

AP GOV

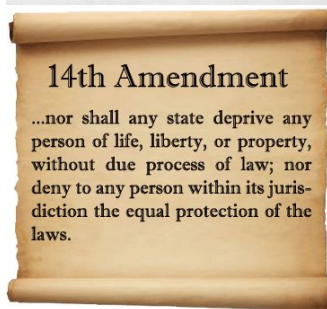
CIVIL RIGHTS & PUBLIC POLICY

REVIEWED!

Government in America (Pearson) Chapter 5
American Government: (Wilson) Chapter 6
Institutions & Policies

CIVIL RIGHTS

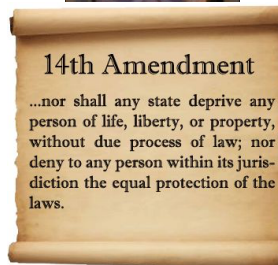
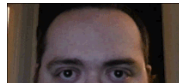
- **Civil liberties:** Constitutional protections against the gov't
- **Civil Rights:** protections for individuals and groups from discrimination by the government or other individuals
- Not until 1868 that "equality" is mentioned in the Constitution
- **14th Amendment:** forbids states from denying "equal protection of the laws"
 - Equal protection clause has often been used to support the advancement of equality



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STANDARDS OF REVIEW

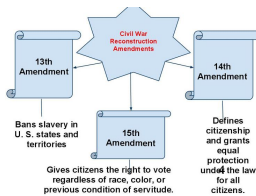
- The courts have developed tests/standards to evaluate whether a law violates the equal protection clause
- 1) **Reasonable:** law must NOT be arbitrary & reflect legit gov't purpose
- 2) **Inherently suspect:** classifications based on race and ethnicity are seen as inherently suspect
 - Must prove there is a compelling public interest
 - Must demonstrate no other way to achieve the legitimate purpose of the law
- 3) **Intermediate scrutiny:** laws that discriminate based on gender have a lower standard to meet
 - Example: law that restricts draft to only men has been ruled constitutional



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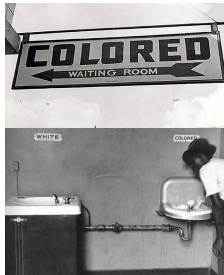
AFRICAN AMERICAN CIVIL RIGHTS

- American slavery: nearly 250 years of slavery
 - Chattel slavery
- Dred Scott v. Sandford** (1857): slaves were property with NO legal rights under the Constitution
- 13th Amendment** (1865): banned slavery
- Era of Reconstruction** (1865-1877): temporary progress
- 14th Amendment**: States must protect rights and provide “equal protection of the law” & “due process”
 - Declared all persons born in the U.S. are citizens of the US (adios Dred Scott)
- 15th Amendment**= universal male suffrage. Right to vote could not be denied “on account of race, color, or previous condition of servitude.”



RESTRICTIONS ON CIVIL RIGHTS

- Official end of Reconstruction in 1876
- The Court has at times allowed the RESTRICTION of civil rights**
- Segregation:**
 - South:** Jim Crow laws legalized racial segregation
 - De jure segregation:** segregation mandated by law
 - North:** De facto segregation- segregation exists, not required by law
 - Federal gov't:** segregation enforced in the military
- Civil Rights Cases** (1883): the 14th amendment did NOT prevent private businesses or individuals from racial discrimination
- Plessy v. Ferguson** (1896): segregation was not unconstitutional
 - “separate but equal”



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AFRICAN AMERICAN CIVIL RIGHTS

- Truman used the powers of the Presidency (Executive Order 9981) to **desegregate the armed forces**
- Brown v. Board of Education I** (1954): ruled that race based school segregation violates the 14th Amendment's equal protection clauses
 - Reversed “separate but equal” decision of Plessy
- Brown v. Board of Education II** (1955): public schools must desegregate “with all deliberate speed”
- De jure** (segregation by law) vs **de facto** discrimination (not required by law)



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Civil Rights Movement & Public Policy

- The civil rights movement utilized sustained non-violent disobedience to force change
- Television helped build support for the movement
- Civil Rights Act of 1964:** discrimination by private business, state, or local governments is illegal
 - Can't discriminate in public accommodation and/or in employment
 - Established the **Equal Employment Opportunity Commission** that banned discrimination in employment & investigated violations



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Civil Rights: The Right to Vote



- 15th Amendment (1870):** guaranteed voting rights to black MEN
- Denial of the vote:**
 - Literacy tests, poll taxes, grandfather clauses, white primary, and violence/intimidation
- 24th Amendment (1964)** outlawed collection of poll taxes
- Voting Rights Act 1965** ended efforts to prevent African Americans from voting in the south (**literacy test banned**)
 - Can't deny vote to a citizen because of race
 - Enforced by federal officials

