

**Lesson 3**  
**What is civil rights litigation? What purposes does it serve?**

**Lesson Objectives**

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Students will be able to:

- Define civil rights and civil liberties.
- Explain that there are a variety of constitutional clauses and statutes that exist to guarantee people's civil rights and liberties.
- Independently research and present court cases that have enforced civil rights laws, aimed at safeguarding constitutional rights.
- Describe how people use the legal system to enforce their civil rights and liberties.

**Materials**

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- Handout 5: What Are Civil Rights and Civil Liberties?
- Handout 6: Final Writing Assignment and accompanying rubric
- Access to Civil Rights Litigation Clearinghouse website (<http://www.clearinghouse.net/>) for demonstration. This lesson will require Internet access for teacher demonstration and for student research.
- A teacher-designed assignment sheet for research of civil rights litigation. Suggested guidelines are provided below.

**Lesson Assessments**

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- Blog/Discussion Posting/Oral Presentation highlighting examples of civil rights litigation. Individual teachers can design this assessment based on their resources and time available.

**Instructional Activities**

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*Anticipatory Set*

- Remind students that you previously looked at *Brown v. Board of Education* and that it was an example of a civil rights case. Tell them that you are going to focus on civil rights litigation in this lesson.
- Ask students what they already know about *civil rights* and write their ideas on the board.

*Direct Instruction*

- Give the students **Handout 5: What Are Civil Rights and Civil Liberties?**, and discuss with them the definition of civil rights and civil liberties. You might try to get them to come up with some examples of claims that fit in each section of the diagram. Emphasize to them that the list of statutes is not for them to memorize, but rather to show them the range of issues covered by modern civil rights law.
- Consider a case like *Brown v. Board of Education*. In that case, African-American parents in Topeka, Kansas and their children filed a complaint in a federal trial court arguing that the Topeka school district was denying them equal protection of the law under the Fourteenth Amendment by operating separate public schools for white and black children. The plaintiffs alleged that the defendants' conduct denied them educational opportunities equal to those provided to white children, solely based on race. Further, the plaintiffs argued that separate was inherently unequal. Even if the government made every effort to provide segregated facilities equal resources, the black children who were forced by state law to attend racially segregated schools “do not and cannot” enjoy the educational benefits afforded to white children. They argued that the stigma of being excluded from white schools by the government affected black students' ability learn by creating a feeling of inferiority.
  - What was the purpose of this lawsuit? Certainly, it was to get a court order requiring Topeka to integrate the public schools. But this was also a “test case,” carefully crafted to lead to a change in the law more generally, and persuade the Supreme Court to announce that school segregation violates the Constitution.
- Introduce students to the Civil Rights Litigation Clearinghouse website and explain to them that they'll be using the site to explore civil rights cases that are recent and ongoing. Show them the [Brown v. Board](#) case again as an example of how cases on the site are presented and organized.
- Point out that the legal issue in the case was “equal protection.” Explain that the Equal Protection Clause is part of the Fourteenth Amendment of the U.S. Constitution:

**Equal Protection Clause (U.S. Constitution, Amendment 14):**

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*.

- Now it is the students' turn to explore the website and learn about the wide variety of civil rights litigation. Explain to them that they will be working in groups, using the website to explore different court cases, by case type and “issue” or “cause of action.”

Unit 1: Lesson 3  
Introduction to Civil Rights and Litigation

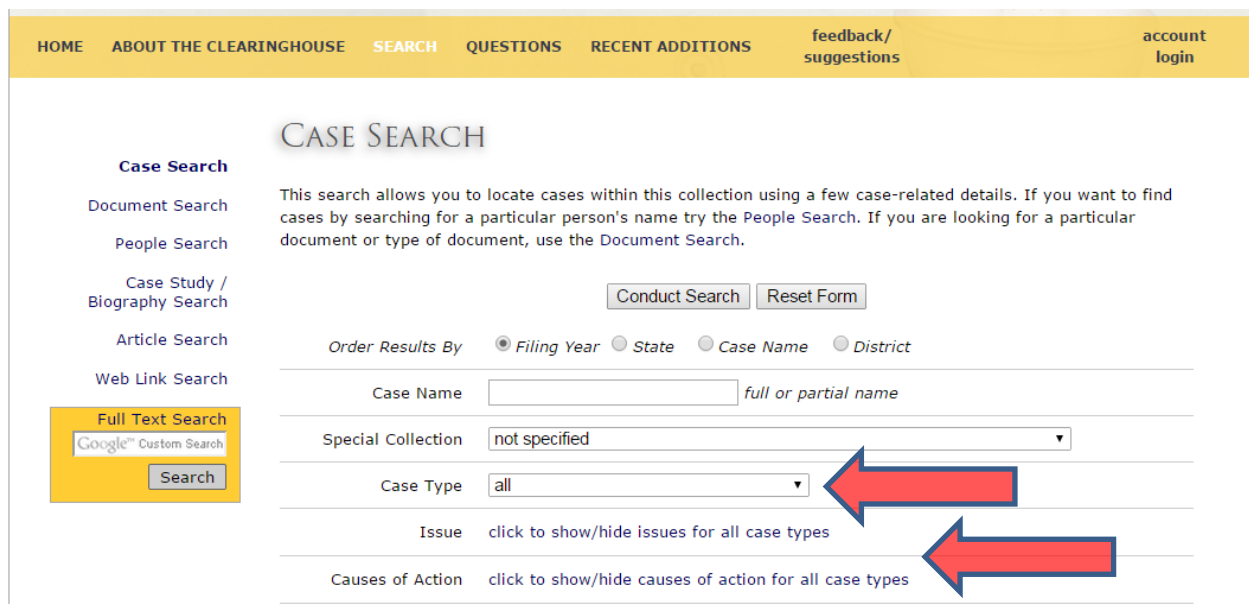
Steps for navigating the Civil Rights Litigation Clearinghouse website are immediately below.

