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THE COLOR OF JUSTICE
Study Guide

INTRODUCTION

Thurgood Marshall (1908-1993) may be best known as the first African-American to be appointed to the United States Supreme Court, but this was merely the crowning achievement to his illustrious career as a champion of the civil rights movement. In *The Color of Justice*, we see him in his role as prominent lawyer for the NAACP (National Association for the Advancement of Colored People) Legal Defense Fund, for which he fought many cases against discrimination and segregation, earning him the nickname, "Mr. Civil Rights." The play describes the landmark 1954 case of *Brown v. Board of Education*, in which Marshall and the NAACP, on behalf of 13 families with 20 children in Kansas (and, by the time the case was heard in the U.S. Supreme Court, families in South Carolina, Delaware, and Virginia) challenged school segregation. To accomplish this, they had to disprove the doctrine of "separate but equal" which had prevailed since the 1896 *Plessy v. Ferguson* case, in which it was ruled that segregated railroad cars were not unconstitutional as long as they were "equal" to other cars.

In the spirit of dramatic license, our story is a free adaptation of actual facts (the family: Grace, Ernest, and Marian Carter are fictional). The play focuses on young Grace Carter, who wants to go to the school just up the hill (the all-white school) instead of walking all the way through the railroad yard to another (all-black -- referred to then as the "colored") school. And she wonders why she and her classmates have to write thank you letters to the white students for their hand-me-down books and supplies, many of which are outdated or torn. All this finally leads her parents to contact Marshall and the NAACP Legal Defense Fund (which consisted of both black and white lawyers dedicated to the civil rights movement). They soon learn that it will be a longer fight than they thought. The play follows them from their first case in Topeka, which they lose, through their successive appeals, all the way to the U.S. Supreme Court. The judgment of this case proved to be a catalyst which brought new life to the civil rights movement.

Although the cast consists of six actors, students should know that, with the exception of the actress playing Grace Carter, each actor portrays a variety of roles which include Ernest and Marian Carter (Grace's parents); Grace's friend Jane and other classmates; the school superintendent, Bradley O. Edwards; another lawyer for the NAACP, Jack Greenberg; the opposing lawyer for the U.S. Supreme Court case, John W. Davis; and various judges and justices (the Supreme Court is represented by one judge, Justice Warren, his eight colleagues suggested by a backdrop depicting their silhouettes).

The play *The Color of Justice* is a fictional account of one episode in the struggle of Afro-Americans to obtain equal treatment under the law. *The Color of Justice* is a drama, and the names, characters and incidents portrayed in the play are fictitious, and any resemblance to actual persons, living or dead, or to actual events, is entirely coincidental.

BEFORE SEEING THE PLAY

1. Review the attached vocabulary list, or cover the definitions and assign small groups of students different parts of the list and have them present their findings to the class. Pay special attention to the many legal terms.
2. Discuss the concepts of *segregation* and *integration*. What were American schools like before the 1950s? Were they different in various parts of the United States? How would students feel if they were told they had to be in a different class because they have brown or blue eyes, or red hair, or some other physical attribute?
3. Discuss the various people involved in a trial -- *lawyers, witnesses, judges*, etc. Use famous cases in recent history as examples. If possible, watch a portion of a real trial on film (on Court TV, or the equivalent, or a film such as *Twelve Angry Men* or *To Kill a Mockingbird*) or read about a famous trial.
4. Explain the process of *appeals*. How does a case that is lost in the "lower courts" go on to "higher courts," and

eventually to the highest, the United States Supreme Court?

