Government Chapter 5 Study Guide

- Civil rights
  - Policies designed to protect people against a liberty or discriminatory treatment by government officials or individuals

- Two centuries of struggle
  - Conception of equality
    - Equal opportunity same chances
    - Equal results – same rewards
  - Early American views of equality
    - The constitution and inequality
      - Equality is not mentioned in the original constitution
        - Yes, but the equality of all is assumed after the declaration of independence
        - Problem: the two opposing views of equality
      - First mention of equality in the 14th amendment “equal protection under the law”

- Race the constitution and public policy
  - The era of slavery
    - Dred Scott v. Stanford (1807)
      - Slaves had no rights
        - Actually states that blacks (either slave or free) had no rights
      - Invalidates the Missouri compromise
        - Unnecessary action the Missouri compromise had been replaced by congress on the Kansas Nebraska act of 1954
  - Civil war
  - The 13th amendment
    - Ratified after the union won the civil war
    - Outlawed slavery
  - The 14th amendment
    - Necessary due to Dred Scott decision legal precedent stated that blacks free or slave had no rights
  - The ear of reconstruction
    - Jim crow or segregation law
      - State and local laws that delegated African Americans to separate facilities
    - Pleasy v., Ferguson
      - Established the constitutionality of separate but equal accommodations
      - As long as the facilities are equal the separation or races was allowed
        - Bathrooms trash cans drinking fountains buses
The era of Civil rights

- Brown v. Board of education
  - Overturned Plessey
  - School segregation inherently unconstitutional
  - Integrate schools with all deliberate speed
- Busing of students situation has two kinds of segregation
  - De jure “by law”
    - Segregation that was established by law
  - De factor “in reality”
    - Segregation that has been established by human action
      - Moving neighborhoods etc.

Civil rights act of 1964

- Made racial discrimination illegal in hotels restaurants and other public accommodations
- Forbade employment discrimination based on race
- Refused federal funding to schools that were segregated
- Created equal employment opportunity commission (EEOC)
- Strengthened voting right legislation

Getting and using the right to vote

- Suffrage is the legal right to vote
- 15th amendment extended suffrage to the freed slaves
- Poll taxes leveled on the right to vote
- Had to pay tax before one was able to count their vote
- Outlawed poll taxes in federal elections in the 24th amendment in 1962
- Harper v. Virginia state board of elections (1866) no poll taxes at all
- White primary – only whites allowed to vote in the party primaries
  - Smith v. Alwrigt (1944) declared that all white democratic primary in Texs to be unconstitutional
  - Voting rights act of 1965 – helped end formal and informal binderies in voting g
    - Registered 100,000 blacks in the south
  - Swann v. Charlotte Mecklenburg (1971)
    - Found busing of students to create racial diverse schools was constitutional

Other minority groups

- Native Americans
  - Became citizens in 1924 (Indian citizenship act)
  - Santa Clara Pueblo v. Martinez (1978)
    - Established the concept that the federal government has no right to rule over tribal issues within a tribe
• Hispanic Americans
  • Mexican Americans legal defense and education fund
• Asian Americans
  • Korematsu v. U.S. (1944)
    ♦ Supreme court upheld the internment of Japanese Americans
    ♦ Court ruled that citizens civil liberties can be curtailed and violated in a time of war
      ➢ The states right to defend itself supersedes citizens civil rights in times of war
• women the constitution and public policy
  ➢ the battle for the vote
    • 19th amendment extended suffrage to women in 1920
  ➢ The doldrums (1920-1960)
    • Laws were designed to protect women and protect men from competition with women
    • Equal rights amendment 1st introduced in congress sin 1923
  ➢ The second feminist wave
    • Much more radical
      • Betty Friedan’s the feminine Mystique (1963)
        ♦ Encouraged women to leave the home
        ♦ Argued that motherhood and being a wife was oppressive and prevented women from reaching their freedom
        ♦ NOW (national organization for women)
          ➢ Led by Betty Freidan and other feminists
          ➢ Political organization to bring about greater “rights” for women
• Reed v. Reed
  • “arbitrary” gender discrimination violated 14th amendment’s equal protection clause
    • 1st time in US history that a gender discrimination case was found to violate the constitution
• Craig v. Barron (1976)
  • “medium scrutiny” standard established for gender discrimination
• Equal rights amendment fails ratification by states (1982)
  • Unnecessary
• Women in the workplace
  • The civil rights act of 1964 banned gender discrimination in employment
• Wage discrimination and comparable wealth
  • The supreme court has not ruled on this issue

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• No need
• Title IX
  ▪ Women in the military
    • Only men may be draftee or serve in ground combat
  ▪ Sexual harassment
    • Prohibited by title VII of civil rights act of 1964

❖ Newly active rights under the civil rights umbrella
  ➢ Civil rights and graying of America
    ▪ Age classifications no suspect category but all under rational basis test
  ➢ Civil rights and people with disabilities
    ▪ Americans with disabilities act of 1990
      • requiring employers and public facilities to make “reasonable accommodations” for those with disabilities
    ▪ prohibits employment discrimination against the disabled
  ➢ Gay and lesbian rights
      • Upheld Georgia law that criminalized sodomy between consenting adults
    ▪ Lawrence v. Texas
      • Overturned Bowers
      • Private homosexual acts are protected by the constitution
    ▪ Gay marriage
      • many state constitutions amended to prohibit practice

