

## APGoPo Unit 2

# CIVIL RIGHTS

One of the most influential Constitutional clauses during the mid to late 20th century has been the equal protection clause of the Fourteenth Amendment that forbids any state to "deny to any person within its jurisdiction the equal protection of the laws." This clause has not been interpreted to mean that everyone is to be treated the same, but that certain divisions in society, such as sex, race, and ethnicity are suspect categories, and that laws that make distinctions that affect these groups will be subjected to especially strict scrutiny. In recent years, these suspect categories have been expanded to include discrimination based on age, disability, and sexual preference.

### CIVIL RIGHTS FOR RACIAL MINORITIES

The United States has always been home to many different racial and ethnic groups that have experienced varying degrees of acceptance into American society. The history of African Americans includes 250 years of slavery followed by almost a century of widespread discrimination. Their efforts to secure equal rights and eliminate segregation have led the way for others.

<b>CIVIL WAR AMENDMENTS</b>	<b>13<sup>th</sup> Amendment</b>
	◆ Abolished slavery
	<b>14<sup>th</sup> Amendment</b>
◆ Defined citizenship to include the former slaves and provided for due process and equal protection, which were used by the Supreme Court to incorporate the Bill of Rights to the state and local governments	
<b>15<sup>th</sup> Amendment</b>	
◆ Provided that individuals could not be denied the right to vote based on race or the fact that they were once a slave	

After the "Civil War" amendments many discriminatory laws remained in states across the country, and the states of the defeated Confederacy passed Jim Crow laws, which segregated blacks from whites in virtually all public facilities including schools, restaurants, hotels, and bathrooms. In addition to this *de jure* (by law) segregation and strict *de facto* (in reality) segregation existed in neighborhoods in the South and the North.

The 1896 court decision *Plessy v. Ferguson* supported the segregation laws. Homer Plessy sued the state of Louisiana for arresting him for riding in a "whites only" railroad car. The Court ruled that the law did not violate the equal protection clause of the 14<sup>th</sup> Amendment, as Plessy claimed. The majority opinion stated that segregation is not unconstitutional as long as the facilities were substantially equal. This "separate but equal" doctrine remained the Court's policies until the 1950s.

In 1909 the National Association for the Advancement of Colored People (NAACP) was founded to promote the enforcement of civil rights guaranteed by the Fourteenth and Fifteenth Amendments. The NAACP struggled for years to convince white-dominated state and national legislatures to pass laws protecting black civil rights and they made little progress until they turned their attentions to the courts. The NAACP decided that the courts were the best place to bring about change, and they assembled a legal team that began to slowly chip away at the "separate but equal" doctrine.

In *Brown v. Board of Education of Topeka* in 1954, argued that separate but equal facilities are "inherently unequal" and that separation had "a detrimental effect upon the colored children." The Court overturned the earlier *Plessy* decision and ruled that "separate but equal" facilities are unconstitutional.

<b>DE JURE SEGREGATION ENDED</b>	<b>Civil Rights Act of 1964</b>
	<ul style="list-style-type: none"> <li>• Banned discrimination in public facilities and voter registration</li> <li>• Allowed the government to withhold federal funds from states and local areas not complying with the law</li> </ul>
	<b>24<sup>th</sup> Amendment</b>
◆ Banned paying a tax to vote (the poll tax) - a practice intended to keep blacks from voting	
<b>Voting Rights Act of 1965</b>	
<ul style="list-style-type: none"> <li>• Outlawed literacy tests</li> <li>• Establishes extensive federal oversight over elections</li> <li>• Allowed federal officials to register new voters &gt;&gt; number of registered black voters increased dramatically, and today registration rates of African Americans are about equal to those of whites</li> </ul>	