

Alabama Men's Hall of Fame

4th Grade Lesson Plans- Alabama History

Hugo Black

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Lesson Title: Alabama Men's Hall of Fame: Hugo Black

Curriculum Area: Social Studies

Estimated Time: 50 minutes

Grade Level: 4

Standards

SS 4.15) Recognizing Alabamians who have made significant contributions to society

- Hugo Black

Learning Objectives

Fourth grade students will examine the life of Hugo Black and his use of the United States Constitution regarding his decisions as a United States Supreme Court Justice. Students will then apply this understanding of the use of the Constitution when faced with making their own decisions.

Evaluation of Learning Objectives

Fourth grade students will work in pairs to make hypothetical legal decisions using the Bill of Rights as Hugo Black did while serving as a Supreme Court Justice. They will also state how their opinion may or may not differ from the legal ruling. At the end of class, an exit slip will be completed, where the students will write three to five facts that they learned about Hugo Black, the United States Supreme Court and/or the United States Constitution.

Engagement

The teacher will ask the students to raise their hand if they have a family member who is a lawyer. She will then ask what that lawyer does when they go to trial (argue a case before a judge). That judge is in charge of cases on a local level.

Above the judges on the local level is a set of judges that are over the whole state. Each state has its own set of judges that make and interpret laws for the state.

The very highest level of the court system in the United States is a very small group of men and women who sit on a court and make rulings on laws and important issues for the whole United States. This court is called the Supreme Court, and it is made up of 9 judges. Once a person is appointed to a position on the Court by the president, they will then serve as a Supreme Court Justice for the rest of their life.

These judges have extensive power over the laws of our country, and today we are going to study how a Supreme Court Justice from Alabama named Hugo Black used his power for good.

Learning Design

1. Teaching

- Hugo Black was raised in Ashland, Alabama. He graduated from law school at The University of Alabama in 1906, and moved to Birmingham to practice law in 1907. He served as a captain in the First World War, and then went back to Birmingham where he worked in law as a prosecuting attorney and police court judge. In 1927, he was elected to the United States Senate as a Democrat.
- Black was appointed to the Supreme Court by President Franklin Roosevelt in 1937, served for 34 years, and had to make a lot of tough decisions. Sometimes he was criticized for these decisions. For example, during the Civil Rights Movement, children of different skin color did not go to school together. Justice Black did not think that this was right and voted in a case called *Brown v. Board of Education* to legally stop segregation in schools. This vote was not popular with all of the people of this country, but Justice Black did not care.
- Hugo Black was a strict follower of the United States Constitution, and all of his decisions were based on the words in that document. In fact, he carried a small copy of the Constitution in his pocket at all times.
- The following is an excerpt from Arlington National Cemetery's account of Hugo Black:

"Where's my Constitution?" Justice Black asked, ruffling through his pockets and spreading out the papers on his desk.

"I always keep my Constitution in my coat pocket. What could have happened to it? Have you got one on you?" he asked of a visitor a few years ago.

"You ought to keep one on you all the time," he said, buzzing for his secretary. "Where's my Constitution?"

The woman searched his desk drawers and scanned the library shelves in the spacious Supreme Court chambers, but found no Constitution.

"I like to read what it says. I like to read the words of the Constitution," Justice Black said in a slight Southern drawl, after dispatching the secretary to fetch one. "I'm a literalist, I admit it. It's a bad word these days, I know, but that's what I am."

Shortly, the Constitution was delivered. Hugo Lafayette Black, then 81 years old and completing his 30th year on the United States Supreme Court, laid it tenderly on his lap and opened it to the Bill of Rights.

"Now," he said with a warm smile, "now let's see what it says."

- It is now clear how Justice Black was a champion of the Constitution. In fact, it has been said that perhaps no other man in the history of the Supreme Court so revered the Constitution as a source of the free and good life.
- Let's now look at the Bill of Rights that he so loved, which is the first 10 Amendments to the Constitution.
- The teacher will pass out the documents "The Bill of Rights" (Appendix A) and "What Are My Rights?" (Appendix B) and will instruct the class to use "The Bill of Rights" as a reference to complete the "What Are My Rights?" activity. The teacher will allow five minutes for the students to work independently and will then review the activity with the class.

2. Guided Practice

- The teacher will then show Scenario 1 (Appendix C) to the class via document camera. She will read aloud the scenario and then model how the students are to answer the questions.

3. Independent Practice

- The teacher will now break the class into pairs of students and pass out Scenarios (Appendix D).
- The students will have 5 to 10 minutes to complete the questions asked in their scenario.

4. Closure

- Once the time is up, the teacher will bring the class back together and have each group discuss their decisions on their scenarios.

