

**Course: American Government
Institutions and Public Policy**

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This lesson may be used for an Introduction to American Government course. Typically, the course is an overview of the theory, structure, institutions and processes of American Government, as well as public policy, civil liberties and civil rights. This lesson may be used in discussions about the federal judiciary and civil rights. The lesson below illustrates how the federal judiciary can be taught in reference to the legal struggle of Latinos, Mexican Americans in particular, for equal rights in the U.S.

Lesson 2: The Judiciary

“Mexican-Americans, Civil Rights and the Courts”

Lesson Goals:

1. Role of the U.S. Supreme Court in interpreting laws/practices and the Constitution
2. The meaning and significance of the 14th Amendment “equal protection clause”
3. That the legal history of segregation/discrimination in the United States is ethnically diverse, not simply about black and white
4. *Hernandez v. Texas* was important court case that was a turning point in Mexican-Americans’ legal struggle for equality in the 20th century, setting the precedent that Latinos are a protected class.

Description:

This is a two-day lesson focused on Mexican-American Civil Rights and the Courts. The lesson is composed of lecture/discussion, a documentary film viewing, and a classroom activity. Through the study of *Hernandez v. Texas* (1954) students will learn about the role of the Supreme Court in the U.S. political system and Mexican-Americans’ struggle for civil rights via the courts.

Step One

Students will read the textbook chapter on the American judiciary before class.

Step Two

(one class period)

Lecture and class discussion on the American Judiciary, the role and functions of the courts, the dual court system, with a special emphasis on the U.S. Supreme Court; specifically

1. Composition of the U.S. Supreme court
2. Judicial appointments
3. Judicial tenure
4. How a case gets to the U.S. Supreme Court
5. Judicial interpretation
6. Significance of court decision and opinions

Call on students to recall court cases from their prior knowledge or earlier in the course that have had an impact on civil rights, (or suggest familiar ones to them if no one volunteers) and in the discussion, emphasize the court's role in interpreting the 14th Amendment "equal protection clause." Distribute the text of the 14th Amendment to the class. Ask students to read it. Ask students to interpret it by asking the following questions:

1. Why was the 14th Amendment added to the Constitution?
2. What broader impact might the 14th Amendment have?
3. What groups do you think are covered by the Amendment?

Step Three (one hour)

Show *A Class Apart* documentary film. Tell students to take notes that focus on how the film presents the six (6) features of the Supreme Court outlined in the previous class and how it deals with the "equal protection clause."

Step Four

Distribute the *Hernandez v. Texas* court opinion. Break students up in to small groups. Ask each group to read specific parts of the opinion. Have the students restate the opinion in their own words and identify the reasoning behind it as it pertains to the 14th Amendment.

Step Five

Still in small groups ask students to write at least 5 newspaper headlines (10 words or less) about the key developments in the *Hernandez v. Texas* they learned from the movie and the opinion.

Step Six

Ask students to share their best headlines with the class explaining how their headlines are important and relevant to the film and the case. In class discussion ask students to consider contemporary struggles of excluded groups, such as gays, lesbians, transgender people, as well as non-citizen residents, and undocumented immigrants and how various interpretations of the 14th Amendment, its provisions and its principle of "equal protection of the laws" might apply to their experiences and struggles for equal treatment.

List of Materials:

1. Lecture overview of the Judiciary with a special emphasis on the U.S. Supreme Court
2. *A Class Apart* — PBS documentary film (<http://www.pbs.org/wgbh/americanexperience/features/introduction/class-introduction/> to view preview and purchase DVD)
3. *Hernandez v. Texas* Supreme Court opinion. Text of the opinion. <https://supreme.justia.com/cases/federal/us/347/475/case.html>
4. Benjamin Ginsberg, et al., "The Judiciary" in *We The People* (New York: Norton, 2015), pp. 368-399. Nearly every American Government textbook has a chapter on the "Federal Courts" or "The Federal Judiciary" and "Civil Rights".