**Chpt. 11 Civil Rights Topic 3.10-3.13, AMSCO pg. 341-391**

**Defining Civil Rights**

Civil rights are the constitutional r\_\_\_\_\_\_\_\_\_\_ of all persons, not just c\_\_\_\_\_\_\_\_\_\_, to d\_\_\_\_\_\_\_ process and the e\_\_\_\_\_\_\_\_ protection of the laws: the constitutional right not to be d\_\_\_\_\_\_\_\_\_\_\_\_\_ against by governments or individuals because of race, ethnic background, religion, or gender.

**Civil Rights**

* 14th Amendment issues
* Action required of the government to ensure e\_\_\_\_\_\_\_\_\_\_\_
* Protects against discriminatory treatment. Meant to protect g\_\_\_\_\_\_\_\_\_\_\_\_ from unfair treatment.

**What Types of Discriminatory Treatment Have Groups Faced?**

* Racial Discrimination
* Gender Discrimination
* Discrimination based on age, disability, sexual orientation and other factors

**What is the Difference between Civil Rights and Civil Liberties?**

Civil l\_\_\_\_\_\_\_\_\_\_\_\_ are the fundamental rights and freedoms of i\_\_\_\_\_\_\_\_\_\_\_\_\_ that are protected from unreasonable government restriction.

Civil liberties are guaranteed in the B\_\_\_\_\_\_ of R\_\_\_\_\_\_\_\_ and protect individuals from the government

Civil rights refer to the government’s protection of individuals from discrimination as members of particular g\_\_\_\_\_\_\_\_\_

The protection of civil liberties requires that a government does not infringe on the freedom of individuals

Civil rights require p\_\_\_\_\_\_\_\_\_\_\_\_ action by the government to protect individuals from discrimination in a particular group i.e., race (ethnicity), gender, religion.

**Slavery and Involuntary Servitude**

The \_\_\_\_\_\_th Amendment made slavery i\_\_\_\_\_\_\_\_\_ in the United States and it also protects against i\_\_\_\_\_\_\_\_\_\_\_\_\_\_ servitude.

**THE FOURTEENTH AMENDMENT**

*All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.*

**Does treating people equal mean treating people the same?**

**Jim Crow Era and Separate, but Equal**

13th, 14th, and 15th Amendments were known as the Civil War amendments and were designed to help African Americans.

When Reconstruction ended in 1877 and the North left the South, the South responded.

The Southern states would pass Jim Crow Laws, which were laws aimed at separating minorities from the white population.

Almost twenty years later, the Supreme Court under Melville Fuller would listen to the famous case of *Plessy v. Ferguson* (1896). They ruled 7-1 that separate facilities were NOT UNCONSTITUTIONAL provided they were equal.

This motto would be known as “S\_\_\_\_\_\_\_\_\_, but E\_\_\_\_\_\_\_\_\_.”

**The lone dissenter in the Plessy v. Ferguson case -Justice John Marshall Harlan**

*“Our Constitution is color-blind and neither knows nor tolerates classes among citizens.”*

***Brown v. Board of Education* (1954) SUPREME COURT YOU MUST KNOW *AMSCO pg 357-58; Wapples pg. 300-301***

**Issue:** Does segregation of public schools by race violate the Equal Protection Clause of the 14th Amendment?

**Majority:** Chief Justice Earl Warren delivered the unanimous opinion of the Court, ruling that segregation in public schools violates the 14th Amendment’s Equal Protection Clause.

The Court noted that public education was central to American life. Calling it “the very foundation of good citizenship,” they acknowledged that public education was not only necessary to prepare children for their future professions and to enable them to actively participate in the democratic process, but that it was also “a principal instrument in awakening the child to cultural values” present in their communities. The justices found it very unlikely that a child would be able to succeed in life without a good education. Access to such an education was thus “a right which must be made available to all on equal terms.”

The justices then said that separating children solely on the basis of race created a feeling of inferiority in the “hearts and minds” of African- American children. Segregating children in public education created and perpetuated the idea that African American children held a lower status in the community than white children, even if their separate educational facilities were substantially equal in “tangible” factors.

|  |
| --- |
| [Brown v. Board of Education (1954)](https://www.youtube.com/watch?v=neGpIQQAMKI" \t "_blank) |
| **FACTS:** |
| **Decision:**  | **Constitutional Principle:** |
| **Why it matters?**  |

***Brown v. Board of Education*, 1954**

* Thurgood Marshall, NAACP
* Declared state laws establishing s\_\_\_\_\_\_\_\_\_\_\_\_\_\_ public schools for black and white students u\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and ordered them to be integrated
* Overturned the *P\_\_\_\_\_\_\_\_\_\_\_\_* case
* “Separate educational facilities are inherently u\_\_\_\_\_\_\_\_\_\_\_\_\_\_"

One year later, the Court addressed the implementation of its decision in a case known as *Brown v. Board of Education II.* Chief Justice Warren once again wrote an opinion for the unanimous court.

The Court acknowledged that desegregating public schools would take place in various ways, depending on the unique problems faced by individual school districts. After charging local school authorities with the responsibility for solving these problems, the Court instructed federal trial courts to oversee the process and determine whether local authorities were desegregating schools in good faith, mandating that desegregation take place with “with all d\_\_\_\_\_\_\_\_\_\_\_\_\_ s\_\_\_\_\_\_\_\_\_\_.”

