Chapter Five: Civil Rights and Public Policy

Learning Objectives

After studying this chapter, students should be able to:

• Understand how civil rights have been used to extend more equality to groups that historically have been subject to discrimination.
• Analyze different interpretations of equality, such as equality of opportunity contrasted with equality of results.
• Identify provisions of the Bill of Rights that have implications for equality.
• Explain how the Fourteenth Amendment guarantee of “equal protection of the laws” has been applied to the idea of equality.
• Summarize the reasoning of the Court in the 1954 case of Brown v. Board of Education and use this case to show how the Court set aside its earlier precedent in Plessy v. Ferguson.
• Show the significance of the Civil Rights Act of 1964 and explain why efforts for civil rights legislation were finally successful in the mid-1960s.
• Trace the attempts of southern states to deny African Americans the right to vote even after the passage of the Fifteenth Amendment.
• Identify the major public policy milestones in the movement toward gender equality.
• Determine the ways in which Americans with disabilities have become the successors to the civil rights movement.
• Explain why gay and lesbian activists may face the toughest battle for equality of any of America’s minority groups.
• Describe the opposing positions of those who favor affirmative action and those who claim that these policies simply create reverse discrimination.
• Analyze how the important democratic principles of equality and individual liberty may actually conflict with each other.
• Determine how civil rights laws increase the scope and power of government.
CHAPTER OUTLINE

I. TWO CENTURIES OF STRUGGLE
   A. Most Americans favor equality in the abstract, but the concrete struggle for equal rights has been our nation’s most bitter battle.
   B. The real meaning of equality is both elusive and divisive.
      1. Civil rights are the policies that extend basic rights to groups historically subject to discrimination.
      2. The modern civil rights movement began in 1955 when Rosa Parks refused to give up her seat in the front of a Montgomery, Alabama, bus (where only Whites were permitted to sit); the boycott that followed her arrest is often seen as the beginning of the African-American civil rights movement.
   C. Today’s debates over inequality in America center on racial discrimination, gender discrimination, and factors such as discrimination based on age, disability, and sexual preference.
   D. Conceptions of equality.
      1. Philosophically, the struggle for equality involves defining the term; constitutionally, it involves interpreting laws; politically, it often involves power.
      2. American society does not emphasize equal results or equal rewards—a belief in equal rights has often led to a belief in equality of opportunity.
E. The Constitution and inequality.
   1. Jefferson’s statement in the Declaration of Independence that “all men are created equal” did not mean that he thought there were no differences among people.
   2. Few colonists were eager to defend slavery, and the delegates to the Constitutional Convention did their best to avoid facing the divergence between slavery and the principles of the Declaration of Independence.
   3. Women’s rights received even less attention than did slavery at the Convention.
   4. The delegates to the Constitutional Convention came up with a plan for government, not guarantees of individual rights: the word equality does not even appear in the original Constitution.
      a. Even the Bill of Rights does not directly mention equality, but it does have implications for the principle of equality since it does not limit the scope of its guarantees to any specified groups.
      b. The only place in which the idea of equality clearly appears in the Constitution is in the Fourteenth Amendment, which prohibits the states from denying “equal protection of the laws” to any person.
   5. What does equal protection of the laws mean?
      a. It was not until the mid-twentieth century that the Fourteenth Amendment was used to assure rights for disadvantaged groups.
      b. Over the last 100 years, the equal protection clause has become the vehicle for more expansive constitutional interpretations.
   6. The Court has developed three levels of judicial scrutiny (or classifications).
      a. Most classifications that are reasonable (that bear a rational relationship to some legitimate governmental purpose) are constitutional.
      b. Racial and ethnic classifications are inherently suspect: they are presumed to be invalid and are upheld only if they serve a “compelling public interest” that cannot be accomplished in some other way.
      c. Classifications based on gender fit somewhere between reasonable and inherently suspect: gender classifications must bear a substantial relationship to an important legislative purpose (and is sometimes called “medium scrutiny”).

II. RACE, THE CONSTITUTION, AND PUBLIC POLICY

A. The civil rights laws that African-American groups pushed for have also benefited members of other minority groups.

B. Three eras define African Americans’ struggle for equality in America: the era of slavery, from the beginnings of colonization until the end of the Civil War; the era of reconstruction and resegregation, from the end of the Civil War until 1954; and the era of civil rights, from 1954 to the present.

