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Almost a Citizen: A History of Social Injustice in America

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Introduction

Currently, I teach at a school that was formerly a transitional school, which serviced at-risk students, who require a small structured environment to experience success. Although my school is now a magnet school, it is a program that is designed to strengthen the basic skills of the students attending our school, and provide opportunities for them to make significant gains. We offer a small flexible environment; which allows us to design a program that would be most beneficial to each student.

Every student in my classroom has had some kind connection to the law. Whether it is a family member, friend or themselves, each student is aware that laws exist and has a large impact on their lives and freedom. Poverty is a reality to some, and they live in a city where violence is running rampant in their neighborhoods. These encounters with the law are largely local and state infractions. Very few students are aware of federal laws and the constitution, as well as the rights that are granted and protected by these laws. They find it difficult to see past their immediate circumstances and experiences.

This unit is designed to make complex and foreign material accessible to students, some of whom lack interest and motivation to learn about the past. Often students are resistant to learning material that doesn't appear relevant to their reality, one of those topics being the Jim Crow Era. Although the Jim Crow Era and the struggles of African Americans throughout American history is not foreign or new to the students I teach, it is a topic that seems overdone or irrelevant to them. Students do not realize that there are unknown cases and issues that have yet to be explored, as well as the complexities surrounding the various instances of discrimination and social injustice. I currently teach tenth grade students, but will move with these students throughout their high school career. In other words, these students have me as an English Teacher for all four years of high school. I am afforded the opportunity to build on the foundation that I have established the prior year and challenge students further in their education. Therefore, it is my professional goal to not only strengthen their basic skills, but to also expose them to learning experiences that will allow them to compete and survive in society.

In this unit, students will analyze literary texts, case law, court documents, photographs and film that document the violation of African Americans' rights and the history of social injustice in America's legal system. By the end of the unit, students should be able to analyze historical text, examine the African

American experience during Jim Crow, develop meaningful connections as to the complainants in the legal cases, and finally, argue whether the Groveland Boys were guilty of rape in 1948. When teaching about social injustice during the Jim Crow period, the Scottsboro case is a popular example. There are many resources and educational units online for teachers. However, not many students or adults know about the Groveland Four, hence the reasoning behind the selection of *The Devil in the Grove*. Reading and supplemental materials in this unit are organized and grouped based on historical events. Since the material is broken down into time periods, students are able to form connections related to historical context, because it is important for students to see that the treatment of African Americans were often tied to politics and economics of that time period. The focus of this unit will be on the legal system and how it addressed instances of social injustice, as well as how those experiences were shaped by the time period and presented comparative or contrasting experiences amongst African Americans.

Rationale

When the 10th grade English Language Arts Common Core was introduced, I was not given a guide to building background knowledge for the unit with a theme of Social Injustice. It was assumed that I would develop a series of lessons that would provide students with the foundation they needed to dive into a book in which they were almost 60 years removed. Doesn't sound too bad, huh?! The fact that I teach predominantly African-American and Hispanic youth would appear to work to my advantage when teaching about civil rights violations and social injustices in American History. Unfortunately, most of the students are only concerned with the present. They go home on a daily basis and are faced with police presence on their streets and gun violence that is running rampant in their communities. This is their understanding and interpretation of the law. When the topic of Jim Crow laws is raised during a class discussion, students recall the early lessons of the Civil Rights Movement and the Montgomery Bus Boycott, including Martin Luther King Jr. and Rosa Parks they received during primary years of schooling. When assessing what students already know, some shout out the separation of schools and public facilities, but none really understand the depth and magnitude of the Jim Crow laws during the time between Emancipation and the Civil Rights Movement. They have no clue about Jim Crow as a system that proliferated the South, and how it limited the freedoms of African Americans. Some students even think that slavery and the Jim Crow South were the same time period due to the limited opportunities and frequent instances of social injustice perpetuated against blacks.

Unlike the passionate Civil Rights pioneers mentioned above, the students in my classroom aren't stirred by the lack of protection that this country's citizens of color have experienced in the past. Frankly, many believe that blacks allowed the injustices of the Jim Crow South to occur, and that blacks do not experience the same social injustices today. The connection isn't made between the possibility of the "Stand Your Ground" law in Florida posing a potential threat to the civil rights of African Americans, like Trayvon Martin. Students often become frustrated with historical figures or ordinary people of the Jim Crow Era, because they feel these individuals who experienced social injustice did not fight back hard enough. This frustration stems from a lack of understanding of how vast Jim Crow was. Students often believe that African Americans accepted the conditions of the Jim Crow period. Therefore, I am faced with the challenge of bringing to life a time period in which my students appear to have no direct connection; which makes much of the material inaccessible to them.

