



Curriculum Units by Fellows of the National Initiative
2021 Volume II: Race, Class, and Gender in Today's America

Roll of Thunder, Hear My Cry: Historical Context through a Critical Lens

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"Apartheid does not happen spontaneously, like bad weather conditions." --Jonathan Kozol

Introduction

The system of public education in the United States was nurtured for decades and precariously positioned atop a legacy of de facto and de jure race-based discrimination. Today, six decades after *Brown v. Board of Education* or *Topeka*, our nation's schools are more segregated than they were then. My students are acutely aware of the inequity that seeps into every aspect of contemporary life, but they are lacking when it comes to how we got here from the way things were in the past. The history education that my students have received in elementary school is severely lacking when it comes to painting a rich picture of the legacy of racial discrimination in our nation. If my students don't know the ways in which laws and common social practices today are maintaining the status quo from the Jim Crow of our past, then how can they dismantle it? Our first unit of study focuses on the contributions of courageous characters to the betterment of themselves and society at large. I hope to use this historical background mini unit of study to bring context to the world my students are thrust into and to empower them to write their own story of how their inner courage can shape their experience despite circumstance. This unit begins with a student novel study of *"Roll of Thunder, Hear My Cry"* by Mildred Taylor. This story is a narrative told from the perspective of a 10 year old daughter of a sharecropper in the Jim Crow south. Throughout the story the protagonist, Cassie, comes to terms with the racial discrimination she is facing at school and in her community which results in her standing up for herself courageously. Students will need to unpack this idea of Jim Crow laws and the ending of slavery to even access this text to its fullest complexity so we will begin our historical analysis at the ending of enslavement and the transition to Jim Crow de facto and de jure discrimination.

Objectives

This unit will serve to bridge that gap by enhancing student understanding of the historical legacy and ramifications of Jim Crow, the laws that preceded it, and the laws that came after. Through this exploration students will learn not only how the past has shaped their current reality, but they will also gain a deeper understanding of how the laws of the past left room for the continued reign of white supremacy today.

Students will analyze the laws and acts such as the 13th and 14th amendments, Plessy v. Ferguson, Jim Crow laws and Black Codes, and Brown v. Board of Education which have repeatedly left room and enabled racism to cement itself into American law and life. We will analyze these stories for the historical context that they fit into and how they relate to the anecdotes from our anchor text: *Roll of Thunder, Hear My Cry*, by Mildred Taylor. Students will need to continually compare past to present and ask themselves: “Have things become better since Jim Crow? If so, how much? If not, why?” and “What can be done about it?”.

Unit Content

Loopholes within the 13th Amendment

After two and a half centuries of enslavement where Black people in the United States were subject to abuse, assault, and death on top of forced labor, emancipation came with the ratification of 13th amendment in 1865. The language of this amendment outlawed “slavery and involuntary servitude except as a punishment for crime”.¹ The 13th amendment is widely seen as a landmark moment in United States history towards the liberation and enfranchisement of Black people.

However, this law only explicitly outlawed enslavement—and more notably did not outlaw the use of servitude as a punishment for crime. This indirectly allowed states in the south—who wished to reenter the union (ratification of the 13th amendment was a stipulation to reentry) to pass laws and codes which would still limit the rights and freedoms of newly freed Black people through the use of servitude as punishment for crimes. This practice is known as “convict leasing”. In this practice, prisons and jails provided convicts to private parties such as plantations or corporations for lease. The body purchasing the convicts (“lessee”) would pay the prison and be responsible for providing the basic needs of the prisoners yet the prisoners were paid nothing for their labor.² Although the practice of slavery was abolished, within this practice Black southerners were subjected to similar conditions which were perfectly legal under American law. As a result of the vague language of the 13th amendment, many southern states instituted what were known as “Black Codes”; regulations which targeted Black people restricting their rights and freedoms. The first black code, which was issued in Mississippi, required that Black men to have written evidence of a full year of employment every January or else they would be subject to arrest and imprisonment.³ Ida B. Wells wrote, on the topic of the convict lease system, that judges would extend clemency to white criminals and distribute more severe punishments on black criminals for the “same or lesser crimes”.

Through these loopholes left in the wake of the 13th amendment the south becomes a “unit for white supremacy, and that the Negro is practically disenfranchised through intimidation”.⁴ In 1892 a journal called

“The Peoples Advocate” in Atlanta, Georgia published that 90 percent of the states convicts were colored. 194 white males, and 2 white females, compared to 1,710 colored males and 44 colored females”.⁵ Once again, Black Americans are subject to the control of the white majority. The 13th amendment and its vague language surrounding the use of “involuntary servitude” created a system in which southern states could control and intimidate their Black populations into submission. The 13th amendment abolished slavery as it was known and introduced environments in which other pernicious forms of subjugation could occur and be sustained.

Jim Crow Laws in the American South

In addition to black codes, “separate but equal”, and the legal loophole which allowed for continued forced labor through the convict leasing system, between the years of 1865 and 1967 over 400 laws were passed which legalized all areas of segregation within American life.⁶ In addition to these laws, in certain areas, racist ideals were so pervasive that laws weren’t necessary to keeping Blacks and whites separate.

The term “Jim Crow” comes from a derogatory slang term for the Black man based on a mocking exaggerated caricature performed by a stage actor named Thomas Rice in blackface in 1830.⁷ This caricature became popularized through its use in minstrel shows as a way to satiate white fascination with Black ways of life. It also served to further support the idea that Black people are less than or lower than white people. In the mid 19th century, however, Jim Crow transformed from a fictional character to a way of life as a “blanket term for a wave of anti-Black laws”.⁸ Jim Crow laws initially served the purpose of maintaining racial segregation after the Civil War. Laws that initially formed to uphold racial separation on public transportation and in schools transitioned over time to encompass all interaction and commingling of races nearly all public places (e.g. schools, parks, restaurants, cemeteries and even theaters). By codifying what Black people could and couldn’t do and who they were permitted to speak and interact with, Jim Crow laws paved the way for Black people to be punished for and perceived breaking of these laws. Thus, creating a system where if given a trial and convicted Black people would be legally entered into force labor through convict leasing, and if not afforded a trial, many Black people were lynched. This unjustified, often public, brutalization of Black people further entrenched them into a life of fear and intimidation at the hands of the white majority.

