



INDIANA'S THEATRE LAUREATE

Exploring THE COLOR OF JUSTICE



by Cheryl L. Davis

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Separate but Equal?

Imagine there is a great school just down the street from where you live. It has a music program, new sporting equipment, and well-kept books on everything you could ever have a question about. However, you are not allowed to go to this school. You have to walk all the way across town to go to a school that is run down: broken windows, overcrowded classrooms, and outdated books with pages missing. Your school does not have a music program or organized sports teams. What if then you found out that the reason you have to go to this bad school is because of your height. Everyone knows that short people aren't smart enough for the good school to waste its time on them. You would probably think the situation is unfair. Well, this is exactly what was happening in the United States in the 1950s, only students weren't divided by height, but by the color of their skin. African American children had to attend the worst schools, while white children attended the best.

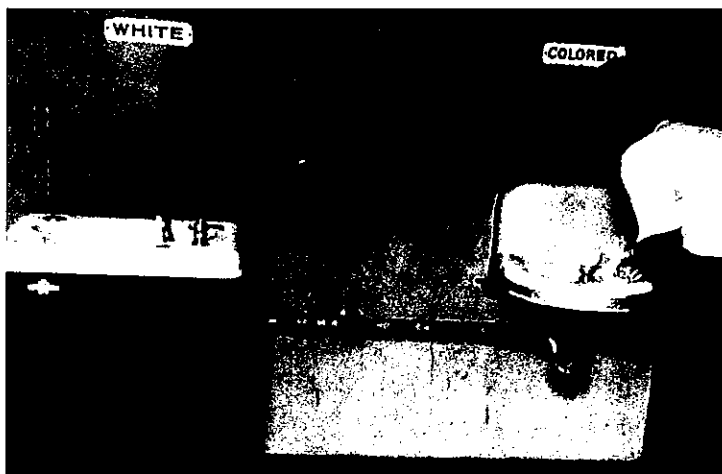
In 1865, the 13th Amendment to the Constitution ended slavery in the United States. Soon after, the 14th and 15th Amendments gave black people the same rights as white people. Many states, however, were unwilling to treat Blacks and Whites equally; they created "Jim Crow" laws that kept black people from using public facilities reserved for white people. In theatres, Blacks had to sit in "colored" balconies separated from Whites on the main floor. Drinking fountains and restrooms were marked "white" and "colored." The facilities for Whites were always newer and

nicer than those for Blacks.

Homer Plessy was an African American man who rode the train every day. When he refused to ride in the windowless, dirty car for Blacks, he was arrested. His case went all the way to the Supreme Court, the top court in the United States. In 1896, the Court declared this type of "separate but equal" segregation legal, even though the public facilities and accommodations for African Americans were clearly not equal to those for Whites.

During the 1950s and 1960s, the Civil Rights Movement developed. African Americans all over the United States started protesting against the unfair treatment they were experiencing. In 1955, Rosa Parks was arrested when she refused to give up her seat on the bus to a white man. Dr. Martin Luther King Jr. spoke out against "separate but equal," asking everyone to participate in non-violent protests. Many black families in different states around the nation filed lawsuits against their school boards. With the help of the NAACP and lawyers like Thurgood Marshall, these families were able to take their cases all the way to the Supreme Court.

The case called *Brown vs. Board of Education of Topeka, Kansas* represented many African American families in Topeka who wanted their children to be allowed to go to decent schools. (The name Brown was used because they were the first family on the alphabetical list). In *The Color of Justice*, the Carters are a fictitious family, but everything that happens in the play is based on true events. ★



How the Supreme Court Works

The Supreme Court is the highest court in the United States. There are nine judges, called justices, who serve on the Court together, and their job is to make sure that U.S. laws and government actions do not violate the Constitution. Once someone is appointed to the Supreme Court, he or she serves for life unless he or she retires, resigns, or is impeached (removed). The President nominates someone he feels would do a good job. Congress interviews the candidate and then votes on whether or not they approve of the President's decision.

Recently, President Bush nominated John Roberts from Indiana to replace Chief Justice William Rehnquist, who

died. Another justice, Sandra Day O'Connor, has announced her retirement from the court, and the President has nominated Joseph Alito to replace her.

The Supreme Court justices hear cases that have already been heard by a local federal court or involve disputes between state governments. If you lost a case on the local level, you could then write an appeal to the Supreme Court.

