that nothing less than eliminating segregation would be acceptable.
Affirmative Action

- Affirmative action is one of the most controversial programs in our society.

- One way to shed light on affirmative action is to look at its history and how the courts have interpreted it.

- The courts have looked very carefully at any law that discriminates on the basis of race. As the Court explained in a recent decision, *Grutter v. Bollinger*:

  “Because the Fourteenth Amendment ‘protect[s] persons, not groups,’ all governmental action based on race—a group classification long recognized as in most circumstances irrelevant and therefore prohibited—should be subjected to detailed judicial inquiry to ensure that the personal right to equal protection of the laws has not been infringed.”

- This “strict scrutiny” standard in cases of group discrimination dates back to World War II, when the Supreme Court upheld the constitutionality of military orders that singled out persons of Japanese descent. But the Court made it clear that distinctions based on race are “inherently suspect” and must withstand “strict scrutiny” by the courts.

- The government must show that it has a “compelling interest”—an extremely important reason—for treating people differently based on race. It also must show that the government action is the least restrictive means of achieving its purpose and is narrowly tailored to advance this compelling interest.

Equal Protection & Affirmative Action

- In the 1960s and 1970s, federal, state, and local governments began programs designed to overcome the effects of past societal discrimination.

- In 1978, the Supreme Court declared an affirmative action program unconstitutional on the grounds that a medical school, in reserving a certain number of slots for minorities, denied a white applicant admission because of his race. The decision in *Regents of the University of California v. Bakke* held that race can be used as a positive factor in admissions but cannot be the only factor.

- The Supreme Court has held that the Equal Protection Clause permits quotas in affirmative action programs if the program is necessary to remedy specific past discrimination that has been found by a court. The Court has struck down quotas in cases where a court had not found that minorities were suffering under the effects of specific past discrimination.

Affirmative Action Today

- In 2003, the Supreme Court considered two affirmative action cases from Michigan. In *Gratz v. Bollinger* the Court struck down a program that automatically gave one-fifth of the points needed to guarantee admission to every underrepresented minority applicant solely because of minority status. The Court reasoned that the policy was not narrowly tailored to achieve educational diversity. It violated the Equal Protection Clause by not providing individualized consideration of each applicant.
But in *Grutter v. Bollinger*, the Court upheld the University of Michigan Law School’s use of race as one consideration among many in admitting students.

The Court held that this policy did not violate the Equal Protection Clause because the plan was narrowly tailored to achieve the compelling government interest in educational diversity:

“Government may treat people differently because of their race only for the most compelling reasons…. Today we endorse [the] view that student body diversity is a compelling state interest that can justify the use of race in university admissions. When race-based action is necessary to further a compelling government interest, such action does not violate the constitutional guarantee of equal protection so long as the narrow-tailoring requirement is also satisfied.”

Justice Sandra Day O’Connor, majority opinion

Just as in the undergraduate case, the Court was divided. Four justices dissented. Justice Thomas was particularly forceful.

“[R]acial classifications are per se harmful and ... almost no amount of benefit in the eye of the beholder can justify such classifications.”

Justice Clarence Thomas

The Quota Question

Opponents of affirmative action often complain that it establishes a quota system, in which a certain percentage of jobs, or contracts, or admissions, are reserved for members of certain groups. Courts have permitted quotas only in cases where they are necessary to remedy specific instances of past discrimination. The Court’s majority opinion in *Grutter* addressed the question of quotas in other circumstances:

“As Justice Powell made clear in *Bakke*, truly individualized consideration demands that race be used in a flexible, nonmechanical way. It follows from this mandate that universities cannot establish quotas for members of certain racial groups or put members of those groups on separate admissions tracks. Universities can, however, consider race or ethnicity more flexibly as a ‘plus’ factor in the context of individualized consideration of each and every applicant.”

When Will Affirmative Action End?

The Supreme Court has also held that affirmative action programs must be limited in time. Justice O’Connor addressed this question in the Court’s majority opinion in *Grutter v. Bollinger*:

“The requirement that all race-conscious admissions programs have a termination point ‘assure[s] all citizens that the deviation from the norm of equal treatment of all racial and ethnic groups is a temporary matter, a measure taken in the service of the goal of equality itself.’”

Student body diversity is a compelling state interest that can justify the use of race in university admissions.”

Justice Sandra Day O’Connor
Promise