Reconstruction & The Legacy of Lynching

Lynching was popularized as a way for the white majority to maintain power the newly freed Black minority after the end of slavery. The history of lynching in the United States reflects the violence that preceded it and sets the tone for the treatment of freed Black people thereafter. One year after end of slavery, in the United States, Black residents of New Orleans were closer than ever to securing voting rights. A convention, led by white men sought to “secure voting rights for black residents”.⁹ During this time, a racist opposition to this movement surrounded the area and violently clashed with Black supporters of the convention. More than 200 people were killed. During the era of reconstruction (between the years of 1865 and 1950), the Equal Justice Initiative reported that the death toll due to lynching was nearly 6,500.¹⁰ These lynching have lasting implications on the lives of Black people living in and around the southern region in the United States. Lynch mobs were a release of violence towards Black people in a community for perceived crimes or misdemeanors. Moreover, lynching and lynch mobs served to “intimidate, coerce, and control Black communities with the impunity of local, state, and federal officials”.¹¹ In the novel, *Roll of Thunder, Hear My Cry*, author Mildred Taylor depicts lynch mobs through the eyes of a 10 year old protagonist named Cassie Logan. Cassie first encounters the lynch mob when they show up at her house looking for someone in her family. She and her brothers believe that this lynch mob, known to them as the “night riders”, are coming for them after they

caused a school bus of white children to break down. The immediate consequence of this assumption is a resulting crippling fear of the prominent white men in their community. Thus, reinforcing the concept that the threat of violence from those in power is sufficient to subjugate those without it in the community.

This legacy of lynching has lasting effects. Today, it can be seen in the way that over policing is used to control Black dominated neighborhoods. According to the ACLU, the massive surveillance of communities of color creates a situation where residents of these areas feel as though they are living in an “open air prison”.¹² The rise and persistence of police surveillance maintains racial disparities in whom police officers arrest and society at large views as criminal. Implicit and explicit bias was born out of the pervasive nature of lynch mobs. This bias has been maintained throughout history by the largely white majority and has created an inescapable presence of control and suppression in the lives of the Black population.

Plessy v. Ferguson, 163 U.S. 537 (1896)

A landmark supreme court case that solidified Black oppression at the end of the 19th century is the Plessy v. Ferguson decision. This case stemmed from an incident in which a Black man, Homer Plessy, refused to sit in a train car that was designated for Black People. But that’s not the whole story. In Louisiana at the time, the Separate Car Act was enacted which required “equal but separate accommodations for white and African American passengers” and prohibited passengers from entering cars other than the one that they had been assigned in accordance with their racial identity.¹³ One year after the enactment of this act, a group of Creole professionals banded together to form a committee to test the constitutionality of the act. Homer Plessy was a man of mixed race, and played an integral role in a test case of the committee which sought to prove that the Separate Car Act could not be consistently applied because it failed to properly define “white” and “colored” races.¹⁴ As a mixed race man, Plessy purchased a ticket and took a seat in the white reserved train car. Upon refusing to move cars, Homer Plessy was arrested and charged with violating Louisiana’s Separate Car Act.

Originally, this case was dismissed by U.S. district court Judge John H. Ferguson. However, on April 13th, 1896 the U.S. Supreme Court agreed to hear oral arguments. Although the outcome of the case affirmed the message of the Separate Car Act, Plessy v. Ferguson was notable, in that it was the first large scale inquiry into the limits and extent of the “equal protection clause” in the Fourteenth Amendment.

In hearing the case, the supreme court ruled that a law that “implies merely a legal distinction” between white people and black people was not unconstitutional.¹⁵ This law essentially let white southerners know that their brutalization and disenfranchisement of Black people was permissible under the eyes of the high court. The majority opinion from the justices on Plessy v. Ferguson defended the ruling, indicating that The Separate Car Act (which Homer Plessy violated) did not conflict with the 13th amendment because it did not reestablish a badge of slavery or servitude.¹⁶ Thus, using a loophole within the language of the 13th amendment which only bans the practice of slavery or unjustified servitude, it was permissible to impose restrictions on Black people in the south based on race.

Additionally, justices wrote that the aforementioned act did not conflict with the 14th amendment either. Justice Henry Billings Brown argued that the 14th amendment only protected the legal equality of Black and white Americans and not the social equality. According to him, the legal equality of Plessy was respected because the Black train car had equal accommodation as the white car. The separation in train cars did not imply the inferiority of either race under the eyes of the law, and therefore was constitutional. Social equality under the eyes of the law did not exist during the time of this case and therefore it could not be legally

created. The only dissenting opinion came from Justice John Marshall Harlan who argued that This majority opinion statement left a legacy in the eyes of the American people that “separate but equal” was the new way of life.

As a direct result of this ruling Black Americans in the south were subjected to separate public accommodations in all aspects of their lives, and cruel punishments in the form of public lynching if it was deemed that they were not moving in accordance to these separations. This case stood for over 50 years as a pillar of racial separation and suppression of Black people in the United States.

Brown v. Board of Education of Topeka, Kansas (1951)

Although Jim Crow laws and practices in the American South in the 1950s were rampant, the Brown v. Board of Education of Topeka, Kansas decision created hope in the fight for equity of the races. In order for Brown to win this case, there was a collection of political and ideological shifts within the American psyche. An article from the Denver Law Review argues that the Brown decision grew out of 4 major elemental shifts within the American political ideology. First, there was an “acceptance of a ‘class political’ ideal”.¹⁷ This meant that Americans were beginning to believe that public policies ought to promote the social interests and well-being of specific groups. Second, there was a belief of federal government statism, or that the federal government can and should be used to promote “desirable social goals”.¹⁸ The third is a shift away from Southern-oriented politics. The final, and possibly the most important shift, was the “principled acceptance of the Supreme Court fulfilling a ‘rationalizing’ function with respect to established legal documents.”¹⁹ In other words in the minds of Americans in the 1950’s, the role of the Supreme Court was to make contemporary sense of antiquated laws and regulations rather than serve to uphold them.