Assessment

- The students will turn in their answers to the scenario.
- An exit slip will be completed with the students writing three to five facts that they learned about Hugo Black, the United States Supreme Court and/or the United States Constitution.

Content and Resources

- “The Bill of Rights” (Appendix A)
- “What Are My Rights?” (Appendix B)
- Scenario 1 (Appendix C)
- Scenarios (Appendix D)
- Answer Key to “What Are My Rights” (Appendix E)
- <http://www.arlingtoncemetery.net/hlblack.htm>
- http://kids.lovetoknow.com/wiki/Bill_of_Rights_for_Kids

The Bill of Rights

Appendix A

The first 10 amendments of the Constitution of the United States make up the Bill of Rights. These amendments outline the basic freedoms that citizens of the United States are entitled to.

Amendment 1 Congress cannot make laws promoting or prohibiting religion or denying the right to freedom of speech, freedom of the press or the freedom of people to protest or petition the government peacefully.

Amendment 2 The right to bear arms should not be denied.

Amendment 3 Soldiers may not occupy a home without the consent of the owner.

Amendment 4 Citizens are protected against unreasonable searches and seizures. Warrants must be issued only upon probable cause.

Amendment 5 Individuals may not be tried for a crime until a Grand Jury finds probable cause and are not required to provide information regarding an offense. Private property may not be taken without the government paying for it.

Amendment 6 All citizens have the right to a speedy and public trial with an impartial jury in criminal cases. In addition, citizens must be provided with a lawyer and informed of all charges.

Amendment 7 A jury trial is allowed for a civil case with a value of more than \$20.

Amendment 8 The use of cruel and unusual punishment and excessive fines are prohibited.

Amendment 9 The Constitution may not be used to deny other basic human rights.

Amendment 10 States have the power to make laws in areas not covered by the Constitution.

What Are My Rights?

Appendix B

Directions: Draw a line to match each of the scenarios with the amendment that it addresses

1st Amendment

An Army soldier comes to your home, tells you he's hungry and demands you feed him.

2nd Amendment

Florida makes a law saying you are not allowed to kill alligators.

3rd Amendment

A police officer stops your mom's car, asks everyone to get out and starts looking inside it.

4th Amendment

A school suspends a student for refusing to say the Pledge of Allegiance.

5th Amendment

You want to sue your friend for borrowing \$10 and not paying it back.

6th Amendment

A judge ties a kid's hands together for two days after he is caught stealing.

7th Amendment

Congress decides that no one can eat candy anymore.

8th Amendment

Your dad is sent to jail and no one tells him why.

9th Amendment

Your grandpa owns a gun for hunting.

10th Amendment

The government wants to buy your house to build a new road.

Scenario 1- Hugo Black

Appendix C

1. Many years ago, when Hugo Black served as a Supreme Court Justice, African American children and white children were educated in separate schools. The schools for white children received more money from the government and were much nicer. As a result, white children received a better education than African American children, solely because of their skin color. A major court case made its way to the Supreme Court that required the justices to rule on whether it was legal or illegal for African American and white children to be educated in separate schools. The name of the case was *Brown v. Board of Education*.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, *Brown* (those in support of desegregation) or the Board of Education (those in support of segregation)? Was it legal or illegal for children to be educated separately based on the color of their skin?

What amendment on the Bill of Rights impacted your decision in this case? (Amendment 9)

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

The court ruled in favor of *Brown*, stating that separate education for African American and white children is unconstitutional. Hugo Black is one of the justices who ruled in favor of desegregation, joining all schools so that all children would be educated together. He voted this way because he was a strict interpreter of the Constitution, and according to the Constitution, specifically the Bill of Rights, "Separate but Equal" education was unconstitutional and could not continue. Despite this decision being unpopular in most southern states, Hugo Black stood his ground and stood up for what he knew was right, according to the Constitution of the United States.

Scenarios

Appendix D

1. A journalist for the *Birmingham News*, the main newspaper in Birmingham, wrote a strongly worded article about Nick Saban. It appeared on the front page of the newspaper shortly after the 2013 National Championship. The article argued that Nick Saban must leave the University of Alabama to go coach at Auburn University because it is unfair that Alabama is so much better than them. After the article was published, players, coaches, and fans began calling Nick Saban very upset thinking that he was going to leave the University of Alabama. In response, Nick Saban and the University of Alabama sued the *Birmingham News* and the journalist for publishing the article.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the journalist and the newspaper or Nick Saban and the University of Alabama? Was it legal or illegal for the journalist to publish a negative article about Nick Saban?

What amendment in the Bill of Rights impacted your decision in this case?