C. The era of slavery (1600s–1865).
   1. During the slavery era, any public policy of the slave states or the federal government had to accommodate the property interests of slave owners.
   2. The most infamous statement in defense of slavery occurred in Dred Scott v. Sandford (1857), in which Chief Justice Taney declared that an African-American man was “chattel” and had no rights under a White man’s government; Congress had no power to ban slavery in the western territories (thereby effectively invalidating the Missouri Compromise).
   3. The Union victory in the Civil War and the ratification of the Thirteenth Amendment ended slavery.
D. The era of reconstruction and resegregation (end of Civil War to 1954).
1. After the Civil War ended, Congress imposed strict conditions on the former Confederate States before they could be readmitted to the Union.
2. As soon as they regained power, White Southerners imposed a code of “Jim Crow laws,” or Black Codes (segregation laws that required African Americans to use separate public facilities and school systems); although not required by law, segregation was also common practice in the North.
3. In the era of segregation, housing, schools, and jobs were, in one way or another, classified as “White” or “colored.”
4. The Supreme Court provided constitutional justification for segregation in Plessy v. Ferguson (1896) when it held that segregation in public facilities was not unconstitutional as long as the facilities were substantially equal (a principle that was commonly referred to as the “separate but equal” doctrine, though subsequent decisions paid more attention to the “separate” than to the “equal” part).
5. Some limited progress was made in the first half of the twentieth century, including executive orders (such as desegregation of the armed forces) and court decisions (including Guinn v. United States, 1915, which banned the grandfather clause in voting; Smith v. Allwright, 1944, overturning all-White primaries; and Sweatt v. Painter, 1950, which held that Blacks are entitled to the same professional and graduate education as students of other races).

E. The era of civil rights (1954–present).
1. During the period leading up to the civil rights movement, segregation was legally required in the South (de jure) and sanctioned in the North (de facto).
   a. The Supreme Court used Brown to set aside its earlier precedent of Plessy v. Ferguson (1896).
   b. In a landmark decision, the Court held that school segregation was inherently unconstitutional because it violated the Fourteenth Amendment’s guarantee of equal protection.
   c. In 1955, the Court ordered lower courts to proceed with “all deliberate speed” to desegregate public schools; however, desegregation moved very slowly until the passage of the Civil Rights Act of 1964, which denied federal funds to segregated schools.
3. The civil rights movement organized both African Americans and Whites to end the policies and practices of segregation.
   a. The movement began in 1955 when Rosa Parks refused to give up her seat in the front of a Montgomery, Alabama, bus (where only Whites were allowed to sit); her arrest resulted in a boycott led by Rev. Martin Luther King, Jr.
   b. Sit-ins, marches, and civil disobedience were key strategies of the civil rights movement, which sought to establish equal opportunities in the political and economic sectors and to bring an end to policies that put up barriers against people because of race.
4. The 1950s and 1960s saw a marked increase in public policies designed to foster racial equality.
   a. The Civil Rights Act of 1964 made racial discrimination illegal in hotels, motels, restaurants, and other places of public accommodation; it also
forbade many forms of job discrimination, and Congress cut off federal aid to schools that remained segregated.

b. Desegregation proceeded slowly in the South and some federal judges ordered the busing of students to achieve racially balanced schools (upheld by the Supreme Court in Swann v. Charlotte-Mecklenberg County Schools, 1971).

F. Getting and using the right to vote.

1. The early Republic limited suffrage (the legal right to vote) primarily to property-holding White males.

2. The Fifteenth Amendment (1870) guaranteed African Americans the right to vote, but full implementation did not occur for another century.

3. States used various methods to circumvent the Fifteenth Amendment:
   a. Grandfather clauses exempted persons whose grandparents were eligible to vote in 1860 from taking literacy tests in order to vote; the exemption obviously did not apply to grandchildren of slaves (declared unconstitutional in Guinn v. U.S., 1915).
   b. Poll taxes were small taxes levied on the right to vote; the taxes often fell due at a time of year when poor sharecroppers had the least amount of cash available.
   c. White primaries permitted political parties in the heavily Democratic South to exclude Blacks from primary elections on the pretext that political parties (and primaries) were private and not public institutions; this device deprived Blacks of a voice in the primaries, where the real contest occurred (declared unconstitutional in Smith v. Allwright, 1944).
   d. Many areas in the South employed voter registration tests (sometimes called voter literacy tests) in a discriminatory manner; some of the tests checked for an understanding of the Constitution.

4. The civil rights movement put suffrage high on its political agenda, and many barriers to African-American voting fell during the 1960s.
   a. Poll taxes in federal elections were prohibited by the Twenty-fourth Amendment (1964); poll taxes in state elections were invalidated two years later in Harper v. Virginia State Board of Elections.
   b. The Voting Rights Act of 1965 prohibited any government from using voting procedures that denied a person the vote on the basis of race or color.
      (1) Federal election registrars were sent to areas that had long histories of discrimination, and many African Americans were registered in southern states as a direct result.
      (2) The Voting Rights Act produced a major increase in the number of African Americans registered to vote in the southern states, and in the number of African Americans who held public office.

