



SPHERE

Fostering Civil Discourse and Diverse Viewpoints for Every Classroom

Criminal Justice, Democracy, and Equality: *Persistent Echoes of the Legal Clashes between the Civil Rights Movement and Massive Resistance during the Warren Court Era (1954–1969)*

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GRADE LEVEL: 11TH–12TH GRADES

“Often the path to freedom will carry you through prison.”

—MARTIN LUTHER KING JR. (1960)

“Time is running out for the merchants of crime and corruption in American society.”

—RICHARD NIXON (1968)

“Too many Americans go to too many prisons for far too long, and for no truly good law enforcement reason.”

—ERIC HOLDER (2013)



These three quotations outline a tidal wave of institutional and social changes that reshaped political discourse about civil liberties and civil rights in the United States. This unit will guide students on a journey to examine the foundational criminal procedure amendments of the Constitution and how the civil rights and liberties protected in them have been interpreted over time. Students will have an opportunity to engage in case analysis, evaluation, and discourse around the legal precedents set forth from these significant moments in history.

Advanced Placement Alignment

In line with Advanced Placement (AP) skill building, students will focus on honing their written and oral communication to articulate their thoughts with evidence about analysis they have conducted of various sources, including graphical data.

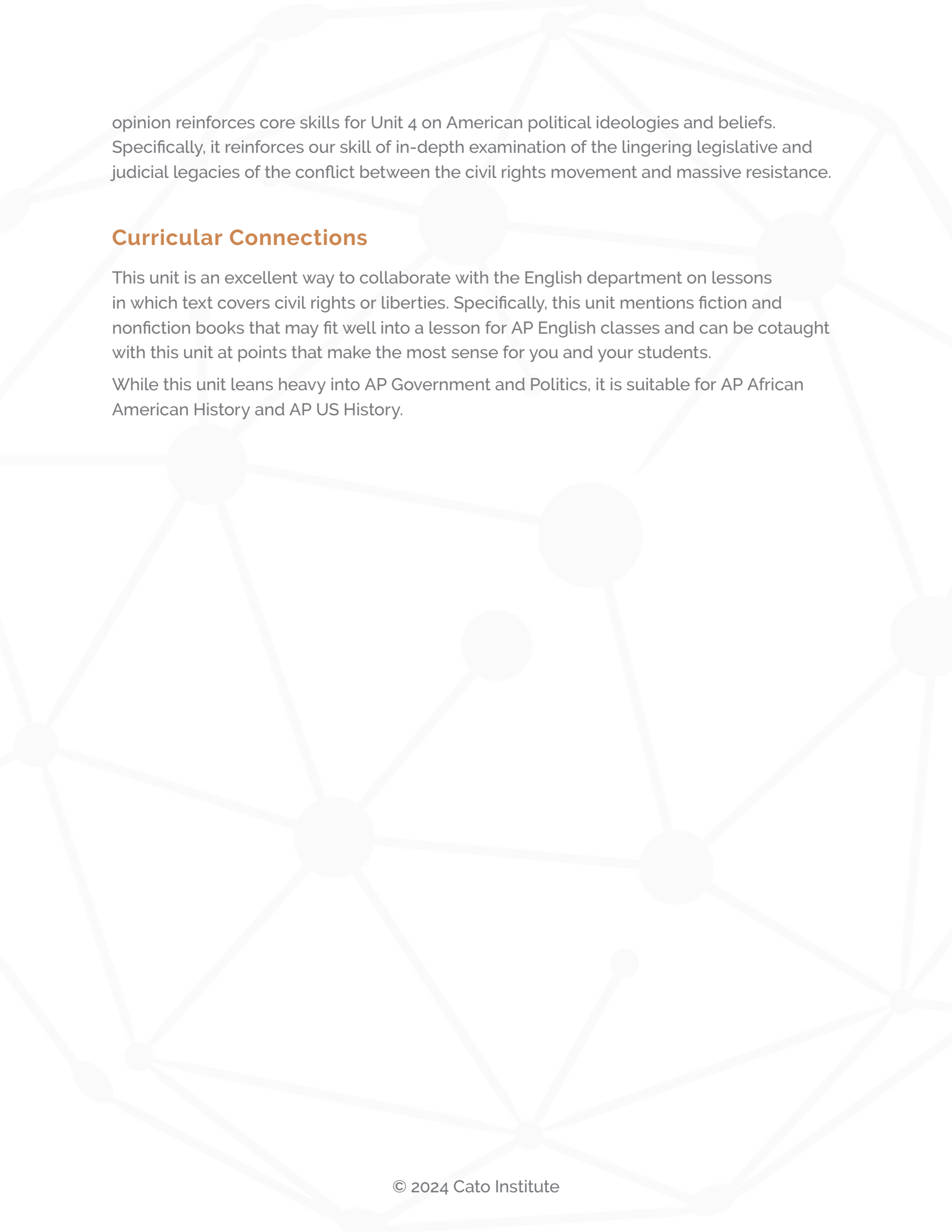
AP Government and Politics students will engage in the following activities:

- Exploring the extent to which the United States has made progress in expanding rights and legal statuses for various groups over time, including changes to the Constitution and other charters
- Examining the historical and current relationships between formal politics and social movements, including the relationships between political, economic, and civil rights
- Evaluating specific moments of change as examples of refounding the United States
- Exploring formal and informal revisions to America's constitutional system and the sources of such changes

The lessons in the unit highlight foundational material from Unit 3 on civil liberties and civil rights and represents one-fifth of the questions in the exam. This unit brings into focus core concepts such as constitutionalism, liberty and order, civic participation in a representative democracy, and competing policymaking interests. It also makes regular reference to three of the nine foundational documents for AP US Government: the Declaration of Independence, the Constitution, and Martin Luther King Jr.'s letter from Birmingham Jail (this is an extension to be used with each lesson).

These lessons integrate 4 of the 14 required Supreme Court cases: *Brown v. Board of Education* (1954), *Baker v. Carr* (1962), *Gideon v. Wainwright* (1963), and *McDonald v. City of Chicago* (2010). With respect to required course content, there are highlights of Supreme Court attempts to balance claims of individual freedom with laws and enforcement procedures that promote public order and safety.

The unit also promotes mastery of the concept of selective incorporation of the criminal justice proceeding amendments, due process and the rights of the accused, social movements and equal protection, government responses to social movements, and balancing minority and majority rights. Additionally, the lesson on true crime and public



opinion reinforces core skills for Unit 4 on American political ideologies and beliefs. Specifically, it reinforces our skill of in-depth examination of the lingering legislative and judicial legacies of the conflict between the civil rights movement and massive resistance.

Curricular Connections

This unit is an excellent way to collaborate with the English department on lessons in which text covers civil rights or liberties. Specifically, this unit mentions fiction and nonfiction books that may fit well into a lesson for AP English classes and can be cotaught with this unit at points that make the most sense for you and your students.

While this unit leans heavy into AP Government and Politics, it is suitable for AP African American History and AP US History.