As a high school English teacher, I am often confronted with the challenge of establishing the historical

context of a text I am teaching, so that students can better understand the events in the text. This has proven to be the case when teaching the text *To Kill a Mockingbird* by Harper Lee. In the past, I have designed mini-lessons that attempt to establish a time-line of monumental events between the time period of 1863-1960. One of the major events is the Scottsboro Boys Trial; which served as an example of social injustice and inspiration to author, Harper Lee for the composition of this text. The introduction of this trial illustrates how African Americans were free from slavery, but did not experience equal protection under the law as citizens of the United States. In Lee's *To Kill a Mockingbird*, the contradiction of race and the law is evident. The main character is struggling to understand the unfair prosecution of an African American client of her attorney father, while being taught in class that Americans do not believe in committing injustices and crimes against other humans. Briefly, in Chapter 26 of *To Kill a Mockingbird* Lee writes: "One day at school Cecil Jacobs presented his current event concerning Adolf Hitler and his incarceration of Jews. Miss Gates, Scout's teacher, discussed this injustice and crime against humanity, lecturing the children at great length about how wrong it was for Hitler to persecute them that way." This same teacher, Miss Gates fully supported the injustice perpetuated against the aforementioned African American man during this same lecture; which acts as a symbol or representation of how America applies its laws and views disproportionately toward African Americans during this time period. In addition, this example exhibits how racial injustice is a reality that Americans would like to believe is no longer an issue or practice in our present society. However, events such as the Trayvon Martin verdict and the Jena Six are constant reminders that the struggle to apply the law equally in America is still a major concern for African Americans.

Just like an onion, one must unravel the many layers of history when trying to completely understand this idea of social injustice during the Jim Crow Era. Students often jump from slavery to Martin Luther King, Jr. and overlook the struggles and long fought battles for justice by everyday people following the Reconstruction Era. Many historical events and conditions shaped the attitudes of Americans creating instances of social injustice. Before exploring specific cases or literature regarding social injustice in America, the historical events and social climate of the United States has to be explored. Therefore, this unit should serve as a supplement to an anchor literature text to provide students with the historical and social conditions of the Jim Crow Era.

Historical Context

Prior to researching this unit, I didn't know anything about the Groveland Four. During a period when lynching was prevalent in the south, this case is an example of legal lynching. Groveland tells the story of four African American males wrongly accused and convicted of raping a young, white female in Groveland, Florida in 1949.

Following World War II, Groveland was the center of black activity in Lake County,

and black soldiers returning to Florida from military service found that although they have participated in changing the history of the world, little had changed in the world they knew. In the rural town of Lake County, citrus was a lucrative industry and blacks were needed to work in the fields. This need for blacks to remain in the position of peonage created the opportunity for men like, Sheriff Willis V. McCall to make examples of former black soldiers with a promising future ahead of them.

Returning black soldiers such as Sammy Shepherd and Walter Irvin attracted the attention of Sheriff Willis McCall, whose brutal treatment of blacks had become widely known. Part of McCall's job was to make sure there was a steady supply of fruit pickers who were willing to work for low wages. However Shepherd and Irvin were violating several of McCall's rules. These two men continued to wear their Army uniforms; which gave the impression that they felt they were somehow better, they refused to work in the fields and their fathers had demonstrated independence that did not sit well with whites. Shepherd's father, Henry Shepherd had his

own farm, carved out of what was believed to have been worthless swamp land. He had prospered during the war and became an icon for blacks living in substandard conditions. But for whites, Shepherd was a symbol of what could happen if blacks farmed their own properties and stopped working for whites. This is just one of several disturbing trends for McCall that threatened to upset the power structure in Groveland. In addition, Harry T. Moore had formed the Progressive Voters League to encourage blacks to vote and to endorse political candidates. The history of blacks in the U.S. proves that progress during this time period was temporary. The progress made by blacks, like the Shepherds and the Irvins in Groveland would disappear on July 16, 1949.

Pre-Groveland

Slavery was just one of several ways by which the white regime sought to define blacks' status or place and to maintain a position of subordination. When slavery was abolished, the social interaction between newly freed black and white Americans became ambiguous and required structure and definition, especially in the South. Some of the security that slavery provided for all whites, Northern and Southern, was erased when the slave became a free man. After the slavery was abolished blacks were citizens under the US Constitution, but in the South, Jim Crow determined to what extent. The Merriam-Webster defines a citizen as being "a person who legally belongs to a country and has the rights and protection of that country;" however, blacks during the Jim Crow Era did not receive the full benefit due to segregation.

Students often confuse the treatment and living conditions of African Americans during the Jim Crow Era with slavery. There isn't enough focus on the Reconstruction Era that followed the Emancipation of African Americans. There is a dual transformation that took place during this Era of 1865 to 1877: the history of an entire country was taking form after the Civil War and the transformation of the South as directed by the Congress. From 1863 to 1865, Presidents Abraham Lincoln and Andrew Johnson took moderate positions to ensure the support of Southerners and bring the South back to normal as soon as possible, while the Radical Republicans (as they called themselves) used Congress to obstruct their moderate approaches, force harsh terms, and upgrade the rights of the freedmen (former slaves). The views of Lincoln and Johnson existed until the Congressional elections of 1866 in the North; which allowed the Radicals to drive policy, remove former Confederates from power, and grant suffrage to the former slaves. A Republican coalition emerged in nearly all the southern states, and began to transform the society by setting up a free labor economy, using the U.S. Army and the Freedmen's Bureau. The Bureau protected the legal rights of former slaves, negotiated labor contracts, and established schools (even churches) for them. Thousands of Northerners came South, as missionaries, teachers, businessmen and politicians; hostile elements called them "Carpetbaggers". The South felt that the North was trying to change their way of life and culture through the advancement of freed blacks; which was one of the motivating factors of the Civil War.