G. The civil rights laws that African-American groups pushed for have benefited members of other minority groups such as American Indians, Asians, and Hispanics. The United States is heading toward a minority majority status, when minority groups will outnumber Caucasians of European descent.

1. Native Americans:
   a. The oldest minority group in America, but they were not made U.S. citizens until 1924.
b. The *Indian Claims Act* was enacted in 1946 to settle financial disputes arising from land taken from the Indians.

2. Hispanic Americans:
   a. Have *displaced* African Americans as the *largest minority group*, comprising about 13 percent of the U.S. population.

3. Asian Americans:
   a. The *fastest growing minority group*, they now comprise four percent of the U.S. population.
   b. During World War II, the U.S. government rounded up more than 100,000 Americans of Japanese descent and placed them in *internment camps*, known as “war relocation centers.”
   c. The Supreme Court upheld the internment as constitutional in *Korematsu v. United States* (1944), but Congress later provided benefits for the former internees (which still have not been distributed).

4. Arab Americans and Muslims:
   a. There are more than 1.2 million persons of Arab ancestry in the United States.
   b. Since the terrorist attacks of September 11, 2001, Arab, Muslim, Sikh, and South Asian Americans, and those perceived to be members of these groups, have been the victims of increased numbers of bias-related assaults, threats, vandalism, and arson.

**III. WOMEN, THE CONSTITUTION, AND PUBLIC POLICY**

A. The struggle for women’s equality has *emphasized legislation over litigation*.

B. The battle for the vote.
   1. The *first women’s rights activists* were products of the *abolition* movement.
   2. The legal doctrine of *covenant* deprived married women of any identity separate from that of their husbands.
   3. Lucretia Mott and Elizabeth Cady Stanton organized a meeting at Seneca Falls, New York, to discuss women’s rights.
   4. The *Seneca Falls Declaration of Sentiments and Resolutions* (signed on July 19, 1848) was the beginning of the movement that would culminate in the ratification of the *Nineteenth Amendment* (1920), which gave women the right to vote.

   1. The feminist movement seemed to lose momentum after winning the vote, possibly because the vote was about the only goal on which all feminists agreed.
   2. Alice Paul, the author of the *Equal Rights Amendment* (ERA), claimed that the real result of protectionist law was to perpetuate *sexual inequality*; but most people in the 1920s saw the ERA as a *threat to the family*.

D. The second feminist wave.
   1. The civil rights movement of the 1950s and 1960s attracted many women activists.
   2. Groups like the *National Organization for Women (NOW)* and the *National Women’s Political Caucus* were organized in the 1960s and 1970s.
      a. Before the advent of the contemporary feminist movement, the Supreme Court upheld virtually all cases of sex-based discrimination.
b. In *Reed v. Reed* (1971), the Court ruled that any “arbitrary” sex-based classification violated the equal protection clause of the Fourteenth Amendment (marking the first time the Court applied the Fourteenth Amendment to a case involving classification by sex).

c. In *Craig v. Boren* (1976), the Court established a “medium scrutiny” standard, under which sex discrimination would be presumed to be neither valid nor invalid.

d. The Supreme Court has now struck down many laws and rules for discriminating on the basis of gender; some of the litigants have been *men seeking equality with women* in their treatment under the law.

4. The ERA was revived when Congress passed it in 1972 and granted a three-year extension six years later; the ERA fell three states short of ratification, but losing the ERA battle has stimulated vigorous feminist activity.

E. Women in the workplace.

   1. As conditions have changed, public opinion and public policy demands have also changed.
      a. The traditional family role of father at work/mother at home is becoming a thing of the past.
      b. The civilian labor force includes 67 million women (78 million males).
      c. There are 33 million female-headed households; about two-thirds of American mothers who have children below school age are in the labor force.

   2. Some important progress was made through congressional legislation:
      a. The *Civil Rights Act of 1964* banned sex discrimination in employment.
      b. In 1972, the *Equal Employment Opportunity Commission* (EEOC) was given the power to sue employers suspected of illegal discrimination.
      c. *Title IX of the Education Act of 1972* forbade sex discrimination in federally subsidized education programs, including athletics.
      d. Three of the most controversial issues that legislators will continue to face are wage discrimination, the role of women in the military, and sexual harassment.

   3. The Supreme Court has frequently ruled against gender discrimination in employment and business activity.

F. Wage discrimination and comparable worth.

   1. The U.S. Supreme Court has remained silent so far on the issue of “comparable worth,” which refers to the fact that traditional women’s jobs often pay much less than men’s jobs that demand comparable skill.
   2. Median annual earnings for full-time women workers are only about three-fourths those of men.

