**Lesson Plan Template**

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Lesson Title: Evaluating the Causes and Legacy of the 14th Amendment.

Grade Level: 9-12th

Compelling Question:

1. How can you protect individuals from unjust actions from their state governments? How did the 14th Amendment try to solve this problem? Was it successful?

**Lesson Foundations**

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| Content Standards | Students will examine the motivations and origins of the 14th Amendment, examining the meaning and language of Section 1 of the 14th Amendment in particular. In doing so, students will think about how Section 1 of the 14th Amendment fundamentally changed the structure of the U.S. government and the rights and freedoms afforded to individual Americans. Students will also examine the limitations of the 14th Amendment in terms of protecting and promoting equality among marginalized groups in the United States. *AP Historical Thinking Skills* 3.A Identify and describe a claim and/or argument in a text-based or non-text-based source. 3.B Identify the evidence used in a source to support an argument. 4.A Identify and describe a historical context for a specific historical development or process. 5.A Identify patterns among or connections between historical developments and processes. 6.A Make a historically defensible claim. *AP Content-Based Objectives* Unit 5: Learning Objective C--Explain the effects of government policy during Reconstruction on society from 1865 to 1877. KC-5.3.II.i Reconstruction and the Civil War ended slavery, altered relationships between the states and the federal government, and led to debates over new definitions of citizenship, particularly regarding the rights of African Americans, women, and other minorities. Unit 5: Learning Objectives--Explain how and why Reconstruction resulted in continuity and change in regional and national understandings of what it meant to be American. KC-5.3.II.E Segregation, violence, Supreme Court decisions, and local political tactics progressively stripped away African American rights. Still, the 14th and 15th Amendments eventually became the basis for court decisions upholding civil rights in the 20th century.  |
| Learning Objective(s) | 1. Origins and motivations for the creation of the 14th Amendment.
2. Content and meaning of Section 1 of the 14th Amendment.

3. Long-term legacy of the 14th Amendment on the structure of the U.S. government and the rights of Americans today.  |
| Assessment(s)Include LO being addressed | (LO1) Entrance ticket response(LO2) Groupwork/graphic organizer(LO3) Exit ticket response |
| Materials & Resources | **PPT:** **Sources:** <https://origins.osu.edu/milestones/july-2018-150-years-fourteenth-amendment?language_content_entity=en>  |

**Instructional Procedures/Steps**

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| Opening\_\_\_\_\_\_\_\_\_\_ Minutes | Homework (due at the beginning of class): -Read Origins Article on the 14th Amendment: <https://origins.osu.edu/milestones/july-2018-150-years-fourteenth-amendment?language_content_entity=en> -In-class assessment of HW: entrance ticket, list and explain one impact of the 14th amendment that is described in the reading |
| Instruction\_\_\_\_\_\_\_\_\_\_ Minutes  |  5 min **Entrance Ticket (slide 1)** -Students should begin work on entrance ticket as soon as they arrive 5 min **Talk about essential question (slide 2)** -State Govts have much power over your everyday life, for example? (Possible answers): * police
* most laws (murder, speeding, etc.)
* schools,
* voter registration and administering elections.

-What can you do if the state you live in abuses this power? Who can/should step in to do something? (Possible answers): * The people--(but what if most people support this abuse of power?)
* Federal govt--(but before the 14th amendment, the Fed govt. had no power to get involved)

15-minute **Lecture and slide show: Background to 14th Amendment** -Slide 3: Pre-Civil War, states could impose injustices on their citizens (such as slavery) without worrying about violating the federal Bill of Rights. -Slide 4: Pre-Civil War, even non-enslaved people faced abuses of their rights * The Bill of Rights only limited what the Federal government could do, not what the states could do (see the language of 1st Amendment and Barron v. Baltimore).
* Southern states made it illegal to give speeches or write books about abolishing slavery (1st Amendment), and some Northern states had official state religions until the 1830s (1st Amendment); these things were legal since the Bill of Rights did not protect Americans from actions by their state governments.

-Slide 5: Post-Civil War: significant changes, but also considerable resistance to change * No more slavery
* Southern states restricted the freedoms of newly freed enslaved people (freedmen); look at the excerpt from Mississippi Black Codes--these laws only applied to African Americans, not white people.

Slide 6: Problem and solution * Southern state governments were abusing the rights of minority/marginalized groups (African Americans and white supporters of African Americans); how can you stop them?
* Solution = 14th Amendment = significant change in US government structure. The federal government can now tell the states what they can and can’t do (fed govt. = police officer of the states)

15 min **Activity** Break students into small groups (3-5 students per group, as many groups as you need) Complete the graphic organizer (see attached) 1. What were the 3 (or 4) ways that the author claims the 14th Amendment changed the constitutional system in the US?
2. Birthright citizenship (compared with Dred Scott).
3. Standard of laws (can’t violate fundamental rights (Bill of Rights)) incorporating the Bill of Rights.
4. Courts can strike down state laws that violate fundamental rights.
5. Congress (federal government) can pass laws to ensure the states don’t violate individual rights (not acted upon very much).

What is the “state action” doctrine, and how did it limit the effectiveness of the 14th Amendment? * Didn’t prevent discriminatory action by non-state actors like private individuals (employers, business owners, etc.) =major limitation.

Has the 14th Amendment always been effective in protecting the rights of minority groups from state government abuses? * No, the Supreme Court limited its impact until the 1920s.

Check in with each group, see if there are any questions, and try to gauge their understanding of the big issue using the federal government. to limit the power of the states to prevent state abuses. Have groups share their answers with the class.  |
| Closure\_\_\_\_\_\_\_\_\_\_ Minutes | 5 min **Epilogue/Closure** -14th Amendment today = the basis for many of the rights that we take for granted ( * School desegregation, abortion access, gay marriage, firearm possession, free speech (Gitlow v. NY), Miranda rights (like on TV shows), Miranda v. Arizona, etc.

Big Takeaway: Expanding rights for African Americans after the Civil War ended up redefining and expanding rights and freedoms for all Americans, including those we enjoy today. 5 min **Exit Ticket** What were the goals of the 14th Amendment? Has the 14th Amendment been successful in achieving those goals?  |
| Accommodations/ Enrichment/ Extension | Origins article on white supremacist violence <https://origins.osu.edu/connecting-history/top-ten-origins-white-supremacist-violence?language_content_entity=en> Section 1 of the 14th Amendment says that a state cannot deny a person equal protection under the law. The Supreme Court has interpreted this to mean that State and local governments, in most cases, cannot treat people differently because of their race. Does equal protection of the laws also require that a state government protect all citizens from the actions of private (non-state) individuals, like rioters and mobs? If a state fails to protect Black Americans from racial violence, does the 14th Amendment allow (require?) the Federal government to step in and act? See examples 3-8 in the Origins article on white supremacist violence. Can you argue using the 14th Amendment for why the Federal government should have gotten involved to stop these acts of violence? **Online Accommodations** The whole class can be done remotely using a video conference platform like Zoom. Entrance and exit tickets can be emailed to the teacher (or if you’re feeling ambitious, you could set up a document on google drive and share it with the students). For the group activity where students need to complete the graphic organizer, you can create multiple versions of the same graphic organizer on google drive and share them with groups of students so that each group can collaboratively work on their organizer. |