Reconstruction was a significant chapter in the history of civil rights in the United States, but most historians consider it a failure because the South became poverty-stricken with an attachment to agriculture, white Democrats re-established dominance through violence, intimidation and discrimination, forcing former slaves into second class with limited rights and utterly excluding them from politics. Historian Eric Foner argues, "What remains certain is that Reconstruction failed, and that for blacks its failure was a disaster whose magnitude cannot be obscured by the genuine accomplishments that did endure."

A part of that re-established white dominance was segregation. Segregation is based on the assumption that the Anglo-Saxon race is superior to the inferior African race. This assumption served as the basis of slavery, and would provide the same justification for segregation once slavery had ended.

During the period of 1870 to 1900, there was no generally accepted code of racial habits or attitudes. It wasn't

until 1900 that the law required the separation of the races on the railroad cars. Up until that time, blacks sat where they pleased and among the white passengers on majority of the state's railroads. This is also true on other forms of transportation, as well as places of public amusement. In some states, even in the South, blacks held political office and were allowed to vote. Risk was always present for blacks, but no firm policy of exclusion was set during this period.

According to Cheryl J. Harris, the case of *Plessy v. Ferguson* is often viewed as the story of segregation in America. The *Plessy* case took regional attitudes towards race segregation and provided a national foundation a regulatory system; which controlled all aspects of life. This was justified by law and custom, as necessary to preserve the "American" way of life. Once segregation laws began to appear, the laws varied from state to state. Through segregation, the nation began to build a system to further solidify its identity as white. In the process, rights guaranteed to African Americans under the Fourteenth Amendment were violated. More specifically, the clause pertaining to due process was one that was violated repeatedly. This unit will only address a fraction of occurred on a much larger scale.

Due Process: Brown et al. v. Mississippi

"Convictions of murder, which rest solely upon confessions shown to have been extorted by officers of the State by torture of the accused, are void under the due process clause of the Fourteenth Amendment" (Supreme Court)

Thurgood Marshall was able to win a Supreme Court victory on behalf of the Groveland Boys based on the violation of the 14th Amendment's Due Process Clause. Reviewing the historical decision of *Brown v. Mississippi* would help provide background knowledge to students when discussing the Supreme Court's decision in the Groveland case.

The Fourteenth Amendment applies only against the states. When the government seeks to encumber a person's protected liberty interest, the Supreme Court has held that it is required, at minimum that the government provides notice and opportunity to be heard at an oral hearing, and a decision by a neutral decision maker. In other words, the due process clause acts as a safeguard from random denial of life, liberty or property by the government outside the sanction of law.

The *Brown v. Mississippi* case is just one example of how African Americans were often accused of a crime, and tortured to confess to a crime they were innocent of committing. In this case, the Klu Klux Klan did not have to chase the men involved in this case and torture them. Law enforcement officials were the "angry mob" instead.

Three black sharecroppers were indicted and convicted of murdering Raymond Stewart, their white landowner. His death occurred on March 30, 1934. They were indicted on April 4, 1934, arraigned and plead guilty, and counsel was appointed by the court. The trial began the next morning and was concluded on the very next day. They were all found guilty and sentenced to death.

The only evidence in this case was confessions obtained from the defendants; however, the defendants testified that the confessions were false and had been acquired by physical torture. On the night of March 30, 1934, Dial, a deputy sheriff, accompanied by others, arrived at the home of Ellington, one of the defendants, and requested him to accompany them to the home of the deceased. It was at this home that Ellington was confronted by a number of white men who accused him of the crime, and upon his denial, with the participation of the sheriff, they seized him and hanged him by rope from a tree. When he maintained his

innocence, they strung him up again. After he was let down, he continued to protest his innocence, so they tied him to a tree and commenced to whipping him. He still maintained his innocence. He was released and returned home in excruciating pain. The deputy, accompanied by another, would return to his home to arrest him. On the way to the jail, the deputy stopped and whipped the defendant, proclaiming he would continue the whipping until he confessed. It was then that Ellington agreed to confess to a statement as the deputy would dictate, and he was delivered to the jail. It is recorded that signs of the rope were plainly visible of during the trial.

The other two defendants, Ed Brown and Henry Shields were visited by the same deputy, Dial. On April 1, 1934, the deputy, along with a group of white men, including an officer and jailer came to the jail, and forces Brown and Shields to strip. They were laid over chairs and their backs were cut to pieces with a leather strap with buckles on it. Like Ellington, they were told the whippings would stop. The whippings continued until every manner of the crime was confessed to by Brown and Shields. It is reported that one defendant limped and couldn't sit down because of the beatings.

In spite of the blatant evidence of torture and coerce confessions, the confessions were heard in court. The two sheriffs and the one other person present served as witnesses to the confessions in court; asserting that the confessions were free and voluntary. In addition to the physical obvious evidence of torture, the defendants would testify to beatings; which led to the confessions from each of them. Further the acting court deputy, Sheriff Deputy Dial, admitted on the stand that the beatings and whippings took place, but dismissed the severity by stating that the beatings "not too much for a Negro." In addition, the other two parties involved admitted to the beatings, not one denied it. In spite of the admission of torture and coercion, the jury found these defendants guilty and sentenced them to death.