G. Women in the military.

   1. Women have served in every branch of the armed services since World War II (originally in separate units, but now as part of the regular service).
   2. Women comprise 14 percent of the armed forces, and compete directly with men for promotion.
   3. There are still two important differences between the treatment of men and women in military service:
      b. Statutes and regulations prohibit women from serving in combat.
H. Sexual harassment can occur anywhere, but may be especially prevalent in male-dominated occupations such as the military. Sexual harassment violates federal policies against sexual discrimination in the workplace (although it was not a violation of federal policy when Anita Hill worked for Clarence Thomas).

1. In *Harris v. Forklift Systems* (1993), the Supreme Court held that no single factor is required to win a sexual harassment case under Title VII of the 1964 Civil Rights Act. The law is violated when the workplace environment "would reasonably be perceived, and is perceived, as hostile or abusive."

2. In 1996 and 1997, a number of army officers and noncommissioned officers had their careers ended, and some went to prison, for sexual harassment of female soldiers in training situations.

3. In *Faragher v. City of Boca Raton* (1998), the Supreme Court stated that employers can be held liable for even those harassing acts of supervisory employees that violate clear policies and of which top management has no knowledge.

IV. NEWLY ACTIVE GROUPS UNDER THE CIVIL RIGHTS UMBRELLA

A. New activist groups began to realize that policies that were enacted to protect racial minorities and women can also be applied to other groups, such as aging Americans, young Americans, the disabled, and homosexuals.

B. Civil rights and the graying of America.

1. People in their eighties comprise the fastest growing age group in this country.

2. Since 1967, Congress has passed several laws that ban various types of age discrimination.

3. It is not clear what the fate of the gray liberation movement will be as its members approach the status of a minority majority.

C. Civil rights and people with disabilities.

1. Americans with disabilities have suffered from both direct and indirect discrimination.

2. The first rehabilitation laws were passed in the late 1920s; the Rehabilitation Act of 1973 (twice vetoed by President Nixon as "too costly") added disabled people to the list of Americans protected from discrimination.

3. The Americans with Disabilities Act of 1990 requires employers and public facilities to provide "reasonable accommodations," and prohibits employment discrimination against the disabled.

4. Questions have been raised over whether AIDS victims are handicapped and thus entitled to protection. So far, no case dealing with AIDS victims has reached the Supreme Court.

D. Gay and lesbian rights.

1. Gay (or homosexual) activists may face the toughest battle for equality.
   a. Homosexual activity is illegal in some states, and homosexuals often face prejudice in hiring, education, access to public accommodations, and housing.
   b. There are no positive stereotypes commonly associated with homosexuality.
   c. Homophobia (fear and hatred of homosexuals) has many causes, and homosexuals are often seen as safe targets for public hostility.
   d. A substantial percentage of the American public express opposition to homosexuals entering many common occupations.
e. In 1993, President Clinton announced a new policy that barred the
Pentagon from asking recruits or service personnel to disclose their
sexual orientation. Popularly known as the "don't ask, don't tell" policy, it
also reaffirmed the Defense Department's strict prohibition against
homosexual conduct.

2. Despite some setbacks, gay activists have won some important victories.
   a. Seven states and more than 100 communities have passed laws
      protecting homosexuals against some forms of discrimination.
   b. Most colleges and universities now have gay rights organizations on
      campus.

3. The newest issue concerning gay rights is same-sex marriage. Most states
   have laws banning such marriages.

V. AFFIRMATIVE ACTION

A. The interests of women and minorities have converged on the issue of
   affirmative action (policies requiring special efforts on behalf of
   disadvantaged groups).
   1. Affirmative action involves efforts to bring about increased employment,
      promotion, or admission for members of such groups.
   2. The goal of affirmative action is to move beyond equal opportunity toward
      equal results.
   3. The federal government has mandated that all state and local
      governments—together with each institution receiving aid from or
      contracting with the federal government—adopt an affirmative action
      program.

B. Some groups have claimed that affirmative action programs constitute "reverse
discrimination."
   1. In Regents of the University of California v. Bakke (1978), the
      Court rejected a plan at the University of California at Davis that set aside 16
      of a total of 100 places in the entering medical school class for
      "disadvantaged groups."
      a. The Court said a university could not set aside a quota of spots for
         particular groups.
      b. However, the Court said that a university could adopt an "admissions
         program where race or ethnic background is simply one element in the
         selection process."
   2. The following year, the Court ruled that a voluntary union-and-management-
      sponsored program was not discriminatory because the Kaiser Aluminum
      Company's special training program was intended to rectify years of past
      employment discrimination at Kaiser (United Steelworkers of

C. In other cases, the Court has ruled that public employers may use affirmative
   action plans to counter underrepresentation of women and minorities, but the
   Court has also ruled that affirmative action does not exempt recently hired
   minorities from traditional work rules specifying the "last hired, first fired" order
   of layoffs.