As it relates to Brown, these shifts might indicate that public opinion was beginning to change and gear itself towards the ideal that a more just world is a world in which groups that have been underserved have specific policies crafted to cater to their needs. In this sense, Brown did provide hope and inspiration that the America after the decision would be markedly different than the America before: a turning point for Black liberation and the first time that a governing body took a stand against segregation.

It is important to note that Brown has also been credited as the event which sparked the American Civil Rights movement. However, the extent to which the Brown decision actually changed things for the lives of Black Americans at the time is the subject of debate. One such advocate is Michael Klarman. He poses the argument that Brown did not inspire the wave of civil rights in the way that historians and scholars claimed it does. In actuality, the ground breaking Brown decision created a tremendous backlash within white communities and white politicians in power. According to his “Backlash Thesis”, the brown decision “crystallized Southern resistance to racial change”.²⁰ The Brown decision propelled southern resistance efforts directly into politics—known as massive resistance. In May 1956, 101 congressmen issued the “Southern Manifesto” that declared, “We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation”.²¹ People sought out positions of power in order to maintain a racial order, and were “personally and politically predisposed to use whatever measures necessary to maintain Jim Crow”.²² Southerners were determined to maintain their way of life and in doing so empowered those within the south and throughout the United States to follow suit. This massive resistance to change after Brown v. Board brought racist ideology to the forefront politics and social norms in much of the country. The Brown decision threatened the comfort of white supremacy and thus brought with it, white flight. In response to school integration white families left areas where schools would be more integrated in favor of moving to more homogenously organized communities. This is much of what we

can see today with the majority of students existing in schools where there exists a singular race which embodies the largest percentage of the student body.²³

Black children are five times as likely as white children to attend schools that are highly segregated by race and ethnicity

Shares of white and black eighth-graders attending schools with a high concentration of students of color, 2017



Note: Schools with a high concentration of students of color are those in which 51–100% of students are black, Hispanic, Asian, or American Indian.

Source: Author's analysis of microdata from the National Assessment of Educational Progress (NAEP).

Economic Policy Institute

Fig. 1: This image shows two graphs indicating the percentage of white and Black 8th grade students who attend schools with a high concentration of students of color. The graph shows that 12.9% of white students attend a school with a high concentration of students of color versus 69.2% of Black students.

***Roll of Thunder, Hear my Cry*—Mildred Taylor**

In *Roll of Thunder, Hear My Cry*, the protagonist directly encounters school inequity and racially charged violence and power dynamics. Cassie is a 10 year old daughter of a sharecropper, coming of age in the Mississippi during the height of Jim Crow laws and regulations.²⁴ Although Cassie's family owns their land, they live in a community where the white families owned the land and the Black families paid to farm on it in the hopes of making a living. This predatory relationship between farm owners and sharecroppers serves as the backdrop of the story and frames the way that the audience begins to understand Cassie's situation. The plight of sharecroppers and the allusion of Black imprisonment for crimes they did not commit or crimes based on a system of laws that favors whiteness over Blackness mirrors the landscape created in the aftermath the 13th amendment. The vague language within the amendment gave Black people certain rights, but left many loopholes open to be taken advantage of by whites. This work of fiction captures the intentional Black suppression that ran rampant after the "end of slavery" in 1865.

Cassie encounters micro and macro aggressions in the form of the racist vitriol spewed in her direction as she shops with her brothers in town, burnings of black men by white gangs, her father being beaten on his way to town, being expected to be grateful to receive tattered hand-me-down books from the neighboring white school, and nearly witnessing a friend get framed and murdered for a crime he did not commit. Through all of these scenes, this novel tackles the themes of racism, inequity, white supremacy, family, tradition, and community.

A central through-line in the story that anchors Cassie's understanding of race and racism is her schooling. Cassie and her brothers walk to school daily and are repeatedly splashed by the bus transporting white children in the town to the "white only" school. After being splashed, Cassie Logan and her siblings can see the white children on the bus laughing and cheering the driver for splashing them. This causes the Logan children to feel incredibly helpless in their situation. They are faced with a situation where they are placed as the matter of entertainment for white children—much like the caricature "Jim Crow" was in the minstrel shows. This directly displays the power dynamics that were perpetuated by the prevailing stereotyping of "blackness" at the time. From the white viewpoint, "Blackness" was fantastical and comedic.

The children aren't left helpless for long however, they regain control by digging a pothole in the road. Thus, causing the bus carrying the white children home from school to break an axle. For a time after, their walk to school is uninterrupted. However, Cassie is immediately hit with another set of racist encounters. The first being when her younger brother, Little Man, and classmates are handed out "new" books for the school year. Little Man becomes distraught upon reading in the cover the condition of the books and the race of the person that the books had been issued to over the years. Down the list, he sees that as the condition goes from excellent to poor, the race of the student it is issued to moves from white to Black. Little man refuses to accept the book and Cassie refuses hers as well in solidarity. Their teacher is appalled by this act of rebellion and asks their mother, who is also a school teacher, to teach them a lesson about defiance and gratitude. Instead, Mama stands with her children. This is one of the first times within the story that the audience can see adults attempting to shield their children from the horrors of their reality. This scene calls back to the Plessy v. Ferguson ruling that separate facilities for the races was constitutional, yet paints a vivid image of what that ruling looked and felt like in actuality. Simply because black students had their own school did not mean that their materials or facilities are at the same level. Seen through a young person's eyes, the consequences of Plessy are vivid and made real for students.

This success doesn't last long for the Logans. Cassie soon becomes intertwined with a white girl named Lillian Jean who attends a different school. Cassie bumps into her on the sidewalk and is forced to publicly apologize for not "knowing her place" and moving off the sidewalk to let a white girl pass. Lillian Jean's father physically and emotionally pushes Cassie into complying with this apology. This action causes Cassie to regard Lillian Jean as her enemy and examine more closely what was meant by "her place" in the world. Through this interaction, the novel indirectly addresses the racial hierarchy that was established and enforced after the 13th amendment as a means to keep Black people as an underclass in the United States. Cassie is directly feeling the consequences of her skin color under Jim Crow law and custom. Although it wasn't a law that she need to move off of the side walk to let a white girl pass, she was still reprimanded and intimidated into submission by Lillian Jean's father who as a white land owning man, within this system, holds a significant position of power.