This United States Supreme Court would unanimously decide to reverse the convictions of the defendants. It was held that the defendants' confessions were extracted as by police violence and could not be entered as evidence, because it violated the Due Process clause of the Fourteenth Amendment.

Scottsboro Boys

Through the news coverage during the Groveland Four case, reporters referred to the trial as "Little Scottsboro". In *Devil in the Grove*, Gilbert King states "This case was uncomfortably similar to events seventeen years earlier in Scottsboro, Alabama, when two white women accused nine black youths of rape and Sheriff M. L. Wann headed off a lynch mob outside the Scottsboro jail, declaring 'If you come in here I will blow your brains out,' before he called in the National Guard." Therefore, I believe covering the events of the Scottsboro trial will provide students essential background knowledge while reading about the Groveland Four.

In Alabama, nine black teenagers are accused of rape in 1931. There were many violations to the right to a fair trial in this case; which included a setup, an all white jury, rushed trials, an attempted lynching and an angry mob. This case is one of many examples of a miscarriage of justice in the South.

On March 25, 1931, several people, black and white, were riding as stowaways on a train. Several white teenagers jumped off the train and reported to the sheriff that they were attacked by a group of black teenagers. The sheriff organized a posse, stopped and searched the train in Pine Rock, Alabama. While the black teens were being arrested, two young white women were found and accused the black teens of rape. The case was first heard in Scottsboro, Alabama in the form of three rushed trials, where the accused received poor legal representation. All defendants, but the one thirteen year old, were convicted of rape and sentenced to death, the sentence in Alabama at the time for black men convicted of raping white women.

With the assistance of the American Communist Party, the case was appealed and the Alabama Supreme Court affirmed seven of the eight convictions, and granted the thirteen year old a new trial because he was a juvenile. Chief Justice John C. Anderson dissented; however, ruling that the defendants were denied an impartial jury, fair trial, fair sentencing and effective counsel. During the retrials, one of the alleged victims admitted to fabricating the rape story and asserted that none of the Scottsboro Boys touched either of the white women. In spite of this confession, the verdict was the same: guilty.

This case would be tried three times. The third jury contained one black member, but a guilty verdict was returned for a third time. Finally, charges were dropped for four of the nine defendants. The sentences for the remaining ranged from 75 years to death. The ending for these defendants was a sad one. All but two of them served prison time, one was shot by a prison guard, two escaped, but were caught, charged with crimes and sent back to prison, and Clarence Norris, the oldest defendant and the only one sentenced to death, jumped parole and went into hiding in 1946. It was not until 1976 that he received a pardon by George Wallace, after he was found and he wrote a book about his experiences. He would only live thirteen more years as a free man; he died in 1989.

The Groveland Boys

Rape accusations against black men by white female victims were common during the Jim Crow Era. A case much like the Scottsboro Boys is The Groveland Boys (The Groveland Four). In 1949, four young black men are falsely accused of raping a white woman in Lake County, FL.

During this time, the orange industry was booming and Jim Crow labor allowed citrus farm owners to get rich. To maintain order and regulate profits, these citrus farm owners turned to Sheriff Willis V. McCall, a violent sheriff who ruled Lake County with a murderous firmness. When a white seventeen year old Groveland girl cried rape, McCall was fast on the trail of four young black men who dared to dream and envision a future for themselves beyond the citrus grove. Before the day ended, the Klu Klux Klan had rolled in town, burning the homes of blacks to the ground and chasing hundred into the swamps, determined to lynch the young men who came to be known as "The Groveland Boys."

The Groveland Boys were four men, Ernest Thomas, Charles Greenlee, Samuel Shepherd and Walter Irvin. Shortly after the accusation of rape was made by Norma Padgett, Greenlee, Shepherd, and Irvin were arrested. Ernest Thomas fled Lake County the following morning, but was tracked down 200 miles away by a posse and was shot and killed. Officers justified the shooting by reporting that Thomas was armed and reached for his weapon; however, it was claimed by the NAACP that the intent was to track Thomas down and kill him.

The NAACP would provide attorneys to represent the remaining three defendants. All three reported, independently of the others, that they were beaten by the Lake County deputies. Shepherd and Greenlee admitted to FBI agents that they confessed to stop the beatings; however, Irvin, in spite of the beatings, never confessed. Later, the FBI concluded that the civil rights of the Groveland Boys had been violated by deputies, James Yates and Leroy Campbell. U.S. Attorney Herbert Phillips was urged to prosecute, but was reluctant and unable to secure indictments on the deputies.

With a fear that a higher court might overturn the convictions, the forced confessions were never introduced into evidence during the trial. It is uncertain whether the rape took place at all. Two of the defendants, Shepherd and Irvin, claimed they were drinking that night in Eatonville, FL. Greenlee insisted he wasn't anywhere near the other defendants and claimed he'd never met Shepherd and Irvin prior. Defense was

denied the opportunity to call the doctor that examined Norma Padgett by Judge Truman Futch. Sheriff McCall's deputies were accused of manufacturing evidence to secure a conviction and succeeded. Both Shepherd and Irvin were sentenced to death, and Greenlee was given a life sentence.

