



EXPEDITIONARY
LEARNING

Grade 8: Module 3B: Unit 1: Lesson 6

Studying Conflicting Interpretations: Perspectives on *Plessy v. Ferguson*: Part 2



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Long-Term Targets Addressed (Based on NYSP12 ELA CCLS)

I can cite text-based evidence that provides the strongest support for an analysis of informational text. (RI.8.1)

I can determine an author's point of view or purpose in informational text. (RI.8.6)

I can analyze a case in which two or more texts provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation. (RI.8.9)

Supporting Learning Targets

- I can cite evidence to analyze the importance of the *Plessy v. Ferguson* case.
- I can determine the court's point of view in its decision on the *Plessy v. Ferguson* case.
- I can analyze how the authors of the court's decision and the dissenting opinion on *Plessy v. Ferguson* disagree on matters of interpretation.

Ongoing Assessment

- Defined unknown vocabulary words (from homework)
- *Plessy v. Ferguson* Text-Dependent Questions



Agenda	Teaching Notes
<ol style="list-style-type: none"> 1. Opening <ol style="list-style-type: none"> A. Engaging the Reader: Key Vocabulary Quiz-Quiz-Trade (10 minutes) B. Reviewing Learning Targets (2 minutes) 2. Work Time <ol style="list-style-type: none"> A. Close Reading: The <i>Plessy v. Ferguson</i> Decision (28 minutes) 3. Closing and Assessment <ol style="list-style-type: none"> A. Modeling: Taking Notes (5 minutes) 4. Homework <ol style="list-style-type: none"> A. Reread <i>Plessy v. Ferguson</i>: Key Excerpts from the Decision B. Complete the first two questions on Homework: The Court's Decision. 	<ul style="list-style-type: none"> • Students continue to closely read the court's decision in the <i>Plessy v. Ferguson</i> case. After reviewing key legal vocabulary and reading the decision for gist in Lesson 6, students seek to understand the key reasons the court came to its decision. Students' study of this case will not only help them understand segregationist legislation, but also the important distinction between legal equality (equality according to the law) and social equality (equal treatment in society). Thus, students will better understand the oppression African Americans faced despite the requirements of the 14th Amendment. • Students reread key excerpts from the court's decision, which capture the intentions and the spirit of the original text. As noted in Lesson 5, this primary source document has been excerpted so students have enough time to read and work with the parts of the text most integral to their understanding of the court's decision. Students reread the excerpts from the decision closely, answer text-dependent questions, and also have the opportunity to discuss their responses with a partner. • This lesson prepares students to read Justice John Marshall Harlan's dissenting opinion in Lesson 7. By comparing both sides of the case, students will gain a better understanding of the legislation that created the segregated world Carlotta Walls lived in. • Lessons 5–7 scaffold toward the mid-unit assessment in which students will write an on-demand responses to this question: "How do the court's decision and the dissenting opinion in the <i>Plessy v. Ferguson</i> case disagree on the interpretation of the 13th and 14th Amendments?" • The notes students take for homework will be reference notes for their mid-unit assessment. Be sure to point out to students that they will not be able to answer the last question on the Homework: The Court's Decision because it asks them to compare the decision to the dissenting opinion. Students will complete this particular question for homework in Lesson 7. • Remind students that the decision of the Supreme Court in 1896 shows the important historical background of segregation in the United States. They are studying the case to better understand the world Carlotta Walls lived in. They should not consider the 1896 opinion of the court to be an acceptable conclusion in the present day. When students summarize the court's decision in their own words, remind them they are giving an objective summary of a decision that is no longer constitutionally supported by the laws of the United States. It is important to continue to help students place primary source documents in their historical context.



Agenda	Teaching Notes (continued)
	<ul style="list-style-type: none">• In advance:<ul style="list-style-type: none">– Review Quiz-Quiz Trade in Vocabulary Strategies (see Appendix).– Cut out Quiz-Quiz-Trade cards.• Post: Quiz-Quiz-Trade directions; learning targets.