The next, and most gruesome series of interactions Cassie has in the novel stems from the custom of lynching. Cassie and her siblings are confronted on their way to school with the rumors of a 'burning'. Confused as to what this might have meant the siblings inquire more about the matter until they finally come to understand that a Black family within the community was harassed by a lynch mob the night before and

two of the men were lit on fire because one of the men was accused of flirting with a white woman in town. One man died as a result of the incident, and the other was left brutally maimed. Cassie and her siblings become paranoid that something like this will happen to them if they are found out as having been the cause of the bus breakdown from earlier in the story. This scene reinforces the idea that at the time Jim Crow laws, Black codes, and the threat of violence and lynching were utilized widely as a way to intimidate Black people into a life of submission to white supremacy. Near the end of the story this idea circles back. A friend of the Logan children named T.J. becomes mixed up with a few white boys who talk him into robbing a store with them. They get caught and shoot the storeowner's wife in the process and frame T.J. for the crime. For this, T.J. is beaten and his house is raided in the middle of the night by a lynch mob with the intention of lynching T.J. publicly as a punishment for his crime.

These scenes combine to tell a vivid tale of what it was like to live in a time where Black freedom and liberation was held under the heavy hand of white supremacy. At the end of the novel and as a result of the historical study, students will be able to connect the events of *Roll of Thunder, Hear My Cry* to history and take a critical look at how politics and constitutional amendments have been inconsistently applied to the benefit of white supremacy. Particularly, students will be set up to take a critical look at how much schools have changed since the integration "mandate" in the 1950's. By giving students a starting point with what they know and are accustomed to they will begin to ask and answer our compelling questions: "How has life changed for Black Americans over time and in accordance with laws?", "Are these changes satisfactory? For who? If particularly unsatisfactory, what can be done about it?"

Teaching Strategies

Self-Pacing

My classroom is set up as a self-paced, mastery based classroom. Students are able to work at their own pace throughout the unit to ensure that students are achieving mastery and true understanding of the materials presented before moving on to the next lesson or activity. Each lesson consists of a high-quality teacher-made instructional video which covers unit content and provides instructions for independent and partner practice, guided notes, supplemental readings and materials, and a mastery check in which students must synthesize learned content in paragraph form. In order to progress to the next lesson in the unit, students must prove mastery of the topic. If a student does not show mastery the first time, they will have unlimited revision opportunities in which they work with me to deepen their understanding and make progress towards mastery. Additionally, lessons are given classifications of "must do, should do, and aspire to do" which embeds a level of differentiation into the unit organically. All students must complete lessons marked as "must do" and should complete the lessons marked "should do" if they are on pace with the suggested unit pacing guide. The "aspire to do" lessons are reserved for students who seek an additional challenge or for students whom I identify as ready for a push towards a more nuanced understanding of the topic. For example, a deep dive into the Black activism in Louisiana that led to Homer Plessy being chosen to challenge the Separate Car Act of 1890.

In this way, my students will have all lessons available to them within the unit before it begins and are able to move throughout the unit at their own pace. Rather than spending class time teaching a whole group lesson on core unit content, my lessons are prepackaged, thus freeing up my time in class to push student

understanding through small group reteach and revision support. This teaching strategy enables my students to work at their own pace in order to develop a deep conceptual understanding of the information covered within the unit.

Jigsaw

A jigsaw is a particularly useful method in small groups to help students consume a large quantity of information or readings within a fixed timeframe. With this method students will be assigned a set of between 2-4 informational texts which provide necessary background information on the unit topic. Students distribute the texts between group members with each group member reading a unique text (or if there are fewer readings, pairs of group members working together on the same text). The goal of the assignment is to have group members become experts on the text that they are assigned. Students can do this through a guided notes that they must complete along with their reading (including comprehension and analysis questions). Once students finish their reading they present out their findings to their group members, who take notes and have the opportunity to ask clarifying questions regarding the reading.

This method is particularly effective both for students when sharing their article as well as when listening to peer share outs. Presenting reading in a concise format is challenging and requires a level of text comprehension that students aren't often times pushed to achieve. They must explain what they read to their peers in a way that is easily digestible and they have to be able to answer questions about their reading along the way. This solidifies learning for students by transferring it from the short term to working memory. Additionally, when students are taking notes during a peer share out they must be able to take in the new information and ask clarifying questions in order to solidify the meaning of the text.

Stop and Jot

During the unit students will be tasked with digesting complex arguments about the intended and unintended consequences of American customs and laws written into the American constitution. In order to guide students through this process, a teaching strategy called a stop and jot can be particularly helpful. This method embeds stopping points into supplemental or anchor texts that students are analyzing. These stopping points are embedded to encourage students to take time to process information that they have read and respond to an open ended question. The questions posed should be specific to the analytical outcome or understanding that we hope students will achieve through the reading. Giving students time to reflect and respond to the text in their own words primes students to discuss the text in detail later (if a group discussion follows) as well as to deeply conceptualize the information presented in the text.

Graffiti Walk

Throughout the unit, students will be tasked with analyzing a primary, secondary, or tertiary source and make commentary on its context and consequences. In many cases, student groups will be tasked with creating a poster or one page visual representation of the topic. Rather than using a traditional "sage on the stage" method to facilitate a whole group share-out, students will participate in a "graffiti walk". In this way, students own work is the subject of reflection and the center of the student discourse on the topic. In groups, students begin as though they are walking through a museum: each group beginning at a different section, spending 30seconds silently viewing the piece and writing any notes they have on a piece of chart paper which hangs beside or below each "graffiti" and 30seconds conversing with their group. Students will be asked 3 questions to guide their thinking.

- What stands out about this piece?
- What meaning did this group take from their exploration of the topic?
- How is this piece similar and different to ours?

After all students have completed the walk and discussed as a small group, students will engage in a whole group discussion where they discuss in detail how each graffiti piece increased their understanding of the topic. This can also be done virtually in a discussion board format where students write comments and respond to each other below each posted image.