D. Opposition to affirmative action policies.
   1. Surveys find that most Americans oppose affirmative action programs, even
      though Americans in general support nondiscrimination in employment and
      education.
2. Opposition is especially strong when people view affirmative action as reverse discrimination where less qualified individuals get hired or admitted to educational or training programs.

3. In 1996, California voters passed Proposition 209, which banned state affirmative action programs based on race, ethnicity, or gender in public hiring, contracting, and educational admissions. Ultimately the U.S. Supreme Court will decide the issue.

4. A federal court of appeals placed a similar ban on universities in Texas, Oklahoma, and Mississippi, while another court upheld racial preferences at the University of Michigan in 2002, affirming that there was a compelling interest in promoting racial diversity on campus.

5. In *Gratz v. Bollinger* (2003), however, the Court struck down the University of Michigan's system of undergraduate admissions in which every applicant from an underrepresented racial or ethnic minority group was automatically awarded 20 points of the 100 needed to guarantee admission.

6. In *Parents Involved in Community Schools v. Seattle School District No. 1* (2007) the Supreme Court held that the school districts' use of race in their voluntary integration plans violated the 14th Amendment.

## VI. UNDERSTANDING CIVIL RIGHTS AND THE CONSTITUTION

### A. Civil rights and democracy.

1. Democracy is often in conflict with itself: both *equality* and *individual liberty* are important democratic principles, but they *may conflict with each other.*
   a. Equality tends to favor *majority rule,* but *equality threatens individual liberty* in situations where the majority wants to deprive the minority of its rights.
   b. Majority rule is not the only threat to liberty: *minorities* have suppressed majorities as well as other minorities.

2. Even when they lacked the power of the vote, both African Americans and women made many gains by using other rights (such as the First Amendment freedoms) to fight for equality.

### B. Civil rights and the scope of government.

1. Civil rights laws increase the *scope and power of government.*
   a. These laws place both restrictions and obligations on individuals and institutions—they tell individuals and institutions that there are things they must do and other things they cannot do.
   b. Libertarians and those conservatives who want to reduce the size of government are uneasy with these laws (and sometimes hostile to them).

2. Civil rights is an area in which *increased government activity in protecting basic rights* can lead to *greater checks on the government* by those who benefit from such protections.
Key Terms and Concepts

Affirmative action: a policy designed to give special consideration to those previously discriminated against.

Americans with Disabilities Act of 1990: strengthened protections of individuals with disabilities by requiring employers and public facilities to make “reasonable accommodations” and prohibiting employment discrimination against people with disabilities.

Civil rights: extending citizenship rights to participate to those previously denied them.

Civil Rights Act of 1964: forbids discrimination in public accommodations and facilities.

Comparable worth: equal pay for equal worth.

Equal protection of the laws: provided by the Fourteenth Amendment mandating that all people be protected by the law.

Equal Rights Amendment: proposal that equality of rights under the law not be denied on the account of sex.

Fifteenth Amendment: provides the right to vote for Blacks.

Fourteenth Amendment: prohibits states from denying equal protection of the laws.

Nineteenth Amendment: provides women with the right to vote.

Poll Taxes: taxes levied on the right to vote designed to hurt poor Blacks.

Suffrage: the legal right to vote.

Thirteenth Amendment: abolished slavery and involuntary servitude.

Twenty-fourth Amendment: prohibited poll taxes in federal elections.

Voting Rights Act of 1965: a policy designed to reduce the barriers to voting for those suffering discrimination.

White Primary: practice where only Whites could vote in primaries.

Key Cases

Brown v. Board of Education (1954)
Craig v. Boren (1976)
Dred Scott v. Sandford (1857)
Hernandez v. Texas (1954)
Korematsu v. United States (1944)
Plessy v. Ferguson (1896)
Reed v. Reed (1971)
Regents of the University of California v. Bakke (1978)
Scott v. Sanford (1857)
LEARNING OBJECTIVES

After studying Chapter 5, you should be able to:

1. Understand the historical and constitutional basis of the struggle for equal rights.

2. Discuss the struggle for equality for African Americans in terms of three historical eras, the Constitution, and public policy.

3. Explain how women have gained civil rights and what equality issues remain important for women today.

4. Describe the new groups in the civil rights movement.

5. Explain the controversy over the issue of affirmative action.

6. Understand the impact of civil rights on democracy and the scope of government.

The following exercises will help you meet these objectives:

Objective 1: Understand the historical and constitutional basis of the struggle for equal rights.

