

California and the Western Foundation for Educational Equality in Schools: A Side-By-Side Comparison of Legal Methods and Development of Educational Rights Through *Westminster v. Mendez* and *Brown v. Board of Education*

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Lesson Title:

California and the Western Foundation for Educational Equality in Schools: A Side-By-Side Comparison of Legal Methods and Development of Educational Rights Through *Westminster v. Mendez* and *Brown v. Board of Education*

Duration, Class, Grade Level, Number of Students:

US History, 11th Grade, 50 (16-17 per class) students over three class periods. 2 day lesson plan (plus assessment on day 3). 55 minutes per class.

Location:

Sacramento, California

Instructional Materials:

Internet capable device

Powerpoint

Word document packet of resources

Chromebooks

Enduring Understanding:

The development of educational opportunity—along with the broader series of economic, political, and social opportunities—for minority groups, was a process that developed over centuries in the United States, and the judicial system played a role. *Mendez v. Westminster* played a significant part in the development of educational rights for Californian Hispanics in particular and most immediately, but then also in many ways set a precedent for African-Americans through *Brown v. Board of Education* and the national civil rights debate that followed less than a decade later.

Essential Question/s:

What ways did *Mendez v. Westminster* in California set the stage for a national debate on segregation in the court system? What makes California and the West a part of the country where a case like *Mendez* was possible before any other state ended segregation in schools? What are the key similarities and differences between *Mendez v. Westminster* and *Brown v. Board of Education*, and their impacts on the development of civil rights for minority groups in the United States? What methods did lawyers and advocates for civil rights use to achieve greater equality in these two cases? Why do some groups in society receive greater rights than others, or do so at earlier times in the civil rights movement? What institutional types of segregation existed in the 1800s, what changed through the 1900s, and what forms of segregation still exist today?

Background

Background for Teachers:

While many educators and United States History classes *investigate Brown v. Board of Education*, rarely is its predecessor—*Mendez v. Westminster*—recognized as a landmark decision in its own right, which in many regards paved the path for a national debate on the issue of segregation in schools.

In this lesson, students will examine the influential and ground breaking California court case *Mendez v. Westminster*, which laid the foundation and in many ways modeled the process of educational equality that was sought out in *Brown v. Board* nearly a decade later. This oft-forgotten California court case addressed the issue of segregation in schools, as Sylvia Mendez and her lawyer team worked to address the unequal educational opportunities that Mendez and other Hispanic students faced during the 1940s and earlier. Students will recognize the influence and precedent that the *Mendez* case set, inspiring other law teams and educational advocates across the country draft similar proposals at the national level—eventually leading to *Brown v. Board*. Additionally, students will make the connections and draw similarities between some key figures in the *Mendez* and *Brown* cases, including the Earl Warren, who signed the state law making California the first state to get rid of segregation in public schools, and then going on to be a part of the majority decision in *Brown v. Board* as a Supreme Court Justice.

On day 1 of this lesson plan, students will examine the background and some of the key historical events that shaped the educational—and broader social challenges—that Hispanics and African-Americans faced in the 19th and early 20th century. Students will perform research using chromebooks and examine a series of key events and time periods, two focusing on Hispanic rights, and two focusing on African-American rights. Students will be asked to research and then incorporate primary source evidence surrounding the Treaty of Guadalupe Hidalgo and the US-Mexico War, along with the Bracero Program during World War II in the United States. In both cases, students will be asked to analyze how these events in history shaped the Hispanic experience in the United States, and what it illustrates about the sentiment towards Hispanics in the United States. Students will consider—why did it seem that some programs, treaties, and time periods were more welcoming towards Hispanics than others? In a similar fashion, other students will research the social experiences of African-Americans, specifically through the 14th amendment, and *Plessy v. Ferguson*. Having a one period introduction to the historical context of the Hispanic and African-American experiences in the United States—particularly in relation to the law and government treatment of these groups, students will examine the two court cases in the Western portion of the United States that influenced these minority groups' experiences.