Classroom Activities

Activity 1: 13th and 14th Amendment Language

The first lesson of the mini unit will seek to provide students with the background knowledge on how abolishing slavery impacted the lives of both white and Black Americans. First, students will be charged with looking at the primary source document of the 13th amendment. Students will be asked to unpack the meaning of each of the words used in the original language of the amendment.

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation.”

The goal of this exercise is to guide students to discovering that the language within the amendment leaves room for enslavement of Black people through convictions. To achieve this, ask students to consider what the amendment allows and did not allow. Students can make a t-chart or another form of comparison to “drag and drop” the components of the amendment that permit something and abolish something else. By the end of this inquiry, students will have two sides complete. One noting that the 13th amendment abolished slavery, and the other noting that it allowed involuntary servitude in the case that it is used as punishment for a “duly convicted” crime. Next, ask students to consider the race relations that existed between Black and white people in the times of slavery. Once the conclusion has been made that there was immense oppression of Black people during slavery, ask students if they believe that the majority of white landowners in the south would have been in favor of abolishing slavery and emancipation? Next, consider what might be meant by leaving room to allow involuntary servitude in the case that a person is convicted of a crime.

Next, students should consider section 1 of the 14th amendment’s language. Now students should look for similar loopholes that exist within the 14th amendment which was supposed to ensure equal protection to all citizens of the United States.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

There is vague language within the amendment which allows states to enforce laws and take privileges of United States citizens without due process of law. Once again, students will notice that the United States constitution has made allowances for the disenfranchisement of people who are convicted of crimes. Students should engage in a discussion around which citizens would find themselves most affected by this loophole and why.

Students should also watch the video on reconstruction from the Equal Justice Initiative, to provide even more context into how life changed for Black Americans after the ending of slavery. While watching students should consider the following compelling question: How was the resulting action of white people during reconstruction “justified” according to the 13th and 14th amendments? How did it remain unjustified?

Activity 2: EJI Lynching Museum

After having unpacked the significance of the languages included in the 13th and 14th amendments students will look into the past at the legacy of lynching. Through this exploration students will seek to answer the following essential questions: what was lynching?, what was its purpose? What are the consequences of lynching for Black people? For white people? How are lynching and the great migration connected? This lesson will begin with students entering the virtual museum at <https://lynchinginamerica.eji.org/explore>. Upon entering the museum students will see an introduction to the museum which will provide some context into what lynching was used for after the 13th amendment “abolished slavery”. It is important to call student attention at this point to the time frame in which this lynching was so prominent (1877-1950). Ask students to think about this in the context of when the 13th amendment was ratified (passed by state governments). If the 13th amendment was ratified in 1865 and left room for the continued control of Black people by white people in the majority, then how might lynching fit into that story? The last line of the introduction drives the point home that “the effects of racial terror are still felt today”. This will serve as a great primer for students as they begin their self-paced exploration of the legacy of lynching in the United States.

The next section of the museum includes primary accounts of families that are effected by lynching. Students will learn what lynching is, how it affected the lives of Black people vs. white people, and how it continues to effect Black families today. This section of the museum contains 6 recordings from families of lynched persons or lynching survivors. These recordings contain powerfully tragic accounts of the “crime” that “warranted” the lynching and how this continued to affect the family long term. Students should consider each aforementioned question during the recordings and to take notes as they make connections between what they learn and the questions posed at the beginning of the activity.

The next exhibit in the virtual tour is a video account of one family that discovers their grandfather was a victim of lynching for an alleged minor crime involving a white woman. In this video students should pause to consider the consequences of the initial action from the grandfather to the white woman (to both the woman and the grandfather) as well as the consequences that the family faces as a result of the lynching.

After students get a well-rounded account of the consequences both past and present of lynching, students will move to an interactive map which depicts all of the lynching that has occurred in the United States between the years 1877 and 1950. Students should consider the setting of *Roll of Thunder, Hear My Cry* in relation to the concentration of lynchings on the map. Through this exploration, students should make predictions about the types of challenges the protagonist of the story and her family might face.

The final installation of the museum tackles The Great Migration. Students should look into the areas that

Black Americans migrated to and draw conclusions about the reasons why this migration was so profound. Comparing the previous lynching map to The Great Migration map, students should seek to draw conclusions about the populations of these areas as time moved from 1910 and 1970.

At the end of this museum exhibit, students should circle back to the essential questions: What was lynching?, What was its purpose? What are the consequences of lynching for Black people? For white people? How are lynching and the great migration connected? In a written response, students should cite data from the museum and their personal notes to answer each of the essential questions in paragraph form.

Activity 3: Plessy v. Ferguson

The Plessy v. Ferguson landmark supreme court case established the precedent that it was appropriate for Black and white Americans to have separate facilities for nearly every aspect of their life so long as the facilities were “equal”. However, this case represents a tragic mis telling of history. The complete story of Plessy is a story of Black activism against segregation on railcars in Louisiana. Although the case did not overturn the lower court’s ruling, it represents an important theme: Black Americans have been fighting for their rights long before the Civil Rights Movement that is widely taught as the moment when Black people stood up against systems of white supremacy and oppression. The goal of this lesson is for students to uncover the complete story of Homer Plessy and the circumstances which caused him to stand up and speak out against segregation.

Students should watch an instructional video by pbs learning media on Plessy v. Ferguson. This video will help students to grasp the meaning of the Plessy decision and the impact it had on American history. This resource is particularly helpful because it mentions the fact that Homer Plessy was deliberately challenging segregation when he took his seat on the railcar. This allows students to consider the implications of the case as more than simply instating the ‘separate but equal clause’ but also by highlighting the ways that Black people in the United States had been fighting for equity long before the civil rights movement of the 1950’s and 1960’s. By creating a more complete history for students, they are better prepared to have a nuanced understanding of the impacts of the 13th and 14th amendments. Afterwards they can participate in a small or large group discussion in which they seek to answer the following questions: What was New Orleans like during reconstruction?, What was the central issue presented in Plessy v. Ferguson?, Who was Homer Plessy and why was he important? What impact did Plessy v. Ferguson have on American society? What happened to the “civil liberties” of Black people after the case was decided?