In 1951, Thurgood Marshall, special counsel for the NAACP, had the verdict overturned by the U.S. Supreme Court. Sheriff McCall was transporting Shepherd and Irvin from the state prison to the county jail and claimed to have a flat tire. Alone with the two prisoners, McCall drew his pistol and began firing. He claimed that the handcuffed prisoners tried to attack him and escape. Irvin survived by playing dead and Shepherd was killed instantly. The following morning, Irvin would report to FBI that McCall staged the whole scene, and Lake County Deputy James Yates arrived and shot Irvin in the neck when he saw him breathing, but Irvin survived. FBI found a bullet in the ground below Irvin's blood spot, confirming his story. However, the jury made up of many friends of McCall cleared the sheriff of any wrong doing.

Irvin was retried and found guilty. After refusing a deal to plea guilty to avoid the electric chair, Irvin was sentenced to life by Judge Futch. In 1955, the newly elected governor, LeRoy Collins commuted Irvin's sentence to life, stating that the trial never proved conclusively that Irvin was guilty beyond a reasonable doubt. Irvin was paroled on 1968, but died two years later while visiting Lake County.

All three legal cases establish a pattern of inconsistency in the legal system as it pertains to African American men during the Jim Crow Era. In each case, the defendant does not only have to prove an accuser wrong, but they must fight an entire corrupt system. Judges, juries and deputies made it virtually impossible for African American men to receive a fair trial. Although there were politician, judges, lawyers and citizens that did not agree with the treatment of African Americans during this time, these instances of social injustice plagued the south.

In order to establish deep, significant and meaningful connections with the theme of Social Injustice, this unit will fill the gap between background knowledge and the text, *To Kill a Mockingbird* or any text that explores the inequitable application of law to minorities in the United States. Unfortunately, there were African-American males victimized in every state and every year during this time period. The oppression of this period was inescapable for many, because of the web of institutions that were built to keep African Americans down. Through this unit, students are exposed to an unfamiliar case that is similar to the Scottsboro rape case, the Groveland Four. These four men are falsely accused of rape in Lake County, Florida. The violation of their civil rights by the deputies would be fought all the way to the U.S. Supreme Court. In this unit, the national climate for African American men during this period is more vivid, as well as the varying attempts at resistance, both successful and unsuccessful. Students will analyze artifacts such as trial transcripts and defense statements, in addition to reading texts that breathe life into the past. This unit is an opportunity for students to fully experience the untold story of many.

Essential Questions

- Were the Groveland and Scottsboro trials violations of the Due Process Clause of the Fourteenth Amendment?
- Why do social injustices exist and what makes them occur?

- Do we (as individuals) have a responsibility to address social injustice?
- What are the reasons some people act to address social injustices that they witness while others do not take action?

As a result of this unit, students will develop an argumentative essay where they will argue the facts of the Groveland trial. Using the various texts, students will synthesize the multiple texts to determine whether the incidents in Lake County occurred as reported. In this unit, students will analyze texts (literary and informational) that center around the incident of the Groveland case and the motives behind witness statements and the actions of those involved.

The unit culminates in a debate and the writing of argumentative essay where student will develop a claim, provide evidence and explain their evidence using reasoning.

Unit Objectives

1. Read, understand, interpret, analyze, evaluate and discuss various texts about the Jim Crow Era of America.
2. Analyze, discuss and write how historical context shaped the social conditions of the U.S. during the Jim Crow Era.
3. Write a reflection establishing connections, questions and reactions to written documents.
4. Discuss connections, questions and reactions to written documents.
5. Identify motivation for discriminatory behavior during the Jim Crow Era.
6. Identify values and beliefs during the Jim Crow Era.
7. Compare and contrast the experiences of individuals who experienced social injustice during the Jim Crow Era.
8. Compose an argumentative essay.

Teaching Strategies

The texts for this unit will mostly derive from historical and literary texts. Because students often struggle with chronology ranging from slavery to the Civil Rights Movement, resources establishing the historical context will be provided as a supplement to all cases covered in class. The goal is for students to analyze historical instances of social injustice, more specifically, violations of due process provided under the law.

Below I have included a list of texts to illustrate the experience of African American men in the legal system during the Jim Crow Era. I have selected these texts for one major reason; they document or illustrate what was like as an African American man during the Jim Crow Era in the United States and depict instances of

social injustice.

Text	Author	Description
<u>From Jim Crow to Civil Rights</u>	Michael J. Klarman	Historical Text
<u>Devil in the Grove: Thurgood Marshall, the Groveland Boys and the Dawn of a New America</u>	Gilbert King	Historical Text/Literary Text
<i>Norma Padgett Testimony</i>	Fifth Judicial Circuit	Legal Text
<i>Walter Irvin Statement</i>	Williams	Primary Resource
<i>Brown et al. v. Mississippi</i>	Mr. Chief Justice Hughes	Legal Text
<u>The Groveland Four</u>	Aaron Hose	Film/Documentary
<i>New evidence could clear 'Groveland Four' in 1949 rape case</i>	WFTV.com	Film/News report
<i>Citizens Must Be Shocked Over Groveland Case</i>	Harry T. Moore	Historical Text
<u>Stories of Scottsboro</u>	James Goodman	Historical/Legal Text (Excerpts)
<u>To Kill a Mockingbird</u>	Harper Lee	Literary Text
<u>A Lesson Before Dying</u>	Ernest J. Gaines	Literary Text

Although two literary texts are provided, only one literary text would serve as the anchor text for the class. It would be required that students read the literary chapters assigned independently and compose a reaction based on their immediate thoughts or questions regarding the reading. In class, a lesson including the historical text relevant to the reading is conducted in the form of a mini-lesson. The goal is for students to engage in a discussion and formulate connections between the conditions of that time and the literary text.