❖ Affirmative action
  ➢ policy designed to give special attention to or compensatory treatment of members of some previously disadvantaged group
  ➢ In education
      • 16/100 spots were set aside for disadvantaged groups
      • Racial set asides are unconstitutional
      • Race could be considered in admissions as only one factor if it would improve the learning environment by diversity
      • Race would be considered a “pulse” in admissions
      • Rejected the idea of quotas
    • That the school’s districts’ use of race in their coentary integration plans violated the 14th amendment

➢ In employment
- United steelworks v. Weber (1979)
  - Quotes to remedy past discrimination are constitutional
- Advanced constructors v. Pena
  - To be constitutional affirmative action must be “narrowly tailored” to meet a “compelling governmental interest”
    - Did not ban affirmative action but severely limited its reach

- Understanding civil rights and public policy
  - Civil rights and democracy
    - Equality favors majority rule
    - Suffrage gave many groups political power
  - Civil rights and the scope of government
    - Civil rights laws increase the size and power of government
    - Civil rights protect individuals against collective discrimination

- Summary
  - Racial minorities and women have struggled for equality since the beginning of the republic
  - Constitutional amendment and civil rights legislature guarantee voting and freedom from discrimination
  - Civil rights have expanded to new groups

**Vocabulary**

- Civil Rights: Policies designed to protect people against arbitrary or discriminatory treatment by government officials or individuals
- Fourteenth Amendment: The constitutional amendment adopted after the Civil War that states, "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."
- Equal Protection Clause: Part of the Fourteenth Amendment emphasizing that the laws must provide equivalent "protection" to all people
- Scott v. Sanford: The 1857 Supreme Court decision ruling that a slave who had escaped to a free state enjoyed no rights as a citizen and that Congress had no authority to ban slavery in the territories
- Thirteenth Amendment: The constitutional amendment ratified after the Civil War that forbade slavery and involuntary servitude
- Plessy v. Ferguson: An 1896 Supreme Court decision that provided a constitutional justification for segregation by ruling that a Louisiana law requiring "equal but separate accommodations for the White and colored races" was constitutional
Brown v. Board of Education: The 1954 Supreme Court decision holding that schools segregation in Topeka, Kansas, was inherently unconstitutional because it violated the Fourteenth Amendment's guarantee of equal protection. This case marked the end of legal segregation in the United States.

Civil Rights Act of 1964: The law that made racial discrimination against any group in hotels, motels, and restaurants illegal and forbade many forms of job discrimination.

Suffrage: The legal right to vote extended to all races by the Fifteenth Amendment, to women by the Nineteenth Amendment, and to people over the age of 18 by the Twenty-Sixth Amendment.

Poll Taxes: Small taxes levied on the right to vote that often fell due at the time of year when poor African American sharecroppers had the least cash on hand. This method was used by most southern states to exclude African Americans from voting. Poll taxes were declared void by the Twenty-Fourth Amendment in 1964.

White primary: One of the means used to discourage African American voting that permitted political parties in the heavily Democratic South to exclude African Americans from primary elections, thus depriving them of a voice in the real contests. The Supreme Court declared White primaries unconstitutional in 1944.

Twenty-Fourth Amendments: The constitutional amendment passed in 1964 for declared poll taxes void in federal elections.

Voting Rights Act of 1965: A law designed to help end formal and informal barriers to African American suffrage. Under the law, hundreds of thousands of African Americans were registered, and the number of African American elected officials increased dramatically.

Korematsu v. U.S.: A 1944 Supreme Court decision that upheld as constitutional the internment of more than 100,000 Americans of Japanese descent in encampments during World War II.

Nineteenth Amendment: The constitutional amendment adopted in 1920 that guarantees women the right to vote.

Equal Rights Amendment: A constitutional amendment originally introduced in Congress in 1923 and passed by Congress in 1972, stating that "equality of rights under the law shall not be denied or abridged by the United States or by any state on the account of sex." Despite public support, the amendment failed to acquire the necessary support from three-fourths of the state legislatures.

Reed v. Reed: The landmark case in 1971 in which the Supreme Court for the first time upheld a claim of gender discrimination.

Craig v. Boren: In this 1976 ruling, the Supreme Court established the "medium scrutiny" standard for determining gender discrimination.
Comparable worth: The issue rose when women who hold traditionally female jobs are paid less than men for working at jobs requiring comparable skill.

Americans with Disabilities Act of 1990: A law passed in 1990 that requires employers and public facilities to make "reasonable accommodations" for people with disabilities and prohibits discrimination against these individuals in employment.

Affirmative Action: A policy designed to give special attention to or compensatory treatment for members of some previously disadvantaged group.

Regents of the University of California v. Bakke: A 1978 Supreme Court decision holding that a state university could not admit less qualified individuals solely because of their race.

Adarand Constructors v. Pena: A 1995 Supreme Court decision holding that federal programs that classify people by race even for an ostensibly benign purpose such as expanding opportunities for minorities, should be presumed to be unconstitutional.