On day 2 of this lesson, students will briefly revisit the concepts of judicial review, constitutionality, and the court system, if these have not already studied these concepts in prior classes. Students will then examine the background of the *Mendez* case, along with the methods and arguments of the plaintiffs, and the results of the case. Students will be challenged to consider what makes this particular case possible in California, and why did it not happen in other parts of the country first? Students will then move into a similar role-playing group work activity, this time with *Brown v. Board* and excerpts from primary sources involving the case. Students will be challenged to draw comparisons between the two cases, as well as differences, and consider the ways that the legal methodology (argument and claims of the case) and one similar key figure (Earl Warren) might have played a role. Students will also be asked to place the *Mendez v. Westminster* case in the larger context of the development of civil rights for Hispanics in the United States, and compare that with the development of civil rights for African-Americans.

Background for students:

Prior to this lesson, students will have engaged with:

The concept of judicial review (at the Federal level), as well as a general knowledge of the court system and that state courts similarly review many cases

Some Mexican-American relations and events, including the US-Mexico War.

A variety of primary sources and the use of historical thinking skills (sourcing, close reading, and analysis) with those sources

Group work and role-playing activities that ask for students to take on a variety of roles

Learning objectives:

Students will be able to compare the developments of civil rights experiences for Hispanics and African-Americans up and through two Western cases: *Mendez v. Westminster* and *Brown v. Board of Education*

Students will be able to analyze the significance of the *Mendez v. Westminster* case in the larger development of civil rights across the United States

Key Vocabulary: Mexican-American War, Treaty of Guadalupe Hidalgo, “Separate but equal” doctrine, 13th-15th Amendments, Constitutionality, State and Federal Courts, *Plessy v. Ferguson*, *Mendez v. Westminster*, *Brown v. Board*, Civil Rights Movement

Day 1

- **Bell Work:** When you think of Civil Rights, what events in United States history come to mind? (4 min)
- **Chalk Talk:** Students will continue with a chalk talk on the same topic and a class discussion that follows based on what they wrote on the board [some possible responses when thinking about civil rights: “voting, education, equal treatment under the law”] (4 min)
- **Introduction:** Teacher will continue with a summary statement of student comments and chalk talk, and frame task for class: We will be studying the development of civil rights for different minority groups in the United States, and consider why certain groups obtain rights and opportunities, or are denied opportunities. (2 min)
- **Primary Source Group Work with Chromebooks:** Students will then be broken up into groups of four and research one of four historical events (2 with particular impact on Hispanic communities, and 2 with particular impact on African-American communities). Students will use chromebooks and create a Google presentation that addresses the time period (see materials for day 1 for further instruction and suggested outline of group presentations)
 - Note: The two time periods focusing on Hispanic Civil Rights are: The 1848 Treaty of Guadalupe Hidalgo and end of the US-Mexico War, and the Bracero Program in the United States. The two secondary sources focusing on African-American Civil Rights are: The creation of the 13th, 14th and 15th amendments and the development of African-American government participation following the Civil War, and the ruling of *Plessy v. Ferguson* (1896) (20 min)

- **Group Presentations** on topics researched, starting with two events particularly salient to Hispanic groups, and then two focusing on African-American groups (16 min)
- **Class Discussion:** As a class, students will consider all four events and postulate possible theories as to why certain rights were granted to minority groups at certain times, and not others [Possible answers include: it was economically beneficial to incorporate and welcome groups during certain times (during War, for instance), or societal views have changed]. (5 min)
- **Closure (Whip-Around Questioning):** Students will complete a closure activity through a whip-around questioning sequence in which students called on provide a response to the following: Based on the four documents and events studied today, what are the differences in experiences living in America for Hispanics and African-Americans? How are they similar? (selecting either a similarity or difference previously not mentioned) (4 min)