Lesson Vocabulary	Materials
jurisdiction, abridge, deprive, abolish, competency, state legislatures, underlying fallacies, natural affinities, commingling, imply, put that construction upon it, enforced commingling of the two races, dissenting opinion	<ul style="list-style-type: none">• <i>Plessy v. Ferguson</i>: Key Excerpts from the Court’s Decision (from Lesson 5)• <i>Plessy v. Ferguson</i>: Quiz-Quiz-Trade vocabulary cards (one card per student)• Dictionaries (several for students’ reference)• <i>Plessy v. Ferguson</i> Text-Dependent Questions: The Court’s Decision (one per student)• <i>Plessy v. Ferguson</i> Close Reading Teacher’s Guide: The Court’s Decision (for teacher reference)• Homework: The Court’s Decision (one per student; see Teaching Notes)• Homework: The Court’s Decision (for teacher reference)• Document camera



Opening	Meeting Students' Needs
<p>A. Engaging the Reader: Key Vocabulary Quiz-Quiz-Trade (10 minutes)</p> <ul style="list-style-type: none">• Tell students that today they will continue to study <i>Plessy v. Ferguson</i> to better understand the kinds of laws that created the segregated world Carlotta Walls lived in. Ask students to turn and talk:<ul style="list-style-type: none">* “Why was the <i>Plessy v. Ferguson</i> case important in establishing segregation in the United States?”• Cold call on a few students to share their responses. Listen for them to discuss how <i>Plessy v. Ferguson</i> pointed out the difference between legal equality and social equality, making it acceptable in the eyes of the law to separate the races while still claiming they were equal. Clarify that legal equality refers to equality and justice according to the law and social equality refers to equal or just treatment in society. Under the law, separate but equal should have meant that there was equality of schools for black and white children, but in society (in reality), schools for blacks were not equal. The black schools were poorly funded, and the facilities were not as nice as the school facilities for white children. Feel free to address this question again throughout the lesson if students do not grasp it right away.• Remind students that they did a great job in the previous lesson previewing and sharing some of the difficult legal vocabulary that showed up in the court’s decision. Tell them that today they define other key words and phrases from the text, in preparation for a close reading of the court’s decision. Tell students that some of the words you’ve chosen may overlap with the words they chose to define for homework.• Invite students to get out their <i>Plessy v. Ferguson</i>: Key Excerpts from the Court’s Decision. While students are doing this, pass out the <i>Plessy v. Ferguson</i> Quiz-Quiz-Trade vocabulary cards, one per student.• Instruct students to write the definition of the word they receive on the back of the card. They may use their homework if the word they receive matches one they defined for homework, or they may use a dictionary.• Once students have recorded the definition of their word on the back of the card, let them know they will be doing a protocol called Quiz-Quiz-Trade. Give directions:<ol style="list-style-type: none">1. Find a partner and show that person the vocabulary word on your card.2. Your partner will try to infer the meaning of the word.3. After each partner has tried to infer the meaning of both words, find out the correct definitions and record them in the vocabulary box on page 3 of <i>Plessy v. Ferguson</i>: Key Excerpts from the Court’s Decision.4. Trade cards and find new partners.5. Repeat Steps 1–4 four times.	<ul style="list-style-type: none">• Consider preparing a few cards with pre-written definitions for students who may have struggled to determine the most appropriate definitions for the vocabulary words for homework. You may hand these cards to students discreetly so they can participate in the activity without being singled out.



Opening (continued)	Meeting Students' Needs
<ul style="list-style-type: none">• Clarify directions if needed and invite students to begin. As they work, circulate and listen in to gauge how well they understand the words. Continue to coach students on the protocol as needed.• Once students have partnered up four times, instruct them to return to their seats. Students should have each of the eight words defined in the vocabulary box on page 3 of <i>Plessy v. Ferguson</i>: Key Excerpts from the Court's Decision.	
<p>B. Reviewing Learning Targets (2 minutes)</p> <ul style="list-style-type: none">• Praise students' engagement in the vocabulary activity and tell them their work with the vocabulary words will pay off as they reread the complex text of the court's decision on <i>Plessy v. Ferguson</i>.• Read the learning targets aloud to students:<ul style="list-style-type: none">* "I can cite evidence to analyze the importance of the <i>Plessy v. Ferguson</i> case."* "I can determine the court's point of view in its decision on the <i>Plessy v. Ferguson</i> case."* "I can analyze how the authors of the court's decision and the dissenting opinion on <i>Plessy v. Ferguson</i> disagree on matters of interpretation."• Tell students that they will zoom in closely on the court's decision today. Remind them of their hard work in close reading previous texts and reinforce the importance of reading closely to understand the deeper meaning of a text. Remind them that the court's decision is a complex text and that multiple readings will help them better understand it.	



