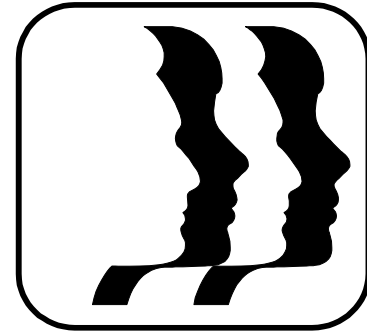


## CHAPTER 5

### *Civil Rights and Public Policy*



### CHAPTER OUTLINE

- I. Politics in Action: Launching the Civil Rights Movement (pp. 145–147)
  - A. The civil rights movement was launched in 1955 when Rosa Parks refused to give up her seat on a bus in Montgomery, Alabama.
  - B. **Civil rights** are policies that extend basic rights to groups historically subject to discrimination.
  - C. Debates on inequality in America center on racial discrimination, gender discrimination, and discrimination based on age, disability, sexual orientation, and other factors.
  
- II. Racial Equality: Two Centuries of Struggle (pp. 147–149)
  - A. Conceptions of Equality
    1. Equality of opportunity: everyone should have the same chance.
    2. Equal results or rewards: everyone should have the same rewards.
  - B. The Constitution and Inequality:  
The **Fourteenth Amendment** provides for **equal protection of the laws**, resulting in expansive constitutional interpretation.
  
- III. Race, the Constitution, and Public Policy (pp. 149–161)
  - A. The Era of Slavery  
**Scott v. Sandford** (1857) upheld slavery.  
The Civil War and the **Thirteenth Amendment** ended slavery.
  - B. The Era of Reconstruction and Resegregation  
Jim Crow laws (segregation laws) were established in the South.  
**Plessy v. Ferguson** justified segregation through the "equal but separate" doctrine.
  - C. The Era of Civil Rights
    1. **Brown v. Board of Education** (1954) overturned *Plessy* and ended legal segregation.
    2. The civil rights movement organized to end the policies and practice of segregation.
    3. The **Civil Rights Act of 1964** made racial discrimination illegal in places of public accommodation and in employment.
  - D. Getting and Using the Right to Vote
    1. **Suffrage** was guaranteed to African Americans by the **Fifteenth Amendment** in 1870.
    2. Southern practices to deny African American suffrage (literacy tests, grandfather clause, **poll taxes**, and the **White primary**) were gradually struck down by the Supreme Court and the **Twenty-fourth Amendment**.

3. 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.
- E. Other Minority Groups
1. Native Americans
  2. Hispanic Americans: *Hernandez v. Texas* (1954) extended protection against discrimination to Hispanics.
  3. Asian Americans: *Korematsu v. United States*, 1944 upheld the internment of Japanese Americans during World War II.
  4. Arab Americans and Muslims
- IV. Women, the Constitution, and Public Policy (pp. 162–169)
- A. The Battle for the Vote  
The **Nineteenth Amendment** gave women the right to vote.
- B. The "Doldrums": 1920–1960  
Public policy toward women was dominated by protectionism.  
The **Equal Rights Amendment** was first introduced in Congress in 1923.
- C. The Second Feminist Wave  
*Reed v. Reed* (1971) ruled that any "arbitrary" sex-based classification violated the Fourteenth Amendment.  
*Craig v. Boren* (1976) established a "medium scrutiny" standard.
- D. Women in the Workplace:  
Congressional acts and Supreme Court decisions have reduced sex discrimination in employment and business activity.
- E. Wage Discrimination and Comparable Worth:  
Women should receive equal pay for jobs of "**comparable worth.**"
- F. Women in the Military  
Only men must register for the draft.  
Statutes and regulations prohibit women from serving in combat.
- G. Sexual Harassment  
The Supreme Court has ruled that sexual harassment that is so pervasive as to create a hostile or abusive work environment is a form of sex discrimination.
- V. Newly Active Groups Under the Civil Rights Umbrella (pp. 169–172)
- A. Civil Rights and the Graying of America
- B. Civil Rights and People with Disabilities: the **Americans with Disabilities Act of 1990** required employers and public facilities to make reasonable accommodations and prohibited employment discrimination against the disabled.
- C. Gay and Lesbian Rights
- VI. Affirmative Action (pp. 172–175)
- A. **Affirmative action** involves efforts to bring about increased employment, promotion, or admission for members of groups that have suffered invidious discrimination.