This discussion should happen in small groups to facilitate student equity of voice. Groups should tackle one question at a time and create an explanation poster or anchor chart to be displayed in the classroom. Students should explain their answers to each of the questions through their poster design and incorporated text. However, students should not create a bulleted list of questions and answers. The goal of creating a poster is for students to create a succinct explanation of what Plessy v. Ferguson was and what impact it had on the lives of Black Americans.

Activity 4: Brown v. Board

Brown v. Board of Education of Topeka Kansas is a widely taught supreme court case in public schools across the country. However, the side of the matter that isn’t taught is the connection between the Brown decision and massive resistance. Through this activity students will gain a comprehensive understanding of the positive outcomes of the Brown decision and the negative ramifications.

First, students will read an article explaining the supreme court case from pbs. While reading this article students should consider the pieces of history they have already learned about both in the anchor novel (Roll of Thunder, Hear My Cry) and the other supplemental texts assigned within the unit, and how that history may have contributed to the mounting demand in 1954 for school integration. The goal of this exploration is for students to have a grounded understanding of what Brown v. Board did for public school integration.

Once students have gained a clear understanding of what Brown did, they can dive into the consequences of Brown. Students will read an Education Week which reflects 65 years after Brown, on how Black educators and schools remain segregated. Before reading students should consider what white families who were resistant to school integration might have done in response to being told that their child's school would be required to admit Black students? Upon sharing out their predictions, students will begin reading. During the reading students should check off which prediction they made that can be seen reflected in the historical retelling of the reaction to Brown. In the article, students discover that after Brown, Black educators were displaced from jobs due to the massive resistance to school integration posed by white families who would be integrating schools as well as the closing of Black schools. This can be seen reflected in the contemporary public school system in many cities, and students will be able to make connections between past and their present reality. Students will share out which predictions were correct with a small group and work to write a paragraph response comparing and contrasting the outcomes of the Brown Decision and the impact that it has on schools today.

Resources

Annotated Bibliography

Andrews, Evan. "Was Jim Crow a Real Person?" HISTORY. Accessed July 17, 2021.
<https://www.history.com/news/was-jim-crow-a-real-person>

This resource is particularly helpful for reviewing the context of how "Jim Crow" became the national symbol of Black oppression after reconstruction in the United States. It is accessible to student reading levels as well and could be implemented as a resource for students to build historical context on the origin of the "Jim Crow" stereotype.

Equal Justice Initiative. *Lynchings and Racial Violence during Reconstruction*. Accessed July 15, 2021.
https://www.youtube.com/watch?v=GU_9x3upz90.

This is a video from the Equal Justice Initiative which shows visually the number of lynchings in the United States during reconstruction (1865-1876). The video would be a great "see, think, wonder" exercise for students to process the connection between the geography of the United States and lynchings.

Fox, Alex. "Nearly 2,000 Black Americans Were Lynched During Reconstruction." Smithsonian Magazine. Accessed July 15, 2021.
<https://www.smithsonianmag.com/smart-news/nearly-2000-black-americans-were-lynched-during-reconstruction-180975120/>.

This article from the Smithsonian Magazine provides some great insight into the sheer quantity of lynchings

that occurred in the United States during reconstruction. The article provides insights into the reasons why lynching became so pervasive and how it has translated into contemporary issues such as police brutality and the disproportionality of deaths in communities of color from COVID-19.

Klarman, Michael J. "How Brown Changed Race Relations: The Backlash Thesis." *The Journal of American History* 81, no. 1 (June 1994): 81. <https://doi.org/10.2307/2080994>.

Klarman's backlash thesis argues that the Brown v. Board decision actually served to increase the segregation in schools due to the backlash within white communities to the idea of school integration. In this school of thought, although the Brown decision was monumental, like many laws that aim towards racial equity it left room for other forms of oppression of Black Americans through massive resistance.

"Our Documents - 13th Amendment to the U.S. Constitution: Abolition of Slavery (1865)." Accessed July 16, 2021. <https://www.ourdocuments.gov/doc.php?flash=false&doc=40>.

This document is a very student friendly overview of the 13th amendment and the context in history in which it sits. The article does not provide any arguments surrounding the efficacy or morality of the 13th amendment nor does it point out the loopholes in language. This would serve as a great starting point for students who are unfamiliar with the historical context surrounding the 13th amendment.

Equal Justice Initiative. "Reconstruction in America | EJI Report." Accessed July 15, 2021. <https://eji.org/reports/reconstruction-in-america-overview/>.

This is an excellent resource which provides an engaging video to provide a detailed history of the impact reconstruction had on Black Americans. This video focuses mainly on the Black experience in the wake of the civil war and the passing of the 13th, 14th, and 15th amendments. The video points out how the rise of white supremacy directly correlates with Jim Crow laws, voter suppression, and immense racial violence which would eventually lead to the Great Migration.

Economic Policy Institute. "Schools Are Still Segregated, and Black Children Are Paying a Price." Accessed June 27, 2021. <https://www.epi.org/publication/schools-are-still-segregated-and-black-children-are-paying-a-price/>.

This article is particularly helpful in conjunction with Klarman's backlash thesis when looking at how school segregation has not changed that much for the majority of Black students in the United States even after the mandated school integration of the 1950's. The authors of this article use data from the National Center for Education Statistics' National Assessment of Educational Progress (NAEP) to describe how school segregation in the United States has consequences for students of color. The article draws the connection between race and poverty especially in the nation's public schools.

American Civil Liberties Union. "Stop the Police Surveillance State Too." Accessed July 15, 2021. <https://www.aclu.org/news/criminal-law-reform/stop-the-police-surveillance-state-too/>.

This article presents the findings of the ACLU on the connection between mass incarceration and oversurveillance of communities of color. While looking into the beginnings of over policing Black people as a way of subjugation and enslavement through the 13th amendment loophole, it is important to also analyze the ways that policing has adapted in modern times to continue this legacy of subjugation.

New Jersey State Bar Foundation. "Thirteenth Amendment Ends Slavery But Makes Way for a Different Kind,"

October 28, 2019.

<https://njsbf.org/2019/10/28/thirteenth-amendment-ends-slavery-but-makes-way-for-a-different-kind/>.