Work Time	Meeting Students' Needs
<p>A. Close Reading: The <i>Plessy v. Ferguson</i> Decision (28 minutes)</p> <ul style="list-style-type: none">• Distribute the <i>Plessy v. Ferguson</i> Text-Dependent Questions: The Court's Decision. Tell students they will now reread the court's decision in the <i>Plessy v. Ferguson</i> case, which they read for gist in the previous lesson. Remind students that the case was decided by justices, or judges of the Supreme Court, the United States' highest court. There was only one justice who was against the decision, Justice John Marshall Harlan. Today they read the court's overall decision, and tomorrow they will read justice Harlan's opinion on the case.• Tell students this is a complex text and that they will need to reread and zoom in closely in order to understand each part of the court's decision. Inform them that they work through the questions, you will guide them by rereading parts of the text aloud, and then they will get a chance to reread and answer questions independently.• Remind students that key vocabulary words are defined on the bottom of the page, in the form of footnotes. They have also defined many key vocabulary words and phrases in the chart on page 3 of the excerpts during the Quiz-Quiz-Trade. Invite students to refer to the footnotes and the chart when they hear a word they do not know as you read aloud.• Use the <i>Plessy v. Ferguson</i> Close Reading Teacher's Guide: The Court's Decision to guide students through this text and the text-dependent questions, rereading the indicated passages aloud and pausing for discussion and written responses to the text-dependent questions.	<ul style="list-style-type: none">• When reviewing graphic organizers or recording forms, consider using a document camera to display the document for students who struggle with auditory processing.• Providing models of expected work supports all students, but especially challenged learners.• Consider rereading the text aloud with small groups of struggling readers, pausing to clarify and check for understanding.• For students reading significantly below grade level, consider streamlining the text by shortening sentences and simplifying difficult vocabulary.



Closing and Assessment	Meeting Students' Needs
<p>A. Modeling: Taking Notes (5 minutes)</p> <ul style="list-style-type: none">• Distribute and display Homework: The Court's Decision.• Using the Homework: The Court's Decision (for teacher reference), model the first question with the document camera. Think aloud for students about how the 14th Amendment was written to ensure equal protection by the laws for all people. Point out the court's distinction between political and social rights and outline how they made their argument against Plessy.• After modeling the first question, tell students they will complete the second question for homework. Tell students they should reference the text as much as necessary as they work. Point out that the last question cannot be answered until students read the dissenting opinion. They should skip this question until Lesson 7. <p>Give students specific positive feedback about their close reading work in today's lesson.</p>	<ul style="list-style-type: none">• Consider providing quick verbal or written summaries of the 13th and 14th Amendments to struggling students.• Consider providing students with highlighters to identify where the decision references the amendments before writing.
Homework	Meeting Students' Needs
<ul style="list-style-type: none">• Reread <i>Plessy v. Ferguson</i>: Key Excerpts from the Court's Decision. <p>Complete the first two questions on Homework: The Court's Decision.</p>	



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Supporting Materials



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Plessy v. Ferguson: Quiz-Quiz-Trade Vocabulary Cards

Jurisdiction	Natural Affinities	Deprive
Abolish	Competency	State Legislatures
Underlying Fallacies		



Plessy v. Ferguson Text-Dependent Questions:
The Court's Decision

Name: _____

Date: _____

I can cite evidence to analyze the importance of the *Plessy v. Ferguson* case.

I can determine the court's point of view in its decision on the *Plessy v. Ferguson* case.