The Court does not have to hear every case appealed to it. The justices can make a decision on a case without hearing lawyers speak, or they can choose to dismiss the case. Once a case reaches the Supreme Court, it is argued by lawyers only. There are no witnesses. Each lawyer

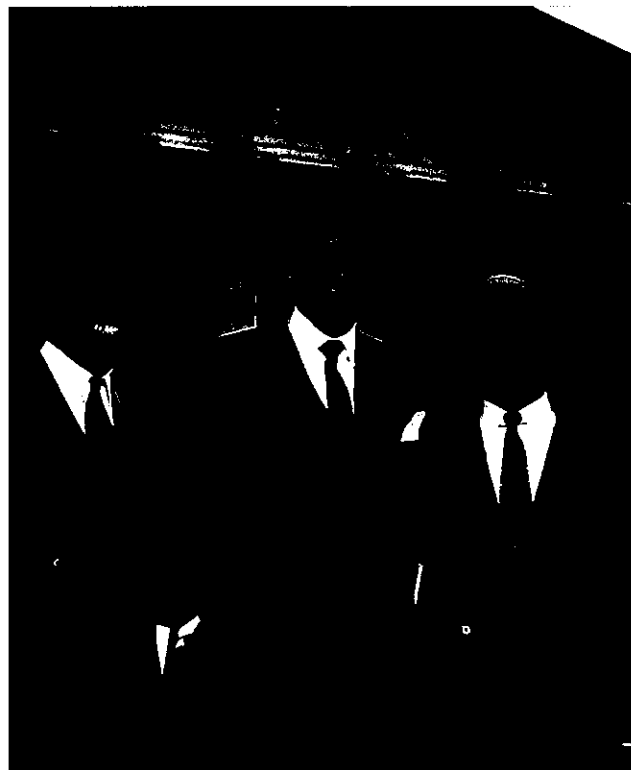
gets only 30 minutes to argue his or her case, which includes time for the justices to ask questions. (Note: In *The Color of Justice*, the lawyers get 60 minutes; extended time is given in cases of extreme importance.)

After courtroom time is over, the justices can take weeks, sometimes months to make a ruling on a case. They spend a lot of time debating amongst themselves, referring to written testimony from the local hearings, other cases, and the Constitution. After the justices reach their decision, the decision is announced and sets a precedent (an example) for future cases. The Supreme Court has the final say on the laws of the United States. ★

Thurgood Marshall

Thurgood Marshall was born in West Baltimore, Maryland, in 1908. His father, William, was a dining-car waiter for the Baltimore & Ohio Railroad, and his mother, Norma, was a teacher in a segregated school. Thurgood and his older brother, Aubrey, attended segregated schools. As a child, Thurgood spent a lot of time in debates with his father about current events. In high school, he was considered "mouthy," which often got him in trouble. As punishment, he was forced to copy text from the U.S. Constitution, and by the time he graduated, he had most of the document memorized.

Thurgood went to college in Pennsylvania at Lincoln University. After graduation, he wanted to go to law school at the University of Maryland, but could not get in because he was black. This moment had a great effect on the rest of his life and his career. He ended up graduating first in his class from Howard University Law School in Washington, DC, in 1933.



The next year Marshall became a lawyer for the National Association for the Advancement of Colored People (NAACP) and began to work his way up in the organization. It was during his time as a lawyer for the NAACP that he

worked on all of the segregation cases, including *Brown vs. Board of Education of Topeka, Kansas*. He was one of the most successful Supreme Court lawyers, winning 14 out of 19 cases argued there.

In 1954, President John F. Kennedy appointed Marshall to the U.S. Court of Appeals, where he wrote more than 150 decisions including support for the rights of immigrants and the rights of privacy. In 1967, President Lyndon Johnson appointed him the first African American Supreme Court justice. He served on the court for more than 20 years, continuing to support the rights of the "voiceless American." He retired in 1991 and died in 1993. Throughout his long life, Thurgood Marshall never stopped fighting for equality and justice. ★

Thurgood Marshall (center) with George E. C. Hayes (left) and James Nabrit Jr. (right) in front of the Supreme Court, where they argued *Brown vs. Board of Education*.

Vocabulary

Amendment: a change or addition to the Constitution.

Appeal: the transfer of a case from a lower court to a higher court, or a request for such a transfer.

Civil Rights: the rights belonging to individuals because they are citizens, especially the fundamental freedoms and privileges guaranteed by the 13th and 14th Amendments to the U.S. Constitution and by other acts of Congress, including civil liberties, due process, equal protection of the laws, and freedom from discrimination.

Congress: The national legislative body of the USA, consisting of the Senate and the House of Representatives.

Constitution: a system of fundamental laws and principles by which a country is governed. The US Constitution was written in 1787 by representatives from each of the original 13 colonies.

Hearing: a court session at which testimony is taken from witnesses.

Impeach: to accuse someone. The ultimate goal of impeachment is to remove someone from office.

Jim Crow Laws: laws passed by many states, especially in the South, that denied rights to African Americans even after the 13th, 14th, and 15th Amendments to the Constitution became law. These laws allowed segregation of restaurants, restrooms, drinking fountains, and schools. The name comes from a nineteenth century song; it was an insulting name for African Americans.