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

2. The Governor of Alabama, Robert Bentley, recently made the announcement that the state would be shutting down all amusement parks at the beginning of the summer. Needless to say, lots of people were very upset. In response, hundreds of Alabamians went to Montgomery to protest. They gathered in front of the government buildings to peacefully protest by carrying signs and marching, but they were not violent. Police came to the protest and arrested every person and took them to jail for protesting the government. Weeks later, the protestors sued the Alabama government and police for arresting them.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the Alabama government or the protestors? Was it legal or illegal for the peaceful protestors to be arrested?

What amendment on the Bill of Rights impacted your decision in this case?

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

3. On one winter morning, to their great surprise, all children across the country with blue eyes were removed from their classes at school. As they were sent home, their parents were informed that the federal government recently ruled that children with blue eyes will no longer be allowed to attend public schools in the United States due to overcrowding of the schools. In response, hundreds of parents of children with blue eyes banded together and sued the federal government stating it is unconstitutional for their children to be denied their human right of a public education in the United States.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the federal government or the parents? Was it legal or illegal for the government to deny a public education for children with blue eyes?

What amendment on the Bill of Rights impacted your decision in this case?

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

4. You were recently watching the news with your parents and learned about an important Supreme Court case. A group of former prisoners from jails across America are suing the penitentiary system because they say they were beaten, abused, and starved while in prison. According to the lawyers for the prisoners, they have proof that these prisoners were subject to cruel and unusual punishment for many years.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the penitentiary system or the former prisoners? Was it legal or illegal for the guards to subject the prisoners to cruel and unusual punishment?

What amendment on the Bill of Rights impacted your decision in this case?

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

Scenarios- ANSWER KEY

Appendix E

1. A journalist for the *Birmingham News*, the main newspaper in Birmingham, wrote a strongly worded article about Nick Saban. It appeared on the front page of the newspaper shortly after the 2013 National Championship. The article argued that Nick Saban must leave the University of Alabama to go coach at Auburn University because it is unfair that Alabama is so much better than them. After the article was published, players, coaches, and fans began calling Nick Saban very upset thinking that he was going to leave the University of Alabama. In response, Nick Saban and the University of Alabama sued the *Birmingham News* and the journalist for publishing the article.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the journalist and the newspaper or Nick Saban and the University of Alabama? Was it legal or illegal for the journalist to publish a negative article about Nick Saban?

Rule in favor of the journalist and the newspaper. It was legal for the journalist to publish the article.

What amendment in the Bill of Rights impacted your decision in this case?

Amendment 1- Freedom of speech and freedom of the press

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

Students receive full credit as long as they write an opinion.

2. The Governor of Alabama, Robert Bentley, recently made the announcement that the state would be shutting down all amusement parks at the beginning of the summer. Needless to say, lots of people were very upset. In response, hundreds of Alabamians went to Montgomery to protest. They gathered in front of the government buildings to peacefully protest by carrying signs and marching, but they were not violent. Police came to the protest and arrested every person and took them to jail for protesting the government. Weeks later, the protestors sued the Alabama government and police for arresting them.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the Alabama government or the protestors? Was it legal or illegal for the peaceful protestors to be arrested?

Rule in favor of the protestors. It was legal for the protestors to peacefully protest and illegal for them to be arrested.

What amendment on the Bill of Rights impacted your decision in this case?

Amendment 1- Freedom to peacefully protest

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

Students receive full credit as long as they write an opinion.

3. On one winter morning, to their great surprise, all children across the country with blue eyes were removed from their classes at school. As they were sent home, their parents were informed that the federal government recently ruled that children with blue eyes will no longer be allowed to attend public schools in the United States due to overcrowding of the schools. In response, hundreds of parents of children with blue eyes banded together and sued the federal government stating it is unconstitutional for their children to be denied their human right of a public education in the United States.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the federal government or the parents? Was it legal or illegal for the government to deny a public education for children with blue eyes?

Rule in favor of the parents. It was illegal for the government to deny a public education to children with blue eyes.

What amendment on the Bill of Rights impacted your decision in this case?

Amendment 9- The Constitution may not be used to deny other basic human rights.

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

Students receive full credit as long as they write an opinion.

4. You were recently watching the news with your parents and learned about an important Supreme Court case. A group of former prisoners from jails across America are suing the penitentiary system because they say they were beaten, abused, and starved while in prison. According to the lawyers for the prisoners, they have proof that these prisoners were subject to cruel and unusual punishment for many years.

If you were the judge hearing this case, according to the Constitution, who would you rule in favor of in the case, the penitentiary system or the former prisoners? Was it legal or illegal for the guards to subject the prisoners to cruel and unusual punishment?

Rule in favor of the prisoners. It was illegal for the guards to subject the prisoners to cruel and unusual punishment.

What amendment on the Bill of Rights impacted your decision in this case?

Amendment 8- no cruel and unusual punishment.

Would your court ruling be different from your personal opinion if you were not following the Constitution? Why or why not?

Students receive full credit as long as they write an opinion.