This article offers a comprehensive history of the loophole within the language of the 13th amendment that allowed for the further enslavement of Black people beyond emancipation. The 13th amendment states that “neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction”. This leaves room implicitly for states, particularly southern states, to increase the arrest and conviction of Black people as a means to control them. This loophole has very direct consequences on the future of Black people in the United States which can be traced to contemporary issues such as mass incarceration and police brutality.

“Southern Manifesto on Integration,” *Congressional Record*, 84 Cong., 2 sess., vol. 102, part 4, (1956), 4459–60. Primary source materials from the *Supreme Court*, PBS.org (2008).

This document features a quotation from May of 1956 in the midst of massive resistance. In this quotation, 101 congressmen cosigned a statement in which they pledge to use all lawful means to reverse school integration and work towards reversing the decision.

Tolnay, Stewart E. “Jim Crow’s Legacy: The Lasting Impact of Segregation.” *Contemporary Sociology* 46, no. 1 (January 1, 2017): 114–16. <https://doi.org/10.1177/0094306116681813ww>.

This journal article provides a very intellectualized history of Jim Crow’s legacy. The journal makes the direct connections between Jim Crow laws as a system of oppression in the American south and the systems of white supremacy that have embedded themselves in contemporary politics. The author takes a radical approach to the solution, calling for the payment of reparations to compensate for the long term financial, physical, and emotional damage wrought by slavery and Jim Crow.

Wells-Barnett, Ida B, Frederick Douglass, I. Garland Penn, and F. L Barnett. *The Reason Why the Colored American Is Not in the World’s Columbian Exposition: The Afro-American’s Contribution to Columbian Literature.*, 1893.

In this publication, Ida B. Wells discusses the convict leasing system and its effects on Black prosperity in Georgia. She comments that out of the imprisoned population in Georgia 90% were Black. This disparity in crimes is a direct result of the vague language of the 13th amendment.

Encyclopedia Britannica. “What Is the Origin of the Term ‘Jim Crow’?” Accessed July 17, 2021. <https://www.britannica.com/story/what-is-the-origin-of-the-term-jim-crow>.

This is a great student friendly resource detailing the origin of the term Jim Crow as a caricature of the Black experience. The article discusses how Jim Crow was used as an entertainment tool for white Americans who were simultaneously fascinated and repulsed by Blackness and then translated into a system of de facto and de jure laws and customs that would rule the way of life in the American south for decades.

Student Reading List

Roll of Thunder, Hear My Cry, by Mildred Taylor

This work of historical fiction depicts the complexities of racism and white supremacy in the times of Jim Crow

through the eyes of a 10 year old girl. In this sense, although fiction, this story creates a very accessible version of the history that students will dig deeper into throughout the curricular unit of study. By solidifying the history of this time period in an engaging way, students will be better prepared to analyze the primary, secondary, and tertiary sources presented in the rest of the unit.

What is the Origin of the Term “Jim Crow”?, by Jeff Wallenfeldt

This article presents the idea of Jim Crow in a comprehensive sense. Jim Crow is a complex topic to conceptualize without truly understanding what Jim Crow meant before it was a system of laws. That deeper meaning underpins the oppression that Black Americans see continually within American society. By giving students an opportunity to grapple with these concepts, we are inviting them to make connections between past and present.

The 13th Amendment to the Constitution & The 14th Amendment to the Constitution

The language of the 13th and 14th amendments is essential to the unit. Having students look directly at the language and come to their own conclusions about how this has evolved over time to further the oppression of Black Americans ensures that students are critical consumers of media and literature they encounter. Students are encouraged to inquire about the positive and negative externalities of these “equalizing” laws and measures which shaped society as we know it.

PBS: Brown v. Board of Education of Topeka (1954)

Students will read the pbs abridged version of the outcome of the Brown supreme court decision. This article calls back to Plessy v. Ferguson and the 14th amendment during its explanation of the reasons for the decision that separate schools were unconstitutional. Through a close reading of this article, students gain a complete understanding of the ways that history builds upon itself to create new and ever changing outcomes for individuals in society.

Class Materials

“13TH | FULL FEATURE | Netflix - YouTube.” <https://www.youtube.com/watch?v=krfcq5pF8u8>.

Andrews, Evan. “Was Jim Crow a Real Person?” HISTORY.
<https://www.history.com/news/was-jim-crow-a-real-person>.

“Congressional Document.”
<https://congressional.proquest.com/congressional/result/congressional/congdocumentview?accountid=15172&groupid=94346&parmlid=1788E7E05D4#0>.

Drexler, Ken. “Research Guides: 13th Amendment to the U.S. Constitution: Primary Documents in American History: Introduction.” Research guide. <https://guides.loc.gov/13th-amendment/introduction>.

“Research Guides: 14th Amendment to the U.S. Constitution: Primary Documents in American History: Introduction.” Research guide. <https://guides.loc.gov/14th-amendment/introduction>.

Equal Justice Initiative. *Lynchings and Racial Violence during Reconstruction*.
https://www.youtube.com/watch?v=GU_9x3upz90.

"How a Three-Word Phrase Sabotaged Black Voting Rights, and How They Can Be Reconstructed – Mother Jones." <https://www.motherjones.com/politics/2021/02/14th-amendment-section-2-mass-incarceration/>.

"Loopholes Have Preserved Slavery for More than 150 Years after Abolition - The Washington Post." <https://www.washingtonpost.com/outlook/2021/01/27/loopholes-have-preserved-slavery-more-than-150-years-after-abolition/>.

"Lynching in America: Confronting the Legacy of Racial Terror." <https://lynchinginamerica.eji.org/>.

"Map of 73 Years of Lynchings." *The New York Times*, February 9, 2015, sec. U.S. <https://www.nytimes.com/interactive/2015/02/10/us/map-of-73-years-of-lynching.html>.

PBS LearningMedia. "Plessy vs. Ferguson." <https://www.pbslearningmedia.org/resource/bf09.socst.us.const.plessy/plessy-v-ferguson/>.

Economic Policy Institute. "Schools Are Still Segregated, and Black Children Are Paying a Price." <https://www.epi.org/publication/schools-are-still-segregated-and-black-children-are-paying-a-price/>.

Taylor, Mildred. *Roll of Thunder, Hear My Cry*. Bantam Books, 1976.