Steps:

- A. Go to <http://clearinghouse.net>. Click on “search”



- B. On the search page (<http://www.clearinghouse.net/search.php>) pick a case type, and then an “issue” or a “cause of action.”



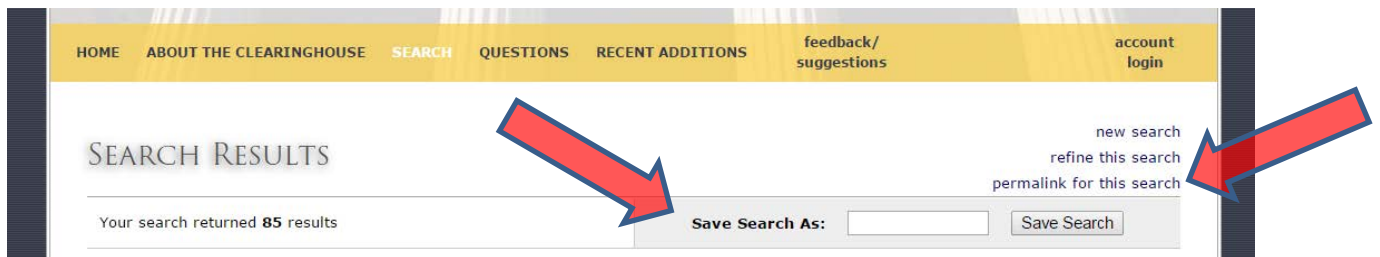
“Issues” cover many different types of case characteristics. For purposes of this exercise, you may wish to instruct your students to focus their attention on a particular “constitutional clause” under “issue.” “Cause of Action” covers the statute that authorizes the lawsuit.

Unit 1: Lesson 3  
Introduction to Civil Rights and Litigation

The students' task is for each group to look at two or three cases in the case type they choose and put together a short presentation/blog/discussion thread, per your instructions, which includes at least the following elements:

- A brief explanation of what is in dispute in these cases (i.e., What is the argument between the parties?)
- The constitutional clause(s) or statutory guarantees at issue in the cases within the special collection, including an explanation of what the clause means (i.e., What legal principle is at issue in these cases?)
- Which part of the civil rights diagram does the case type fit into?
- A statement about the significance of these court cases (i.e., How are people using the legal system to protect their rights?)

NOTE: If your students wish to save their searches and cases in the Clearinghouse, they can register for an account (if they are over 13 years old), and then do so. In addition, searches and cases have “permalinks,” which they can obtain by clicking on the “permalink” button, and then record and use over.



*Guided Practice/Independent Practice/Homework*

- Provide at least some class time to make sure students can navigate the website on their own. Have students work in class and/or at home to complete their presentations/blogs. Allow enough class time for students to present their work, if applicable.
- The overall conclusion these cases support is that civil rights litigation like *Brown v. Board* continues to play an important role. Civil rights cases are far from universally successful, but they have transformed schools, prisons, mental health facilities, housing authorities, police departments, child welfare agencies and more. Civil rights cases are based on the Constitution and many civil rights laws.
- Remind students that they have been looking at ways people use civil litigation to protect their civil rights. Ask them to discuss as a whole class to what extent the legal system serves to protect people's rights.

*Independent Practice/Homework*

- Pass out **Handout 6: Final Writing Assignment**. Ask students to write a persuasive essay in response to the question: Do court procedural rules adequately reflect the values and principles of American constitutional government?