- B. In *Regents of the University of California v. Bakke* (1978), the Court ruled against the practice of setting aside a quota of spots for particular groups.
- C. Until 1995, the Court was more deferential to Congress than to local government in upholding affirmative action programs.
- D. In *Adarand Constructors v. Peña* (1995), the Court ruled that federal programs that classify people by race are constitutional only if they are "narrowly tailored" to accomplish a "compelling governmental interest."
- E. Opponents view affirmative action as reverse discrimination.

VII. Understanding Civil Liberties and the Constitution (pp. 175–177)

- A. Civil Rights and Democracy  
Equality favors majority rule that may threaten minority rights.
- B. Civil Rights and the Scope of Government  
Civil rights laws increase the scope and power of government.

VIII. Summary (pp. 177–178)

**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.
  - 2.
  - 3.

2. 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.
  - 1.
  - 2.
  - 3.

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.

Historical Era	Policy Focus	Court Cases	Acts/Amendments

2. Compare and contrast the significance of the Supreme Court cases of *Scott v. Sandford* (1857), *Plessy v. Ferguson* (1896), and *Brown v. Board of Education* (1954).
  
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 four other minority groups that have faced discrimination similar to that experienced by African Americans.
  - 1.
  - 2.
  - 3.
  - 4.

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?







Civil Rights Act of 1964

Suffrage

Fifteenth Amendment

poll taxes

White primary

Twenty-fourth Amendment

Voting Rights Act of 1965

Nineteenth Amendment

Equal Rights Amendment

comparable worth

Americans with Disabilities Act of 1990 (ADA)

affirmative action

*Identify and describe: key cases*

*Scott v. Sandford* (1857)

*Plessy v. Ferguson* (1896)

*Brown v. Board of Education* (1954)

*Hernandez v. Texas* (1954)

*Korematsu v. United States* (1944)

*Reed v. Reed* (1971)

*Craig v. Boren* (1976)

*Regents of the University of California v. Bakke* (1978)

*Adarand Constructors v. Peña* (1995)

*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. This Supreme Court case justified segregation.  
\_\_\_\_\_
4. This law made racial discrimination illegal in hotels, motels, restaurants, and other places of public accommodations.  
\_\_\_\_\_
5. This device 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. This case extended protection against discrimination to Hispanics.  
\_\_\_\_\_
8. "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."  
\_\_\_\_\_
9. This idea suggests that women should receive equal pay with men for jobs demanding similar skills.  
\_\_\_\_\_
10. This law requires employers and public facilities to make reasonable accommodations for disabled people.  
\_\_\_\_\_

## USING YOUR UNDERSTANDING

1. Investigate the policy that your college or university follows with regard to the admission of minority and women students. Also find out about its employment practices, and whether or not it has an affirmative action program. Collect statistics on the percentage of minorities enrolled and employed by the school. Does your college or university offer special academic programs for minorities and women? Evaluate whether or not you believe your school is doing too much or too little in addressing equality issues. Include a recommendation as to how you believe the school's policy might be improved, describing what consequences your recommendation would have.
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

*Circle the correct answer:*

1. "Equal protection of the laws," as provided in the Fourteenth Amendment, is understood to mean
  - a. all states must treat everybody exactly alike.
  - b. every state must promote equality among all its people.
  - c. "equal protection of life, liberty, and property," for all.
  - d. equality of results for all Americans.
  - e. equality of outcomes for all Americans.
2. Classifications by race and ethnicity have now been ruled by the Court to be acceptable only in
  - a. matters wherein certain races or ethnic groups show greater talent or less aptitude.
  - b. laws passed by Congress, not those passed by the individual states.
  - c. regard to rules and regulations of the armed forces.
  - d. laws seeking to remedy previous discrimination.
  - e. matters involving national security.