So that students can begin to build background knowledge and explore social injustice during the Jim Crow Era on many levels, a pre-test is conducted to identify the areas that need development. The pre-test would demonstrate to students that although they have been introduced to the hardships that African Americans have suffered during the Jim Crow Era, there is much more to be learned about the experience of blacks during this time period. In addition, pre-, during and after reading activities, discussions and reflective writings will take place. The list of texts above will provide a much needed foundation for the subject of social injustice during the Jim Crow Era. Ultimately, the expected outcome is for students to participate in a Supreme Court Moot Court Activity. This unit would be best implemented in a classroom setting where a culture of respect and tolerance has been established, as well as a reading/seminar setting. The teacher must conduct mini-lessons before allowing students to participate in student-centered discussion about the subject of the texts, because historical context is essential to the success of this unit.

Classroom Activities

Pre-reading

Pre-Assessment

Students often believe that they know enough about the Jim Crow Era. The truth is that there is much that they don't know. Therefore, a pre-assessment would help demonstrate to students that they still have a lot of room for learning in terms of the Jim Crow Era. Also, teachers can determine what aspects of historical context should be covered.

During Reading

Journaling

Reading about the experience of African Americans during the Jim Crow Era can be an emotionally charged experience. Journaling will allow students to record their thoughts and feelings in the form of reactions following readings and discussions. In addition, this is also a form of assessment for the teacher to determine whether students are accomplishing the objectives laid out for them.

Discussion

This unit focuses on forming text to text connections. I would like students to feel comfortable discussing sensitive topics such as race relations, while minimizing conflict.

One form of discussion utilized in the past; which would be appropriate in this unit is the Socratic Seminar. The structure allows for students to focus solely on the text once the ground rules are established. The discussion is structured around a series of text related questions, so students take the "self" out of it. Longer readings will be assigned ahead of time to allow time for discussion.

After Reading

Final Project

As part of the Common Core, students are required to compose an argumentative essay. Therefore, the final project will have two parts:

Part I: Students will debate the events of the Groveland Four case. After organizing the facts of the case through a timeline, teams of students will review the details of the case and determine whether the conviction of the defendants was accurate.

Part II: After the team verdict has been established, students will formulate their findings into an argumentative essay, including a claim, reasoning and evidence.

Sample Lesson Plans:

I have included lesson plans that demonstrate how to facilitate the development of an argument, as well as determining the prior knowledge of students on the topic of the Groveland Case and the Jim Crow Era.

Pre Assessment

After surveying other teachers who address texts and issues during the Jim Crow Era, it is a shared experience that students believe that they are experts on this time period. By conducting a pretest, teachers can determine what how much historical context should be included in the unit, as well as demonstrating to students that there more to learn about this time period.

Objective: To asses student prior knowledge on the Jim Crow Era and Groveland Case.

Materials:

- Copy of the pre-assessment for each student
- Writing utensil for each student

Procedure:

1. Introduce the new unit to students. Refer to the essential questions for the unit and objective for the day.
2. Allow 10 minutes for students to complete the pre-assessment.
3. Following completion. Allow students an opportunity to defend responses, one at a time, to spark a discussion.
4. Teacher should make note of any gaps in student understanding for future planning.

Directions: Circle the appropriate answer.

1. Jim Crow means
 - a. The name of a man
 - b. Racial segregation laws
 - c. The name of a bird

2. African Americans were slaves when they were forced to live in segregation
 - a. True

b. False

3. Groveland is located in

- a. Mississippi
- b. Alabama
- c. Florida

4. Black men received fair trials in the South during the Jim Crow Era.

- a. True
- b. False

5. Excluding African Americans from juries based on race was a legal practice during Jim Crow.

- a. True
- b. False

6. The NAACP fought for African-American rights during the Jim Crow Era.

- a. True
- b. False

7. In the South, law enforcement kept blacks safe from the KKK.

- a. True
- b. False

8. The Supreme Court condoned the torturing of black men during Jim Crow by Southern law enforcement.

- a. True
- b. False

In the
Groveland
case,
black
9. men were
accused
of killing
a white
man.