"The Reason Why the Colored American Is Not in the World's Columbian Exposition." <https://digital.library.upenn.edu/women/wells/exposition/exposition.html#III>.

"The Supreme Court . Expanding Civil Rights . Landmark Cases . Brown v. Board of Education (1954) | PBS." https://www.thirteen.org/wnet/supremecourt/rights/landmark_brown.html.

Encyclopedia Britannica. "What Is the Origin of the Term 'Jim Crow'?" <https://www.britannica.com/story/what-is-the-origin-of-the-term-jim-crow>.

Appendix on Implementing District Standards

This unit is written for 6th grade English Language Arts classes. The following are Common Core State Standards (CCSS) which this unit significantly addresses.

CCSS.ELA-LITERACY.RI.6.4 / R.L.6.4 *Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the impact of a specific word choice on meaning and tone.*

This standard is addressed specifically through the in-depth study of the impact of the 13th amendment to the United States Constitution. Through the careful analysis of the wording of the amendment students will understand how the specific language left loopholes for other types of slavery to embed themselves into American culture.

CCSS.ELA-LITERACY.RI.6.7 *Integrate information presented in different media or formats (e.g., visually, quantitatively) as well as in words to develop a coherent understanding of a topic or issue.*

Throughout this unit students will review historical images, video clips, and graphs showing the impact of the 13th amendment and Jim Crow laws on Black Americans throughout history. Students will use these resources to compare the history to what is presented in *“Roll of Thunder, Hear My Cry”*.

CCSS.ELA-LITERACY.RI.6.8 *Trace and evaluate the argument and specific claims in a text, distinguishing claims that are supported by reasons and evidence from claims that are not.*

The essential questions of the unit asks students to consider how life has changed for Black American’s over time. Using multi-media resources in conjunction with the our anchor novel *“Roll of Thunder, Hear My Cry”*, students will continually evaluate claims that life has improved or remained stagnant throughout time.

Notes

¹ “Our Documents - 13th Amendment to the U.S. Constitution: Abolition of Slavery (1865),” accessed July 16, 2021, <https://www.ourdocuments.gov/doc.php?flash=false&doc=40>.

² “Thirteenth Amendment Ends Slavery But Makes Way for a Different Kind,” New Jersey State Bar Foundation, October 28, 2019, <https://njsbf.org/2019/10/28/thirteenth-amendment-ends-slavery-but-makes-way-for-a-different-kind/>.

³ “Our Documents - 13th Amendment to the U.S. Constitution: Abolition of Slavery (1865).”

⁴ Ida B Wells-Barnett et al., *The Reason Why the Colored American Is Not in the World’s Columbian Exposition: The Afro-American’s Contribution to Columbian Literature.*, 1893,23-25.

⁵ Wells-Barnett et al.,1893

⁶ “Jim Crow Legacy Continues Today | Brennan Center for Justice,” accessed July 15, 2021, <https://www.brennancenter.org/our-work/analysis-opinion/jim-crow-legacy-continues-today>.

⁷ “What Is the Origin of the Term ‘Jim Crow’?,” Encyclopedia Britannica, accessed July 17, 2021, <https://www.britannica.com/story/what-is-the-origin-of-the-term-jim-crow>.

⁸ Evan Andrews, “Was Jim Crow a Real Person?,” HISTORY, accessed July 17, 2021, <https://www.history.com/news/was-jim-crow-a-real-person>.

⁹ Alex Fox, “Nearly 2,000 Black Americans Were Lynched During Reconstruction,” Smithsonian Magazine, accessed July 15, 2021, <https://www.smithsonianmag.com/smart-news/nearly-2000-black-americans-were-lynched-during-reconstruction-180975120/>.

¹⁰ “Reconstruction in America | EJI Report,” Equal Justice Initiative, accessed July 15, 2021, <https://eji.org/reports/reconstruction-in-america-overview/>.

- ¹¹ “Business News - Montgomery Advertiser Business Section,” The Montgomery Advertiser, accessed July 15, 2021, <https://www.montgomeryadvertiser.com/news/business/>.
- ¹² “Stop the Police Surveillance State Too,” American Civil Liberties Union, accessed July 15, 2021, <https://www.aclu.org/news/criminal-law-reform/stop-the-police-surveillance-state-too/>.
- ¹³ “Separate Car Act | Louisiana, United States [1890],” Encyclopedia Britannica, accessed July 17, 2021, <https://www.britannica.com/topic/Separate-Car-Act>.
- ¹⁴ “Plessy v. Ferguson | Summary, Facts, & Significance,” Encyclopedia Britannica, accessed July 17, 2021, <https://www.britannica.com/event/Plessy-v-Ferguson-1896>.
- ¹⁵ History com Editors, “Plessy v. Ferguson,” HISTORY, accessed July 17, 2021, <https://www.history.com/topics/black-history/plessy-v-ferguson>.
- ¹⁶ “Plessy v. Ferguson | Summary, Facts, & Significance.”
- ¹⁷ Stuart Chinn, “The Ideology Behind Brown v. Board of Education: Political Parties and ‘Jurisprudential Bundling,’” *SSRN Electronic Journal*, 2014, <https://doi.org/10.2139/ssrn.2427038>.
- ¹⁸ Chinn.
- ¹⁹ Chinn.
- ²⁰ Michael J. Klarman, “How Brown Changed Race Relations: The Backlash Thesis,” *The Journal of American History* 81, no. 1 (June 1994): 81, <https://doi.org/10.2307/2080994>.
- ²¹ “The Troubled History of American Education after the Brown Decision | The American Historian,” accessed July 20, 2021, <https://www.oah.org/tah/issues/2017/february/the-troubled-history-of-american-education-after-the-brown-decision/#fr5>.
- ²² Klarman, “How Brown Changed Race Relations.”
- ²³ “Schools Are Still Segregated, and Black Children Are Paying a Price,” *Economic Policy Institute* (blog), accessed June 27, 2021, <https://www.epi.org/publication/schools-are-still-segregated-and-black-children-are-paying-a-price/>.
- ²⁴ Mildred Taylor, *Roll of Thunder, Hear My Cry* (Bantam Books, 1976).

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