3. In the case of *Dred Scott v. Sandford*, the United States Supreme Court
  - a. voted unanimously to declare slavery unconstitutional and barbaric, thus causing the southern states to secede.
  - b. ruled that all adult African American men had a right to vote under the Constitution.
  - c. outlawed segregation laws that separated Blacks and Whites in all public places.
  - d. ruled that a Black man, slave or free, was “chattel,” and upheld slavery itself as constitutional.
  - e. for the first time placed a geographic limit on the expansion of slavery, banning it west of the Mississippi River.
  
4. Jim Crow laws
  - a. imposed legal segregation on African Americans in the South after the Civil War.
  - b. were an attempt to reimpose slavery in the South after the Civil War.
  - c. gave African Americans the right to vote in local elections in the South.
  - d. granted former slaves free land in compensation for their years of unpaid labor.
  - e. allowed African Americans to hold state and federal offices in the South after the Civil War.
  
5. Which president sent troops to Little Rock, Arkansas, to desegregate Central High School?
  - a. Franklin D. Roosevelt
  - b. Harry Truman
  - c. Dwight Eisenhower
  - d. Richard Nixon
  - e. John F. Kennedy
  
6. The Supreme Court’s ruling in *Brown v. Board of Education* was based on the legal argument that segregation violated the \_\_\_\_\_ Amendment.
  - a. Fourteenth
  - b. First
  - c. Twenty-sixth
  - d. Nineteenth
  - e. Equal Rights
  
7. In the case of \_\_\_\_\_, the Supreme Court upheld federal court rulings ordering busing of students to achieve racially balanced schools.
  - a. *Craig v. Boren*
  - b. *Plessy v. Ferguson*
  - c. *Brown v. Board of Education*
  - d. *Unified Transportation Co. v Madison County*
  - e. *Swann v. Charlotte-Mecklenberg County Schools*

8. The Civil Rights Act of 1964
  - a. made racial discrimination illegal in motels, restaurants, and other public accommodations.
  - b. forbid employment discrimination on the basis of race, color, religion, national order, or sex.
  - c. permitted the withholding of federal grants to states and localities that practiced racial discrimination.
  - d. All of the above
  - e. None of the above
  
9. To render African American votes ineffective, several southern states used the \_\_\_\_\_, a device that permitted political parties to choose their nominees in elections off limits to Blacks.
  - a. suffrage
  - b. grandfather clause
  - c. poll tax
  - d. hidden ballot
  - e. White primary
  
10. Which of the following resulted from the Supreme Court's decision in *Thornburg v. Gingles* (1982)?
  - a. State legislatures and the Justice Department interpreted the Court's ruling as a mandate to create majority-minority districts.
  - b. Fourteen new U.S. House districts were redrawn to help elect African Americans to Congress.
  - c. Six U.S. House districts were redrawn to help elect new Hispanic members to Congress.
  - d. All of the above
  - e. None of the above
  
11. Native Americans were made citizens of the United States in
  - a. 1964.
  - b. 1924.
  - c. 1789.
  - d. 1868.
  - e. They were never made citizens of the United States.
  
12. Hispanic Americans make up about \_\_\_\_\_ percent of the U.S. population.
  - a. two
  - b. ten
  - c. fifteen
  - d. twenty
  - e. twenty-five

13. Coverture refers to
- the combination of electric shock therapy and drugs once used to “cure” homosexuals of their homosexuality.
  - the legal doctrine that deprived married women of any identity separate from that of their husbands.
  - a term used to describe the time when minority groups will outnumber Caucasians of European descent.
  - the principle used to justify the internment of Japanese Americans during World War II.
  - the legal doctrine used to discriminate against Native Americans by placing them in reservations.
14. The \_\_\_\_\_ gave women the constitutional right to vote.
- Bill of Rights
  - Fifteenth Amendment
  - Twenty-fourth Amendment
  - Equal Rights Amendment
  - Nineteenth Amendment
15. The Civil Rights and Women’s Equity in Employment Act of 1991
- banned sex discrimination in employment.
  - forbade sex discrimination in federally subsidized education programs.
  - shifted the burden of proof in justifying hiring and promotion practices to employers.
  - made it illegal for employers to exclude pregnancy and childbirth from their health benefits plans.
  - made it illegal for employers to include pregnancy and childbirth in their health benefits plans.
16. Which of the following statements about the Equal Rights Amendment (ERA) is FALSE?
- The ERA was ratified in 1982.
  - The ERA battle stimulated vigorous feminist activity.
  - The ERA battle stimulated vigorous antifeminist activity.
  - The ERA was first introduced in the 1920s.
  - Congress passed the ERA in 1972.
17. In 1990, Congress enacted the \_\_\_\_\_, a far-reaching law to protect a particular group of Americans from discrimination, ignoring those who claimed the price tag would be too high.
- Gay and Lesbian Civil Rights Bill
  - Native Americans Inclusion Act
  - Americans with Disabilities Act
  - Children’s Rights Act
  - Immigrant Grant Act