THE RIGHTS OF OTHER MINORITY GROUPS

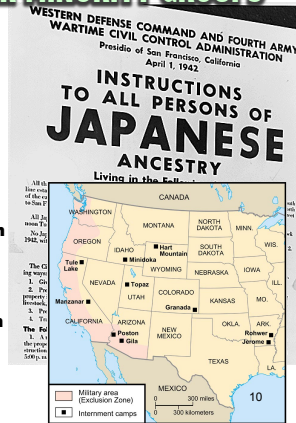
- Native Americans:** oldest minority group, the O.G. Americans
 - Dawes Act of 1887** banned Native American religions, required children go to boarding schools (policy of assimilation)
 - Indian Citizenship Act of 1924:** granted citizenship and the right to vote
 - American Indian Movement fought discrimination
- Latinos (Hispanic Americans):** largest minority group
 - Hernandez v. Texas (1954):** Texas CANNOT stop Hispanics from serving on juries
- Issue of undocumented immigration & immigration policy



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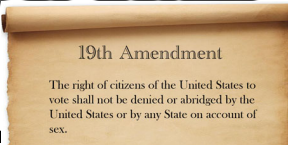
THE RIGHTS OF OTHER MINORITY GROUPS

- **Asian Americans** have also faced various forms of discrimination
 - **Chinese Exclusion Act (1883)**: 1st major restriction on immigration- race based ☹
 - **Korematsu v. United States (1944)**: internment of over 100,000 Japanese American WAS constitutional
- **Arab Americans and Muslims**: faced increased discrimination following 9/11



THE RIGHTS OF WOMEN

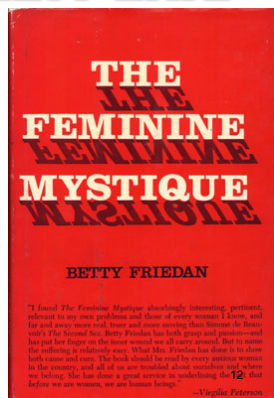
- **Battle for the right to vote**
 - **Seneca Falls Declaration of Sentiments (1848)**
 - **19th Amendment (1920)**: women's suffrage
 - Some western states had already granted suffrage
- **Post 19th Amendment (1920-1960)**: divergent goals of the movement
 - Equality in workplace
 - Social feminists advocated for morality in public life
 - **Equal Rights Amendment** introduced in 1923
 - Viewed by some as a threat to the family



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SECOND FEMINIST WAVE

- A revitalized women's movement grew during the 1950s and 60s.
- **Betty Friedan** created the **National Organization for Women (NOW)**.
 - Campaigned for **Equal Rights Amendment (ERA)**
- **Equal Rights Amendment** fell 3 states short of ratification in 1972.



WOMEN AND PUBLIC POLICY

- **Battle for workplace equality:**
 - **Civil Rights Act of 1964** prohibited employment gender discrimination
 - **Equal Pay Act of 1963** made it illegal to pay men and women different wages if they perform equal work in same workplace
 - **Title IX of the Education Act of 1972** bans gender discrimination in education programs receiving federal money (including athletics)
- **Sexual Harassment:**
 - Prohibited by Civil Rights Act of 1964
 - Retaliation by employers is illegal
- **Women in the military:**
 - Serve in all branches of the military
 - Only men are required to register for the draft

GET
IT
GIRL

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OTHER GROUPS UNDER THE CIVIL RIGHTS UMBRELLA

- **14th Amendment's equal protection clause** used to fight discrimination
- **"Graying of America"**
 - Some protections against age discrimination
- **People with Disabilities**
 - **Americans with Disabilities Act (ADA) of 1990:**
 - Mandated "reasonable accommodations" be made for access to public facilities
 - Prohibited employment discrimination against the disabled



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OTHER GROUPS UNDER THE CIVIL RIGHTS UMBRELLA

- **LGBTQ Rights**
 - **Stonewall Riots (1969)** gave rise to the modern gay rights movement
 - **Bowers v. Hardwick (1986):** ruled that states could legally forbid sex between same sex couples
 - **Lawrence v. Texas (2003):** states can't forbid private sexual conduct since this is a violation of the right to privacy
 - "Don't ask, don't tell" policy ended in 2011
 - Many states legalized same-sex marriage
 - **Obergefell v. Hodges (2015):** same sex couples have a constitutional right to marry



AFFIRMATIVE ACTION

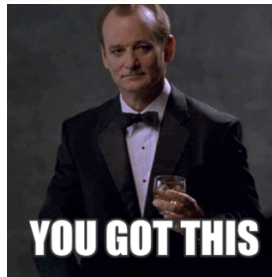
- Giving priority to groups who were previously discriminated against
 - Goal is to increase opportunities
 - Controversial and hotly debated: “reverse discrimination?”
- **Regents of the University of California v. Bakke (1978)**
 - UC Davis had quotas for number of disadvantaged groups to be admitted
 - Court ruled that racial quotas are unconstitutional
 - BUT, race can be used a criterion for admission
- Continued debate about affirmative action
 - California Proposition 209: banned state affirmative action programs



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THE BIG IDEA

- **14th Amendment**'s requirement that no state denies the “equal protection of the laws” has allowed for substantial progress to be made in the realm of civil rights
- Protecting and enforcing civil rights has led to a large **INCREASE** in the **power and size of government**
 - 14th amendment
 - Brown v. Board of Education
 - Civil Rights Act of 1964
 - Voting Rights Act of 1965
 - Americans with Disabilities Act



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