1. What are the three key types of inequality in America?
1. Explain the two major conceptions of equality.

1. 

2. 

3. What is the only mention of the idea of equality in the Constitution?

4. Explain the Supreme Court’s three standards for classifications under the equal protection clause and give an example of each.

Objective 2: Discuss the struggle for equality for African Americans in terms of three historical eras, the Constitution, and public policy.

1. Complete the following table listing the three eras of the struggle for African American equality, the major policy focus during each era, major court cases and their importance in each era, and any acts of Congress or constitutional amendments passed during each era.

3. What is the difference between *de jure* segregation and *de facto* segregation?

4. List the six major provisions of the Civil Rights Act of 1964.
   1.
   2.
   3.
   4.
   5.
   6.
5. List and explain four ways in which the southern states denied African Americans the right to vote.

1.

2.

3.

4.

6. What was the impact of the Voting Rights Act of 1965?

7. List three other minority groups that have faced discrimination similar to that experienced by African Americans.

1.

2.

3.

Objective 3: Explain how women have gained civil rights and what equality issues remain important for women today.

1. Explain the policy of "protectionism."

2. What was the Equal Rights Amendment?
3. List and explain the significance of four Supreme Court cases dealing with sex-based discrimination.

1. 

2. 

3. 

4. 

4. How has Congress attempted to end sex discrimination in the area of employment?

5. What is meant by "comparable worth"?

6. In what two ways are women legally treated differently in the military?

1. 

2. 

7. How has the Supreme Court dealt with the issue of sexual harassment?

Objective 4: Describe the new groups in the civil rights movement.

1. In what ways are the elderly discriminated against in American society?
2. What are the main provisions of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990?

3. Why might gays and lesbians face the toughest battle for equality?

Objective 5: Explain the controversy over the issue of affirmative action.

1. Define the term "affirmative action."

2. List four cases in which the Supreme Court seems to support affirmative action and four cases in which it seems to oppose affirmative action.

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Objective 6: Understand the impact of civil rights on democracy and the scope of government.

1. How does equality threaten liberty?

2. How do civil rights laws increase the scope and power of government?
Compare and contrast:

Fourteenth Amendment and equal protection of the laws

*Dred Scott v. Sandford* and Thirteenth Amendment

*Plessy v. Ferguson* and *Brown v. Board of Education*

Civil Rights Act of 1964 and Voting Rights Act of 1965

suffrage and Fifteenth Amendment

poll taxes and White primary

Twenty-fourth Amendment and poll taxes

Nineteenth Amendment and Equal Rights Amendment
Reed v. Reed and Craig v. Boren

affirmative action and Regents of the University of California v. Bakke

affirmative action and Adarand Constructors v. Peña

Name that term:

1. Policies that extend basic rights to groups historically subject to discrimination.
   ______________________

2. The Fourteenth Amendment forbids the state from denying this to their citizens.
   ______________________

3. The Supreme Court case that justified segregation.
   ______________________

4. This law made racial discrimination illegal in hotels, motels, restaurants, and other places of public accommodations.
   ______________________

5. A device that permitted political parties in the heavily Democratic South to exclude blacks from primary elections.
   ______________________

6. This case upheld the internment of Japanese Americans in encampments during World War II.
   ______________________
7. "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

8. This idea suggests that women should receive equal pay with men for jobs demanding similar skills.

9. The law that requires employers and public facilities to make reasonable accommodations for disabled people.

USING YOUR UNDERSTANDING

2. The onslaught of the AIDS epidemic has raised new issues of equality in the United States. Examine this issue. Should AIDS victims receive the same protections as other handicapped people? How has AIDS affected the gay rights movement? Compile a list of state and local ordinances concerning homosexuals. Do most of these laws protect or discriminate against homosexuals? Also compile survey research results on public opinion towards gays and lesbians. Has the public become more or less tolerant of gays and lesbians? How has AIDS affected public attitudes? Compare the gay rights movement with the civil rights and women's movements. How are they similar and how are they different?
REVIEW QUESTIONS

Check ☑ the correct answer:

1. The rallying cry for groups demanding more equality has been
   - a. civil rights.
   - b. civil liberties.
   - c. civil disobedience.
   - d. civil war.

2. Policies that are designed to protect people against arbitrary or discriminatory treatment by government officials or individuals are called
   - a. social policies.
   - b. civil liberties.
   - c. civil rights.
   - d. civil equalities.

3. Today, debates about equality typically center on each of the following key types of inequality in America EXCEPT
   - a. discrimination based on income.
   - b. racial discrimination.
   - c. gender discrimination.
   - d. discrimination based on age, disability, and other factors.