5. Have students recite the Pledge of Allegiance, then write it (or have students each write a line of it) on the board. We all recite it automatically, but what does each line really mean? Tell students to listen for the different version recited in the play. (*Note to teachers: since the phrase "under God" was not added to the pledge until late 1954, so for the sake of historical accuracy, it is not used in the pledge heard during the play. You may wish to explain this to your students, either before or after the play.*)

AFTER SEEING THE PLAY

1. Discuss the theatrical elements of the play. How did the set design, costumes, incidental music, etc., enhance the story? (The set has black/white symbolism, the incidental music helps to convey a mood, etc.) In addition to costume changes, how did the actors who played more than one role "change themselves" into different characters?
2. Why does Grace Carter want to go to a different school? What happens to make her father, Ernest Carter, contact Thurgood Marshall in order to challenge school segregation? What does Marshall hope to accomplish by winning this case?
3. Why does Marshall tell the people at the church the story of Homer Plessy and the railroad car (which led to the *Plessy v. Ferguson* trial)? How does the *Brown v. Board of Education* case challenge the earlier case's legacy -- the concept of "separate but equal"? What effect did the *Brown* judgment have on the earlier ruling?
4. What risks were the Carter family taking by pursuing this case? Compare the Carters to Jane's family, who believe that people should be happy with "things just the way they are" and that they shouldn't "make trouble." Can you think of other people in history who took risks for their beliefs in order to change things?
5. How do you think the series of trials affected 9-year old Grace Carter? What things were most important to her? Do you think that she understood all of the ramifications of her case?

Writing Exercise: As Grace Carter, write a letter to Thurgood Marshall asking him for help. Explain why you think you and your friends should be able to go to your neighborhood school. (Older students, remember you're only in grammar school).

6. Compare the characters of Thurgood Marshall, School Superintendent Edwards, and John W. Davis (the opposing lawyer in the Supreme Court case). What motivates each of them? What techniques do each of them use in order to get what they want? Although Marshall was arguing against John Davis, why was he still able to respect Davis as a lawyer?
7. Discuss the scene in which Marshall asks Grace which of two dolls she prefers (based on a study in the 1950s by Dr. Kenneth Clark). Why did Grace get upset when he asked her which doll she most resembled? What point is Marshall trying to make to Grace and her parents?
8. Discuss the way that Marshall used the Fourteenth Amendment (providing that a state cannot "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") to prove his point. What events led to this amendment to the U.S. Constitution in 1868?
9. In his opening argument, Marshall says that his clients and "the entire colored race" are "craving light." What does he mean by this (what does "light" symbolize)?

RESEARCH TOPICS FOR OLDER GRADES

1. **Thurgood Marshall.** Before the *Brown v. Board of Education* case, what other cases did Thurgood Marshall take on for the NAACP? What other significant cases did he argue after the 1954 *Brown* judgment? What was his voting record like as a justice on the Supreme Court?
2. **Integration.** How was the *Brown v. Board of Education* decision received by the public? What measures were taken to enforce it? How did it lead to other controversial practices, such as “busing”? What other significant cases were being argued preceding and/or following it (for example, the integration of all-white colleges and law schools). Does segregation still exist in the U.S. today?
3. **The Civil Rights Movement.** How did *Brown v. Board of Education* influence the Civil Rights Movement in the United States? Make a time line tracing the movement’s progress both before and after this decision, including such events as *Plessy v. Ferguson*, protests and “sit-ins,” the Montgomery bus boycott, and the 1963 March on Washington. Compare this movement to other struggles for equal rights: women’s rights (including the lobby for the ERA and, most recently, female students suing for the right to attend the Citadel), the struggle against apartheid in South Africa, the gay rights movement, the protest in China’s Tiananmen Square, the Russian resistance in the former Soviet Union, etc.
4. **NAACP - Then & Now.** When was the National Association for the Advancement of Colored People founded? What other goals has the organization accomplished over the years? What is the NAACP currently focusing on? Have its goals changed since its inception? Compare the approach of the NAACP to racial issues to that of individuals such as Jesse Jackson and Louis Farrakhan.
5. **Racial Supremacist Groups.** Research groups responsible for “hate crimes,” such as the Ku Klux Klan, the Nazis of Adolph Hitler’s time (and more recently, the “Neo-Nazis”), anti-Israeli/anti-Arab terrorists, anti-Muslim groups in Bosnia, etc. What motivates these groups to such extreme hatred towards a particular racial and/or cultural group? What can be done to control these groups?
6. **The United States Supreme Court.** What prominent cases are currently (or most recently were) being heard in the U.S. Supreme Court? Which judgments, like *Brown v. Board of Education*, overturned a major decision in the lower courts? Choose a current case and stage a mock session of the Supreme Court, with students playing the roles of plaintiffs, lawyers, justices, etc.