- a. True
- b. False

10. Thurgood Marshall won a Supreme Court decision that helped the defendants in the Groveland trial.

- a. True
- b. False

11. Reconstruction is defined as

- a. Rebuilding a broken object
- b. When you put something on top of something else
- c. The period following the U.S. Civil War

12. Successful African Americans were respected the South during Jim Crow.

- a. True
- b. False

13. Segregation took place

- a. During Jim Crow
- b. During Slavery
- c. During Reconstruction

The
Klu
14. Klux
Klan
is a

- a. civil rights group
- b. terrorist group
- c. religious group

15. Due process protects a person's

- a. Life, liberty and property
- b. Freedom of religion
- c. Freedom of speech

In-Class Simulation: Moot Court

THE TASK: Four men have been convicted of rape and are sentenced to die for the crime. They are appealing this conviction to the United States Supreme Court. You and your fellow justices will hear the case on appeal. You will decide whether to (1) affirm the decision, (2) reverse the decision and send it back for a new trial for specific matters (penalty) to the federal district court, (3) reverse and the verdict is vacated.

Objective: utilizing the facts gathered from the Groveland case, students will develop a claim, supported with reasoning and argue the appeal of the Groveland case.

Materials:

- Notes from the testimony during the trial and statements.
- Timeline of Significant Events
- Notebooks
- Writing Utensils
- Judge Panel cards: Cards with the justices' names and ideologies

* Activity should be conducted twice if the class size is large. Too many justices may muddy the process.

PROCEDURES

1. Read, review and clarify the facts of the case. Have pairs of students ask each other the following questions:
 - a. Who are the actors?
 - b. What is the specific part of the Constitution involved?
 - c. Who was affected by the actions?
 - d. What caused the controversy?

2. Select an odd number of students (7 or 9) to be justices of the court.

Divide the remaining students into two teams. One team will represent the person or group appealing the lower court decision (the petitioner or appellant). The other team will represent the party that won in the lower court (the respondent or appellee). To increase student participation, several students can be selected to play the role of journalists or clerks.
3. Each team of litigants should meet to prepare arguments for its side of the case. The team should select one or two students to present arguments to the court.
 - a. What does each side (party) want?
 - b. What are the arguments in favor of and against each side?
 - c. Which arguments are the most persuasive? Why?
 - d. What are the legal precedents and how do they influence this case?
 - e. What might be the consequences of each possible decision? To each side? To society?
 - f. Are there any alternatives besides what each side is demanding?

5. The justices should meet to discuss the issue involved and any case precedents. They should prepare at least five questions for each side that they need answered in order to reach a decision. The justices should select one student to serve as chief justice. The chief justice will preside over the hearing. He or she will call for each side to present its case as well as recognize other justices to ask questions.
6. Seat the justices at the front of the room. The attorneys for each side should sit on opposite sides of the room facing the justices. The other team members should sit behind their respective attorneys.
7. The chief justice should ask each side to present its arguments in the following order. The justices may ask questions at any time.

a. Initial Presentation	Petitioner/Appellant
b. Initial Presentation	Petitioner/Appellant
c. Rebuttal	Petitioner/Appellant
d. Rebuttal	Petitioner/Appellant

8. Each side should have three to five minutes for the initial argument and two minutes for the rebuttal.
9. During and/or after each presentation, the justices can and should question the attorney in an effort to clarify arguments.
After all arguments are presented, the justices should organize into a circle to deliberate on a decision.
10. The rest of the class can sit around outside of the circle and listen, but they cannot talk or interrupt the deliberations of the court.
11. In the circle, the justices should discuss all the arguments and vote on a decision. Each justice should give reasons for their decision.
The chief justice should then tally the votes and announce the decision of the court and the most compelling arguments for that decision. A decision is reached by a majority of votes. A dissenting opinion may be given.
- 12.
13. Conclude with a class discussion of the decision and the proceedings.

Following this activity, review the actual case and the court's decision with the students after the student court has reached a decision. In the event the student's decision and the Court's are different, it is helpful for the students to understand the reasoning in the dissenting opinions as well as the majority. The students are not wrong, but the majority of the real Court was influenced by different compelling arguments. Ask the students to evaluate the reasoning the Court used in the majority and dissenting opinions and compare these to their reasoning. Continue to debrief the activity by discussing what the decision means for both sides and for society.

Timeline Project

A timeline allows for students to create a graphical representation of events in the texts and the process of the trial. In order to incorporate student choice, I would allow students to organize timelines by chapter or date in sequential order. I would recommend completing this project simultaneously with reading, so the events are fresh in students' minds.

Objective: Students will be able to create a graphical representation of the events and process in the text and display items sequentially along a line, organized by date or chapter.

Materials:

- Pictures from the text
- Construction paper
- Scissors
- Glue
- Markers
- Pencils/pens
- Ruler

Procedure:

1. Explain to students the significance of time during a trial.
2. Read the first chapter related to the crime, Chapter 3
3. Have students decide whether they would like to organize the timeline based on dates or chapters
4. Students should draw a horizontal line down the middle of the paper.
5. Record a summary of the significant event, including a picture or photo.

Resources for Teachers

Aptheker, Herbert. *A Documentary History of Negro People in the United States: From Colonial Times through the Civil War*. New York: Carol Publishing Group, 1990.

By tracking, gathering, and assembling obscure or inaccessible firsthand testimony by blacks on the breadth and depth of the African American experience, Aptheker is able to present a history that was once non-existent on Black people in America.

Blackmon, Douglas. *Slavery By Another Name*. London: Icon Books, 2012.