18. Which of the following best describes affirmative action?
- A policy designed to give special attention to a previously disadvantaged group.
  - A law that forces employers to have an equal number of employees from all racial groups.
  - A law that makes hiring men over women illegal.
  - A Supreme Court decision that makes school segregation illegal.
  - A law that makes homosexual activity illegal in some states.
19. Which of the following statements is FALSE?
- Equality is a basic principle of democracy.
  - The principle of equality can invite the denial of minority rights.
  - Civil rights laws and court decisions tell groups and individuals that there are certain things they may and may not do.
  - Current civil rights policies conform to the eighteenth century idea of limited government.
  - Civil rights laws restrict the scope of government.
20. Equality tends to favor
- minority rule.
  - elitism.
  - pluralism.
  - majority rule.
  - hyperpluralism.

### TRUE/FALSE QUESTIONS

*Circle the correct answer:*

- The word equality does not appear in the original Constitution. T / F
- Dred Scott v. Sandford* was the Supreme Court's landmark decision that declared slavery was unconstitutional in all the United States. T / F
- De jure* segregation is that which is done by law. T / F
- The Supreme Court has ruled that state legislative redistricting plans must create the greatest possible number of majority-minority districts possible. T / F
- Hernandez v. Texas* (1954) extended protection from discrimination to Hispanics. T / F
- The Supreme Court has ruled that classifications based on gender are subject to a lower level of scrutiny than classifications based on race. T / F

7. The Supreme Court has been consistent over the years in supporting the principle of affirmative action, interpreted primarily as the use of quotas in hiring and promotion. T / F
8. Sexual harassment is prohibited by the Civil Rights Act of 1964. T / F
9. The Supreme Court ruled in *Romer v. Evans* that a state could not deny homosexuals protection against discrimination. T / F
10. In *Parents Involved in Community Schools v. Seattle School District No. 1* (2007), the Supreme Court argued that the districts' use of race in voluntary integration plans violated the Fourteenth Amendment. T / F

### SHORT ANSWER/SHORT ESSAY QUESTIONS

1. Briefly explain the primary significance of the Fourteenth Amendment.
2. Explain the three standards of review that the Supreme Court uses in determining whether discrimination is reasonable and constitutional.
3. Compare and contrast the Supreme Court cases of *Plessy v. Ferguson* and *Brown v. Board of Education*.
4. Summarize the arguments for and against affirmative action.
5. Summarize growing questions surrounding the role of women in the military and their current exemption from compulsory registration for the draft.

### ESSAY QUESTIONS

1. How do Americans understand the concept of equality? What does equality entail? How has its meaning changed throughout U.S. history? Have we truly achieved equality in contemporary political and social life?
2. Describe the three eras that delineate African Americans' struggle for equality in America. Explain how the roles of the court and Congress changed through the three eras.
3. The Supreme Court upheld the constitutionality of the United States government's decision to remove the Japanese Americans from the west coast and place them in internment camps during World War II in *Korematsu v. United States*. What was the basis for the Court's rationale? In your estimation, did the Supreme Court make the right or wrong decision? Why?
4. What questions about civil rights are raised by the government's treatment of Arab Americans and Muslims after 9/11. Were the government's actions justified?

5. Explain the Supreme Court's ruling in *Adarand Constructors v. Peña*. How did this decision differ from earlier ones? To what extent did this decision void federal affirmative action programs?