I can analyze how the authors of the court's decision and the dissenting opinion on *Plessy v. Ferguson* disagree on matters of interpretation.

1. The court claims that the purpose of the 14th Amendment is “to enforce the absolute equality of the two races before the law” but not “to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either.”

- What does “commingling” mean? Use context to help you determine the definition.
- Summarize this claim about the 14th Amendment in your own words.



2. The court claims laws that require the separation of blacks and whites in public places “do not necessarily imply the inferiority of either race to the other.”

- What does the word “imply” mean? Use context to help you determine the definition.
- Summarize this key claim about segregation laws in your own words.



Plessy v. Ferguson Text-Dependent Questions:
The Court's Decision

<p>3. The court admits, “It is true that the question of the proportion of colored blood necessary to constitute a colored person, as distinguished from a white person, is one upon which there is a difference of opinion in the different States.”</p> <ul style="list-style-type: none">• Explain in your own words what the states have a “difference of opinion” about.• Why is this particular issue important in the <i>Plessy v. Ferguson</i> case?	
<p>4. In response to Plessy’s argument that the law places a “badge of inferiority” upon African Americans, the court states, “If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it ...”</p> <ul style="list-style-type: none">• What does “put that construction upon it” mean?• Where does the court place blame for the “badge of inferiority”?	



Plessy v. Ferguson Text-Dependent Questions:
The Court's Decision

5. In the final paragraph, the court claims,
“The [plaintiff’s] argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races.”

- What is the court’s claim about “social prejudices”?
- What does “enforced commingling of the two races” mean? What is the court’s position on this?



Plessy v. Ferguson Close Reading Teacher's Guide:
The Court's Decision (For Teacher Reference)

Total Time: 28 minutes

Close Reading Question	Guide
<p>1. The court claims that the purpose of the 14th Amendment is “to enforce the absolute equality of the two races before the law” but not “to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either.”</p> <ul style="list-style-type: none"> • What does “commingling” mean? Use context to help you determine the definition. • Summarize this claim about the 14th Amendment in your own words. 	<p>1. Read the text aloud, stopping after “... terms unsatisfactory to either” (middle of Paragraph 2).</p> <p>2. Read Close Reading Question 1 (at left) aloud and allow students time to Think-Pair-Share and refer back to the text as much as they need to before cold calling on student pairs to respond.</p> <p><i>Note: Students may need help using context clues to determine the definition of “commingling” (mixing). You may also point out that the word “mingle” is within the word to push students’ thinking.</i></p> <p><i>Note: Help students to understand the important concept that legal equality means equality according to the law, but social equality means equal treatment in society.</i></p> <p>Sample Response: <i>This claim means that the court interprets the 14th Amendment in a way that only guarantees legal equality between blacks and whites, not social equality. This court determined that striking down the Louisiana railroad law would force the races to mix. The court asserts that the forced mixing of the races is not part of the 14th Amendment, and should not be pushed if either one or both races do not approve of such mixing.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none"> • What does “equality before the law” mean? • What does it mean to “abolish distinctions based on color”? • Why do you think the idea of “commingling” was so undesirable to white lawmakers at the time?



Plessy v. Ferguson Close Reading Teacher's Guide:
The Court's Decision (For Teacher Reference)

Close Reading Question	Guide
<p>2. The court claims laws that require the separation of blacks and whites in public places “do not necessarily imply the inferiority of either race to the other.”</p> <ul style="list-style-type: none">• What does the word “imply” mean? Use context to help you determine the definition.• Summarize this key claim about segregation laws in your own words.	<p>3. Continue reading the text aloud until “... earnestly enforced” (end of Paragraph 2).</p> <p>4. Read Close Reading Question 2 (at left) aloud and allow students time to Think-Pair-Share and refer back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>Sample Response: <i>Imply means to suggest.</i></p> <p><i>The court says that separating blacks and whites does not suggest that one race is better than the other.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none">• What is problematic about the court’s claim?• In what ways do you see evidence against this claim in Carlotta Walls’ life?