Douglas A. Blackmon brings to the forefront one of the most disgraceful chapters in American history—an "Age of Neoslavery" that flourished from the aftermath of the Civil War through the dawn of World War II by using an enormous record of original documents and personal narratives.

Foner, Eric. *A Short History of Reconstruction, 1863-1877*. New York: Harper & Row, 1990.

This text is a study of the aftermath of the Civil War, and the South's failure to adjust to the change brought by the Civil War.

Oshinsky, David. *Worse Than Slavery*. New York: Anchor Books, 2008.

By drawing on police and prison records and oral histories, David M. Oshinsky presents an account of Mississippi's notorious Parchman Farm; which tells us about our past in a nation deeply divided by race.

Woodward, C. Vann. *Strange Career of Jim Crow*. New York: Oxford University Press, 2002.

Strange Career of Jim Crow is a book that offers a clear and enlightening study of the history of Jim Crow laws, presenting evidence that segregation in the South dated only to the 1890s. Woodward convincingly shows that, even under slavery, the two races had not been divided as they were under the Jim Crow laws of the 1890s.

Selected Sources for Student Reading

Fifth Judicial Circuit. "PBS: Freedom Never Dies" Norma Padgett Testimony. <http://www.pbs.org/harrymoore/terror/padgett.html>, 1949.

Norma Padgett was a 17-year old girl, who accused four black men of rape in Lake County, FL. She told precisely in graphic language (unusual for that time) what she alleges happened that night. By reading her testimony, students can determine whether she was a "good" witness or not.

Gaines, Ernest J. *A Lesson Before Dying*. New York: Vintage Books, 1993.

A story of a young black man in Cajun Louisiana who is accused and convicted of robbing and murdering a white store owner. Since justice seems unlikely for this black young man in the Jim Crow South. His family only hopes he can learn to die like a man. This fiction piece touch on some of the realistic experiences of the Groveland Four

Goodman, James. *Stories of Scottsboro*. New York: Vintage Books, 1995.

This text is a narrative that documents the 1931 case of the Scottsboro Boys. I recommend that this text is used as a supplement, if students are not knowledgeable about the Scottsboro case, in the form of excerpts.

Hose, Aaron. *The Groveland Four*. <http://vimeo.com/7050259>, 2010 (Film).

This film is helpful for students who have difficulty following the events of the text while reading.

Irvin, Walter. "PBS: Freedom Never Dies. Irvin's Statement to Williams. <http://www.pbs.org/harrymoore/terror/irvin.html>, 1949.

Williams gathered information that showed the evidence was highly questionable. When Williams met with the three suspects, he found their bodies covered with cuts and bruises, the result of beatings administered by deputies to obtain confessions. The three told Williams that they had been hung from pipes with their feet touching broken glass and clubbed. This statement provides students an opportunity to meet one of the Groveland Boys.

King, Gilbert. *Devil in the Grove*. New York: Harper Collins, 2012.

This book is about Thurgood Marshall's defense of four young black men in Lake County, Florida, who were falsely accused of raping a white woman in 1949. The beginning of the text details the life of Thurgood Marshall. Knowing my students, I would begin where the details of the Groveland case are laid out.

Klarman, Michael J. *From Jim Crow to Civil Rights*. New York: Oxford University Press, 2006.

This text spells out in compelling detail the political and social context within which the Supreme Court Justices operate and the consequences of their decisions for American race relations; which is great for building background knowledge.

Lee, Harper. *To Kill a Mockingbird*. New York: Grand Central, 1960.

Loosely based on the author's experiences and observations of family, friends and neighbors, this text addresses the reality of black men during Jim Crow and the whites, who tried to fight against social injustice on their behalf through a rape trial.

Moore, Harry T. "Harry T. Moore Homesite." Citizens must be shocked over Groveland case.

<http://www.nbbd.com/godo/moore/research/HTM-Governor-Groveland-48.html>, 1948.

History comes to life through the words of activist Harry T. Moore in a letter written to Florida's Governor expressing outrage over the Groveland trial.

Wftv.com. "WFTV Channel 9." New evidence could clear 'Groveland Four'in 1949 rape case.

<http://www.wftv.com/news/news/local/new-evidence-could-clear-groveland-four-1949-rape-/nR5tB/>, 7 Sept. 2012 (Film).

Press conference of the family members of the Groveland Four's reaction to recently unsealed evidence that could clear the names of the four young men. The effects of this case are apparent and still haunt the family decades later.

Appendix A: Implementing Common Core Standards

Common Core Standards addressed in this unit:

Reading Literature

RL.9-10.1 Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

Reading Informational Texts

RI.9-10.1 Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

RI.9-10.8 Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is valid and the evidence is relevant and sufficient; identify false statements and fallacious reasoning.

RI.9-10.9 Analyze seminal U.S. documents of historical and literary significance (e.g., Washington's Farewell Address, the Gettysburg Address, Roosevelt's Four Freedoms speech, King's "Letter from Birmingham Jail"), including how they address related themes and concepts.

Writing

W.9-10.8 Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.

Speech and Language

SL.9-10.1 Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9–10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

SL.9-10.4 Present information, findings, and supporting evidence clearly, concisely, and logically such that

listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.

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