Justice: a Supreme Court judge; or, the principle of moral rightness.

NAACP: the National Association for the Advancement of Colored People, started in 1909. Ever since, it has worked to stop violence and discrimination against African Americans.

Segregation: The policy or practice of separating people of different races, classes, or ethnic groups, as in schools, housing, and public or commercial facilities, especially as a form of discrimination. ★

Discussion Questions

At the beginning of the play, why does Grace think that her white doll is prettier and smarter than the black doll?

Do you think that everyone is treated equally today? What do you think needs to change? What can you do to help? Consider this locally, nationally, and internationally.

What role should the government play today in enforcing equal rights?

How might your life be different if school desegregation had never occurred?

Thurgood Marshall had to struggle to become a lawyer because of his race. What do you want to do when you are older? What obstacles might you need to overcome to achieve your goal?

How do you think you would respond if you were faced with similar challenges to those faced by the characters in *The Color of Justice*?

How did the Brown decision make life better for everyone? How have you benefited from this decision?

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On-Line or at the Library

TO LEARN MORE ABOUT THE TOPICS INVOLVED IN THIS PLAY

CLICK ON:

www.usdoj.gov/kidspage/

The US Department of Justice website for kids. Talks about civil rights and how a courtroom works as well as other important government information.

myhero.com/myhero/hero.asp?hero=t_marshall

The My Hero Project. Contains biographical information on Thurgood Marshall. Also has other website links and suggested books.

bensguide.gpo.gov/

Ben Franklin's guide to the U.S. government. A website for kids divided by age group that explains how different parts of government work.

<http://www.britannica.com/Blackhistory>

Articles, images, audio and film clips, multimedia presentations, a timeline.

READ:

The Civil Rights Movement for Kids: A History with 21 Activities by Mary Turck. Easy to understand. Good for the classroom or at home.

The Supreme Court by Brendan January. Talks about the Supreme Court and includes a section on civil rights.

Thurgood Marshall: Civil Rights Attorney and Supreme Court Justice by Mark Rowh. Biography for grades 6-8.

The Constitution of the United States of America. Read the real thing or *The U.S. Constitution and You* by Syl Sobel and Denise Gilgannon for a simpler explanation of the Constitution and government.

Whadda You Know?

The Answers to this Quiz can be found in this Study Guide.

1. Thurgood Marshall was a lawyer for what African American organization?
 2. Name one person who acted against the Jim Crow Laws.
 3. What did the 13th Amendment to the Constitution do?
 4. What are the judges on the Supreme Court called?
 5. Who was "Brown" in *Brown vs. Board of Education of Topeka, Kansas*?
 6. What was one hurdle that Thurgood Marshall had to jump over in order to become a lawyer?
 7. How long can a person be on the Supreme Court?
 8. When was the Constitution written?
 9. What is the main function of the Supreme Court?
 10. Name three of the unfair rules enforced as Jim Crow Laws.
 11. How many justices serve on the Supreme Court?
 12. Do Supreme Court justices hear witnesses testify?
 13. What does NAACP stand for?
 14. Which President appointed Thurgood Marshall to the Supreme Court?
 15. What does "separate but equal" mean?
- Answer key available in the Education section of www.indianarep.com ★



Pictured here is a typical southern black school from the days before Brown vs. Board of Education. Imagine if this were your school. What are some of your favorite school activities that would be difficult or impossible in such a room? How would learning in this environment make you feel?

Activities

After watching the play, hold a mock trial. Pick two students to be lawyers while the rest of the class gets to be Supreme Court justices. Let each lawyer argue his/her side of a debate. It could be the one in the play or it could be something simpler like the best ice cream flavor. Create your own time limits, and at the end, let everyone vote. The justices could also have their own time to debate with each other while the lawyers are out of the room.

Ask your grandparents or other senior citizens about the 1950s. How old were they? What do they remember about civil rights at that time? Tell them about seeing this play and ask what they remember.

Color, draw, paint, or sculpt something that represents equality. Share your work with the rest of your class and talk about how each artwork shows equality.

Follow the nomination and hearings of the newest Supreme Court justice on the news with your family. Talk to them about what they think of the current candidate.

Imagine the challenges faced by children like Grace Carter who risked their friendships, their homes, and their safety to try to achieve an important goal. Research other children who have accomplished extraordinary things at a young age.

The Civil Rights Movement led to a lot of firsts in African American history. Using the books and websites suggested in this study guide, and your own resources, research past and present milestones and share them with your class.

See what you can find about the Civil Rights Movement in Indiana.



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Upcoming Student Matinees

Intimate Apparel
February 2, 8

King Lear
March 7-10, 14-17, 21, 22

Underneath the Lintel
March 29, April 12, 18, May 3

Driving Miss Daisy
April 25, 26, 28, May 3, 4

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