FOR FURTHER INFORMATION

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- Kunen, James S. “The End of Integration,” *Time*, April 29, 1996. *An updating of the issue of school integration in the U.S. Recommended for teachers and upper grades.*
- Powledge, Fred. **We Shall Overcome: Heroes of the Civil Rights Movement**. New York: Charles Scribner’s Sons (Books for Young Readers), 1993.
- Prentzas, G.S. **Thurgood Marshall, Champion of Justice**. New York: Chelsea House Publishers (Junior World Biography Series), 1994.
- Westridge Young Writers Workshop. **Kids Explore America’s African-American Heritage**. Santa Fe, New Mexico: John Muir Publishers, 1993. *Written by children, this book contains a good, straightforward summary of the civil rights movement, and many other interesting essays on African-American history.*
- Williams, Juan. **Eyes on the Prize: America’s Civil Rights Years, 1954-1965**. New York: Viking Press, 1987. *Recommended for teachers and upper grades. See also the excellent PBS documentary based on this book.*

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Vocabulary List / Concepts for Understanding

appeal (legal)	when a decision has been made in a lower court, to take it to a higher court in the hopes of getting a different decision
argument (legal)	remarks addressed to a judge or jury on the points of the case and/or the law
attorney	an agent qualified to represent a client in legal proceedings, such as a trial (synonym: <i>lawyer</i>)
court	the place where justice is administered
defense/defendant	the person or organization who must answer a charge being made against them
“deliberate speed” (legal)	as soon as possible, as in the case of school integration, it was ruled that there could be no unnecessary delays
denied/dismissed	as in “case denied” -- the rejection of an appeal
“equal protection of the law”	the concept that all people should be treated equally in the eyes of the law, added to the U.S. Constitution as the 14th Amendment in 1868 to ensure equal treatment of former slaves
integration	to end the separation of two groups of people, as in school integration
judge	the person appointed to make (or oversee, if there is a jury) decisions in a trial; in some courts, such as the U.S. Supreme Court, called justices
jurisdiction	the limits or territory in which a law applies
justice (concept)	the administration of what is morally or legally right
Ku Klux Klan (KKK)	a white supremacist group that often uses violence against minority groups (known for disguising their identities with white hoods and gowns)
legal defense fund	a fund set up by an organization in order to fight legal cases for their members free of charge (<i>pro bono publico</i>)
NAACP	abbreviation for the <i>National Association for the Advancement of Colored People</i> -- a group founded in New York in 1909 to address issues of discrimination against African-Americans
plaintiff	the person (or group) who initiates a lawsuit
pledge	promise or vow
racism	a belief that some races are superior to others, or discrimination based on that belief
rebuttal	in a trial or debate, the reply to an argument, which attempts to disprove it
segregation	the separation of two or more groups, often based on race; <i>de facto</i> segregation refers to the separation imposed not by law, but by common practice (<i>i.e.</i> , a municipality where white children go to one school and African-American children to another because their neighborhoods are separate and there is no mandatory cross-district busing)
“separate but equal”	the idea that segregation was not illegal, as long as separate facilities were equal, as in the 1896 <i>Plessy v. Ferguson</i> case of segregated railroad cars
to sue, suit, lawsuit	to seek justice or a right by pursuing legal action
unanimous	describes a vote, such as by a jury or a group of justices, in which all members agree
U.S. Supreme Court	the highest court in the U.S., where cases are given their final appeal
versus (<i>abbrev. v. or vs.</i>)	against, as in <i>Brown v. Board of Education</i> or <i>Yankees vs. Red Sox</i>
witness	in a trial, an individual who gives his or her version of the case, making a statement or answering questions put by lawyers or judges