4. American society tends to emphasize
   - a. equal results.
   - b. equal rewards.
   - c. equal opportunities.
   - d. equal distributions.

5. The word "equality" does not appear in the original Constitution.
   - True
   - False

6. The idea of equality in the Constitution first appeared in the
   - a. original Constitution.
   - b. Bill of Rights.
   - c. Fourteenth Amendment.
   - d. Nineteenth Amendment.

7. The five words in the Constitution that refer to equality are
   - a. “all men are created equal.”
   - b. “equality and justice for all.”
   - c. “equal protection of the laws.”
   - d. “equal representation of the states.”
8. The Supreme Court has ruled that classifications based on gender are subject to a lower level of scrutiny than classifications based on race.
   □ True
   □ False

9. In the case of *Dred Scott v. Sandford* (1857), the Supreme Court defended the idea of
   □ a. slavery.
   □ b. equality.
   □ c. civil rights.
   □ d. equal protection of the laws.

10. The Thirteenth Amendment
    □ a. promoted equal protection of the laws.
    □ b. gave women the right to vote.
    □ c. abolished slavery.
    □ d. legalized segregation.

11. During the first ten years after the Civil War, many African American men held both state and federal offices.
    □ True
    □ False

12. In the case of *Plessy v. Ferguson* (1896), the Supreme Court upheld a Louisiana law providing for
    □ a. slavery.
    □ b. the civil rights movement.
    □ c. equal opportunity.
    □ d. segregated facilities.

13. The case of *Brown v. Board of Education* (1954) ended the era of
    □ a. slavery.
    □ b. legal segregation.
    □ c. civil rights.
    □ d. equal opportunity.

14. School busing was used as a tool for segregation after the passage of the Civil Rights Act of 1964.
    □ True
    □ False

15. School busing was a practice upheld in the case of
    □ b. *Plessy v. Ferguson*.
    □ d. *Swann v. Charlotte-Mecklenberg County Schools*. 
16. Children assigned to schools near their homes when those homes are in racially segregated neighborhoods is an example of
☐ a. separate but equal.
☐ b. *de jure* segregation.
☐ c. *de facto* segregation.
☐ d. all of the above

17. The civil rights movement organized both African Americans and Whites to end segregation.
☐ True
☐ False

18. Which of the following was NOT a key strategy of the civil rights movement?
☐ a. sit-ins
☐ b. marches
☐ c. quiet acceptance
☐ d. civil disobedience

19. The 1950s and 1960s saw a marked increase in public policies to foster racial equality primarily due to
☐ a. court decisions.
☐ b. the civil rights movement.
☐ c. increased African American voting.
☐ d. all of the above

20. Racial discrimination in public places became illegal by the
☐ a. Supreme Court case of *Brown v. Board of Education*.

21. By the 1980s, few, if any, forms of racial discrimination were left to legislate against.
☐ True
☐ False

22. Suffrage is the legal right to
☐ a. free speech.
☐ b. vote.
☐ c. equal opportunities.
☐ d. suffer.
23. The Fifteenth Amendment extended suffrage to
   ☐ a. African Americans.
   ☐ b. women.
   ☐ c. Native Americans.
   ☐ d. naturalized citizens.

24. Implementation of the Fifteenth Amendment proceeded swiftly and with the total
    support of the states.
   ☐ True
   ☐ False

25. Southern states attempted to deny African Americans the right to vote through the
    use of the
   ☐ a. literacy test.
   ☐ b. poll tax.
   ☐ c. White primary.
   ☐ d. all of the above

26. Poll taxes were declared void by the
   ☐ a. Thirteenth Amendment.
   ☐ b. Fifteenth Amendment.
   ☐ c. Nineteenth Amendment.
   ☐ d. Twenty-fourth Amendment.

27. Which of the following was NOT a consequence of the Voting Rights Act of 1965?
   ☐ a. the registration of many southern black voters
   ☐ b. the use of White primaries
   ☐ c. the election of more black officials
   ☐ d. the intervention of federal election registrars

28. Which of the following statements is FALSE?
   ☐ a. Native Americans comprise the oldest American minority.
   ☐ b. African Americans achieved citizenship before Native Americans.
   ☐ c. The Indian Claims Act was passed by Congress to settle disputes arising
       from lands taken from Indians.
   ☐ d. Native Americans are not protected by policy protections against
       discrimination.

29. Hispanic Americans are the largest minority group in the United States.
   ☐ True
   ☐ False
30. In the case of Korematsu v. United States (1944), the Supreme Court upheld
   □ a. affirmative action programs for Asian Americans.
   □ b. the tribal system of government for Native Americans.
   □ c. the internment of Americans of Japanese descent.
   □ d. the enforcement of immigration policies.