Plessy v. Ferguson Close Reading Teacher's Guide:
The Court's Decision (For Teacher Reference)

Close Reading Question	Guide
<p>3. In response to Plessy's argument that the law places a "badge of inferiority" upon African Americans, the court states, "If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it ..."</p> <ul style="list-style-type: none">• What does "put that construction upon it" mean?• Where does the court place blame for the "badge of inferiority"?	<p>5. Read paragraph 3 aloud, through "... voluntary consent of individuals".</p> <p>6. Read Close Reading Question 3 (at left) aloud and allow students time to Think-Pair-Share and refer back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>Sample Response:</p> <p><i>"Put that construction upon it" means "give it that meaning."</i></p> <p><i>The court places blame for the badge of inferiority on the African American race.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none">• What are the major flaws in the court's argument about the "badge of inferiority"?• How do you think the court's belief affected pro-segregationist attitudes?• What evidence against the court's claim do you see in A Mighty Long Way?



Plessy v. Ferguson Close Reading Teacher's Guide:
The Court's Decision (For Teacher Reference)

Close Reading Question	Guide
<p>4. In the final paragraph, the court claims, “The [plaintiff’s] argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races.”</p> <ul style="list-style-type: none">• What is the court’s claim about “social prejudices”?• What does “enforced commingling of the two races” mean? What is the court’s position on this?	<p>7. Reread Paragraph 3 aloud to reinforce understanding.</p> <p>8. Read Close Reading Question 4 (at left) aloud and allow students time to Think-Pair-Share and refer back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>Sample Response:</p> <p><i>The court claims that social prejudices cannot be destroyed by forcing the races to mix, and that forcing the races to mix will not make blacks equal to whites. Enforced commingling of the races means the governmentally controlled and forced mixing of the races. The court believes this is not acceptable, and that the states should be able to decide what they do about these issues individually.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none">• How does the court justify segregation?



Plessy v. Ferguson Close Reading Teacher's Guide:
The Court's Decision (For Teacher Reference)

Close Reading Question	Guide
<p>5. The court admits, “It is true that the question of the proportion of colored blood necessary to constitute a colored person, as distinguished from a white person, is one upon which there is a difference of opinion in the different States.”</p> <ul style="list-style-type: none">• Explain in your own words what the states have a “difference of opinion” about.• Why is this particular issue important in the <i>Plessy v. Ferguson</i> case?	<p>9. Continue reading aloud until “... white or colored race” (end of Paragraph 4).</p> <p>10. Read Close Reading Question 5 (at left) aloud and allow students time to Think-Pair-Share and refer back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>Sample Response:</p> <p><i>The court points out the states have a difference of opinion about what proportion of black ancestors to white ancestors makes a person “colored.” This issue is important in the Plessy v. Ferguson case because Plessy was mostly white, but was still forced to ride in the black railroad car.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none">• What problems does this issue cause for pro-segregation states?• What does this say about the way pro-segregationists thought about race?



Homework:
The Court's Decision

Name:

Date:

Directions: Reread *Plessy v. Ferguson*: Key Excerpts from the Court's Decision and answer the following questions to prepare for the Fishbowl discussion.

How does the court interpret the 14th Amendment to defend its position?	
What additional support does the court use to defend its decision?	
What important information or evidence does the court include in its opinion that Harlan does not include in his dissenting opinion?	



Homework:

The Court's Decision (Answers, for Teacher Reference)

How does the court interpret the 14th Amendment to defend its position?	The court interprets the 14th Amendment by saying that it requires equal treatment of the races. The court claims that the Louisiana railroad law does not violate the amendment because it allows both races access to the same train.
What additional support does the court use to defend its decision?	The court rejects Plessy's claim that the law gives black Americans a "badge of inferiority." They argue that the sense of inferiority black Americans may feel is due to social dynamics, and is a result of their own understanding of their place in society.
What important information or evidence does the court include in its opinion that Harlan does not include in his dissenting opinion?	The court includes more information about how "separate but equal" legislation does not affect political equality. The court also argues more extensively about the 13th Amendment, claiming that the railroad law does not have anything to do with slavery.