

Equal Protection of the Law: Fact or Fiction
by Cecil Ramnaraine

Students will:

1. Explore whether or not racism denies citizens of their rights under the 14th Amendment to the Constitution

Materials needed: Copies of: **Bill of Rights** (See Appended Materials)
Student Handout: *BROWN V. TOPEKA BOARD OF EDUCATION*
Student Handout: STATISTICAL STUDY ON IMPOSITION OF THE DEATH PENALTY
Student Handout: STUDY SHEET ON *EVERY TWO SECONDS*
16mm Film *Every Two Seconds*

Time needed: 1 week

Grade level: 9th - 12th grades

Procedure:

1. Students read the Bill of Rights paying special attention to the 14th Amendment. Students discuss it with teacher's help.
2. Students study **Student Handout: STATISTICAL STUDY ON IMPOSITION OF DEATH PENALTY** and **Student Handout: *BROWN V. TOPEKA BOARD OF EDUCATION*** and discuss them both, paying attention to the finding that segregation in public schools is inherently unequal and in violation of the equal protection of the laws. Have students discuss their opinions as to whether minorities are equally treated as guaranteed by the 14th Amendment.
3. View the movie *Every Two Seconds*.
4. Distribute **Student Handout: STUDY SHEET ON *EVERY TWO SECONDS***. Have the students complete; discuss and exchange opinions on the movie. Teacher should assist where necessary.

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Procedure cont.

- 5.** Teacher asks for student's evaluations as to whether the minority population in the movie received equal treatment.
- 6.** Debate "*Minorities, black men in particular, are deprived of equal protection under the law.*"
- 7. Optional Activity:** Field trip to the Hennepin County Juvenile Detention Center, 400 Park Avenue, Minneapolis.
 - A.** Students interview detainees at the Juvenile Detention Center; 6 white detainees and 6 black detainees in order to compare the way in which they were treated by law enforcement authorities.
 - B.** Students write their own findings and submit and share their conclusions. They must determine whether or not they found discrimination, prejudice and unequal treatment.
- 8.** An alternative or extra field trip: Arraignment Court in Ramsey or Hennepin County to view adult court and disposition of cases by a judge. Students can study the statistics of the day's cases and the manner in which they were settled, drawing some conclusions.
- 9.** Class evaluates their individual and collective findings and draw some conclusions.

Student Handout: STUDY SHEET ON *EVERY TWO SECONDS*

- 1.** At the very start of the movie what statistics were quoted? Why?
- 2.** How many suspects were women? White men? Black men? Why the disparity?
- 3.** How many police officers were women? White men? Black men? Why the disparity?
- 4.** Describe the men accused of rape. Draw some conclusions as to why they did it.
- 5.** What reasons were given for the repetition of crimes? Do you agree?
- 6.** About 20% of the U.S. population is black, of whom about half are men. What percent did black men represent of those accused of crime in the film? Why such a large percentage?
- 7.** From viewing this movie, draw a profile of the habitual average criminal. Give reason why you agree or disagree with this profile.
- 8.** List at least six reasons why people engage in crime.
- 9.** List at least six reasons why black men engage in crime.
- 10.** Advance some solutions to the crime problem in the U.S., especially as it relates to juveniles and minorities.

Student Handout: STATISTICAL STUDY ON THE IMPOSITION OF THE DEATH PENALTY

In *McCleskey v. Kemp* (1987), the U.S. Supreme Court considered an appeal of a black defendant sentenced to the death penalty in the state of Georgia. In his defense, the defendant asserted the findings of a study done by Professors Baldus, Woodworth, and Pulaski (referred to as the Baldus study) which claims to show a disparity in the imposition of the death sentence in Georgia based on the race of the murder victim, and to a lesser extent, the race of the defendant. The Baldus study is actually two statistical studies that examined over 2,000 murder cases that occurred in Georgia in the 1970s.

The numbers collected through the study indicated:

1. defendants charged with killing white persons received the death penalty in 11% of the cases.
2. defendants charged with killing black persons received the death penalty in 1% of the cases.
3. 4% of black defendants received the death penalty.
4. 7% of white defendants received the death penalty.
5. in cases involving black defendants and white victims, 22% of the defendants received the death sentence.
6. in cases involving white defendants and black victims, 3% of the defendants received the death sentence.
7. in cases involving black defendants and black victims, 1% of the defendants received the death sentence.
8. in cases involving white defendants and white victims, 8% of the defendants received the death sentence.

In addition, prosecutors sought the death penalty in:

1. 70% of the cases with black defendants and white victims.
2. 32% of the cases with white defendants and white victims.
3. 15% of the cases with black defendants and black victims.
4. 19% of the cases with white defendants and black victims.

Although the Court did not question the validity of the study, it did find that the defendant failed to prove that race had entered into his case. The Court said that statistics alone show only a likelihood that a particular factor entered into some decisions, not that it in fact played a role.

Student Handout: *BROWN V. BOARD OF EDUCATION OF TOPEKA, KANSAS (1954)*

Linda Brown was an eleven-year-old black girl growing up in a poor neighborhood in Topeka, Kansas. Linda had been a student at Monroe School, which was a mile from where she lived, for the first and second grade. When she began third grade, her father brought her to Summer School, which was closer to her home, on a pleasant tree-lined street. Although the school was very nice, Linda could sense that her father was uneasy about taking her there. After entering the all-white school, Linda and her father were told to report to the principal's office. Linda waited outside while her father talked with the principal. Moments later, he walked Linda out of the school. The principal had told him that she could not attend the Summer school. She was black, and the city had a rule that required that she attend a black school. Linda's parents decided to sue the school on the grounds that she was not receiving an equal education in her all-black school.

This lawsuit challenged that law that had been decided in the 1896 case of *Plessy v. Ferguson*, stating that separate but equal facilities were legal under the U.S. Constitution.

The Supreme Court agreed with Linda and her parents. The Court's opinion began: "*In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. . . The plaintiffs contend that segregated public schools are not 'equal' and cannot be made 'equal,' and that hence they are deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.*"

Chief Justice Warren, writing for the court, summed up the case by saying "*We come then to the question presented. Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal education opportunities? We believe that it does . . . Separate educational facilities are inherently unequal.*"