Day 2

- **Bell Work:** 2 separate questions—What is the role of the Supreme Court and the court system in the United States? What situations did we study last class? (3 min)
- **Class Discussion:** Students will review bell work answers and class discussion, working revisiting the historical developments of Hispanic and African-American rights, and then work towards the notion that the Supreme Court determines the constitutionality of laws in the United States, but state courts also exist to determine whether laws are valid (5 min)
- **Primary and Secondary Source Group Work:** Students will be broken into groups of three, where students are asked to work in one of three assigned roles (Historian—providing background of cases, plaintiff—analyzing key arguments provided by lawyers in the cases, or Judge—breaking down the key rulings and findings of the cases). Students will complete a series of guided questions and then share out key findings to larger group. (12 minutes for first court case—6 for individual reading and guided question work, 6 for sharing out to larger group with findings)
- **Class Discussion:** Students will return to seats and revisit answers from station activities—What was the major issue at hand in Mendez? What was the argument that Mendez made against the California government? What was the court’s ruling on this case? Who were the major figures in the case? What was significant about California’s role in public education? (5 min)
- **Students will then extend discussion through a write-pair-share on the following questions:** What do you think made it possible for this Western state to expand the opportunities of minority groups in the United States before any other state in the US? [Possible answers might include the larger Hispanic population of California and the a pressure that placed on the system, or the leadership at the time period in California—Including Governor Earl Warren—that might be more willing to change] (5 min)
- **Primary and Secondary Source Group Work (Continued)** Students will then return to groups, and they will then also rotate roles, while reading about the *Brown v. Board* case (12 min)
 - What was the major issue at hand in Brown? How do these cases compare? What do we notice about the language and content of the arguments made by the plaintiffs?
- **Class Discussion:** Students will continue with a class discussion and revisit key concepts while creating a “Chef’s Hat” that sorts out the differences and similarities between the *Westminster* and *Brown* cases (similar to a regular t-chart, but at bottom has space for similarities between the two cases) (10 min)

- Note for the chef's hat might include responses to the questions: What is the historical context of the two events? What are the similarities in the court rulings? What was the difference in the significance and impact of the two rulings? What major figures are involved in both cases? [Possible answers and discussion will be lead in particular towards the similarities and common themes regarding the West, and in particular, California history—both cases took place in the West, Justice Warren was once the Governor of California, California set the foundation as the first state to desegregate public education facilities by law through *Westminster v. Mendez*, and *Brown v. Board* took that to the national level]
- **Closure (Exit Ticket):** Students will complete a final closure question that extends and refines lesson (3 min)
 - Would *Brown v. Board* have been possible without *Mendez v. Westminster*? Why or why not?
 - Would *Mendez* have been possible if it did not take place in California, or does it seem that there are unique characteristics to the situation in California (demographics, political figures, etc.)?

Assessment:

- Students will write a 2-3 paragraph textbook passage on the Civil Rights movement that is specifically tailored to California students (or students in the Western portion of the United States). Your task, as the creator of this US History textbook passage, is to be sure to
 - 1) Include the case of *Mendez v. Westminster*—Its key details, background, ruling, and significance
 - 2) Explain the connections between the *Mendez v. Westminster* and *Brown v. Board*—How did California play a significant role in the civil rights movement? How was California able to play such a significant role in the advancement of educational opportunities and horizons for all students
 - 3) Compare and contrast the development of civil rights through *Westminster v. Mendez* to *Brown v. Board*. How are they similar? How did they differ? Be sure to include the differences in context, findings of the cases, and scope of the consequences of each ruling.

Extensions:

- Implementation of *Mendez v. Westminster* and *Brown v. Board*
- Connection between the *Mendez v. Westminster* ruling and the nearly simultaneous filings of amicus briefs by the NAACP and its lawyers (including Thurgood Marshall) about segregation issues that eventually lead to the *Brown v. Board* case.
- Expanding on landmark case studies and Civil Rights cases focusing on other minority groups
- Further exploration of de jure vs. de facto segregation in the United States, both before and after the cases of *Mendez* and *Brown*
- English only laws in the United States today

Resources:

Materials in lesson plan packet (primary and secondary sources used for group work)

Lesson assessment and rubric

Loose-leaf paper or alternative writing space for assessment

Bibliography

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