31. Equality for women did not appear on the nation's political agenda until the middle of the twentieth century.
   □ True
   □ False

32. Suffrage for women was achieved with the passage of the
   □ a. Tenth Amendment.
   □ b. Fifteenth Amendment.
   □ c. Nineteenth Amendment.
   □ d. Twenty-fourth Amendment.

33. Winning the right to vote gave the women's movement great momentum in the fight for equality.
   □ True
   □ False

34. After women received the right to vote, public policy toward women was dominated by the idea of
   □ a. protectionism.
   □ b. equality.
   □ c. coverture.
   □ d. autonomy.

35. The Equal Rights Amendment was first introduced in Congress as an Amendment in 1923.
   □ True
   □ False

36. The Supreme Court ruled in Reed v. Reed (1971) that
   □ a. any arbitrary sex-based classification under state law violated the equal protection clause.
   □ b. people should be paid comparable wages for comparable jobs.
   □ c. women should be allowed to hold combat positions in the military.
   □ d. sexual harassment violates federal policies against sexual discrimination in the workplace.
37. The Supreme Court has voided laws that
☐ a. provide for alimony payments to women only.
☐ b. close nursing schools to men.
☐ c. set a higher age for drinking for men than for women.
☐ d. all of the above

38. Most American mothers who have children below school age are in the labor force. ☐ True
☐ False

☐ a. banned sex discrimination in employment.
☐ b. forbade sex discrimination in federally subsidized education programs.
☐ c. shifted the burden of proof in justifying hiring and promotion practices to employers.
☐ d. made it illegal for employers to exclude pregnancy and childbirth from their health-benefits plans.

40. Comparable worth is based on the idea that comparable wages should be paid to
☐ a. blacks and whites.
☐ b. men and women.
☐ c. people performing jobs requiring comparable skill.
☐ d. people holding comparable job titles.

41. (bonus) The subject referred to by the head of the U.S. Civil Rights Commission in the Reagan administration as "the craziest idea since Looney Tunes" was
☐ a. suffrage for women.
☐ b. comparable worth.
☐ c. the Equal Rights Amendment.
☐ d. affirmative action.

42. Statutes and regulations prohibit women from serving in combat.
☐ True
☐ False

43. The Supreme Court has made it very difficult to prove sexual harassment.
☐ True
☐ False

44. Age discrimination is one area that has received very little attention from the U.S. Congress.
☐ True
☐ False
45. The Americans with Disabilities Act of 1990
   □ a. strengthened previous protections against discrimination against the disabled.
   □ b. required employers and public facilities to make reasonable accommodations.
   □ c. prohibited employment discrimination against the disabled.
   □ d. all of the above

46. The one group that probably faces the toughest battle for equality is
   □ a. the handicapped.
   □ b. the elderly.
   □ c. young people.
   □ d. gays and lesbians.

47. Members of the armed services who declare their homosexuality face discharge unless they can prove they will remain celibate.
   □ True
   □ False

48. The women's movement and the civil rights movement converged when it came to the debate over
   □ a. comparable worth.
   □ b. the Equal Rights Amendment.
   □ c. affirmative action.
   □ d. protectionism.

49. Affirmative action emphasizes equal opportunities over equal results.
   □ True
   □ False

50. The Supreme Court held that an admissions quota for particular groups was illegal in
   □ c. Regents of the University of California v. Bakke.
   □ d. Wygart v. Jackson Board of Education.

51. Opposition to affirmative action is especially strong when people view it as
   □ a. affecting only African Americans.
   □ b. a form of separate-but-equal.
   □ c. reverse discrimination.
   □ d. discriminating against women.
52. Which of the following statements is FALSE?
☐ a. Equality is a basic principle of democracy.
☐ b. The principle of equality can invite the denial of minority rights.
☐ c. Civil rights laws and court decisions tell groups and individuals that there are certain things they may and may not do.
☐ d. Current civil rights policies conform to the eighteenth-century idea of limited government.

ESSAY QUESTIONS

1. How would you define the term "equality"? What does the U.S. Constitution say about equality?

2. What have been the different eras in the struggle for racial equality? What public policy achievements were made in each era?

3. Explain how the right to vote has been extended in the United States to include both African Americans and women. How was the struggle for suffrage among these two groups similar and different?

4. Explain the nature of the feminist movement in the United States. What policies have resulted from the struggle for equal rights for women? Explain the controversy over the issue of comparable worth.

5. Who are the new groups under the civil rights umbrella and what issues are they concerned about? What equality issues might arise in the near future?

6. What is meant by affirmative action? What are the pros and cons of affirmative action? How has the Supreme Court dealt with the issue of affirmative action?

7. How do civil rights affect the nature of democracy and the scope of government in the United States?