* Title VI of the Civil Rights Act of 1964 stipulates that federal dollars under any g\_\_\_\_\_\_\_\_ or project be withdrawn from a school that discriminates (Civil Rights Act of 1964 essentially ends Jim Crow laws)

***Brown II (1955)* was the process of INTEGRATION**

**When the Supreme Court overturned the Plessy decision with the Brown decision was this judicial activism or judicial restraint? Explain**

**FROM SEGREGATION TO DESEGREGATION**

* ***de jure* segregation –** segregation imposed by l\_\_\_\_\_\_\_\_
	+ Supreme Court sustained the right of judges to order busing to overcome *de jure* segregation
	+ *de jure* segregation doesn’t exist in America today
* ***de facto* segregation –** segregation resulting from economic or social conditions or personal choice/tradition
* The Court has refused to permit judges to order busing to overcome the effects of *de facto* segregation
* *de facto* segregation still exists in America legally today (i.e. neighborhoods)
1. **What role did the 14th Amendment play in *Brown v. Board of Education* (1954)?**
2. **Which case was overturned as a result of *Brown v. Board of Education*?**
3. **How did *Brown v. Board of Education* strengthen minority rights?**

|  |  |
| --- | --- |
| * Montgomery bus boycott
* Birmingham March
* March on Washington
* Civil disobedience
 | * Woolworth sit-ins
* Freedom Summer
	+ Voting Rights
 |

 **MLK and the Civil Rights Movement**

**Militant Movement**

* + Malcolm X, Nation of Islam, separatist
	+ Black Panthers

**The March on Washington, August 28, 1963**

Since most Africa Americans were prevented from voting, many took to other forms of political participation-mainly demonstrations. Mass public demonstrations put pressure on politicians to act. They need the votes. Many protesters were white northerners. Public opinion was turning against segregation. Because the CR Bill was stuck in Congress. The protest was meant to put pressure on Cong to get the bill to JFK. The march was broadcasted live around the world.

JFK was murdered Nov 1963. The bill remained in Congress. LBJ would push this bill and sign it into law as the CR Act of 1964.

**In 1963, MLK organized a march to integrate Birmingham, Alabama. MLK’s strategy was to confront segregation through peaceful marches, rallies, & boycotts. Dr. King called Birmingham “the most segregated big city in the South”**

**During the march in Birmingham, MLK was arrested**

MLK was arrested and jailed on April 16, 1963, during anti-segregation protests in Birmingham, Alabama. While in jail, MLK wrote an open letter called “*Letter from a Birmingham Jail*” in response to white leaders who believed King was pushing too fast towards civil rights.

**YOU MUST READ King’s “Letter from a Birmingham Jail” AMSCO Book pg. 343-345**

**Letter from Birmingham Jail Assignment. All work MUST BE HANDWRITTEN BY YOU**

1. King offers a description of what constitutes a just law several times. How does King distinguish a just law from an unjust law?
2. According to King, what responsibilities he believes citizens have in relation to the system of law and to unjust laws.
3. What is the concept of civil disobedience?
4. What did King mean when he states, “Sometimes a law is just on its face and unjust in its application.”?
5. How did the Letter from Birmingham Jail influence the creation of the Civil Rights Act of 1964?
6. Explain how "letter from a Birmingham Jail," written almost 200 years after the nation was created, can serve as a foundational document?
7. Of the other foundational documents, identify one that is most like ''Letter from a Birmingham Jail." CITE EVIDENCE for your choice.

**CIVIL RIGHTS ACT OF 1964**

**Ended segregation in public places (i.e. hotels and restaurants) and banned employment discrimination on the basis of race, color, religion, sex or national origin >> ended Jim Crow Laws**

* **Title II (of Civil Rights Act of 1964): Places of public accommodation**
	+ Makes it a f\_\_\_\_\_\_\_\_\_ offense to d\_\_\_\_\_\_\_\_\_\_ against any customer or patron in a place of public a\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ because of race, color, religion, or national origin
	+ *Heart of Atlanta Motel v. U.S.* (1964) - Congress has a right to regulate individual businesses in the interest of promoting interstate travel/ c\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ C\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Clause used to justify
* **Title VII (of Civil Rights Act of 1964): Employment**
	+ Makes it illegal for any employer in any industry affecting interstate commerce and employing 15 or more people to discriminate in employment practices against any person because of race, color, national origin, religion, or sex
	+ 14th Amendment e\_\_\_\_\_\_\_\_\_\_\_ p\_\_\_\_\_\_\_\_\_\_\_ clause used to justify
1. **How did Dr. Martin Luther King’s “Letter from a Birmingham Jail” help the civil rights movement of the 1960s?**
2. **Why was the Civil Rights Act of 1964 so monumental?**
3. **What did many Southern Democrats do as a result of the legislation? (clue: only allowed in the Senate)**

After the death of President Kennedy in November 1963, it was the new president’s job, Lyndon Johnson, to continue Kennedy’s legacy.

During his term in office (63-69), Johnson signed two important legislative laws:

* Civil Rights Act of 1964: Made discrimination by private business and state and local governments illegal.
* Civil Rights Act of 1968: Prohibited racial discrimination in the sale and rental of housing.

**VOTING RIGHTS – PROTECTING VOTING RIGHTS**

* After federal troops withdrew from the South in 1877*,* s\_\_\_\_\_\_\_\_\_\_\_\_ D\_\_\_\_\_\_\_\_\_\_\_ used social pressure, violence, and terrorist activities to keep African Americans from voting
* Southern States created J\_\_\_\_ C\_\_\_\_\_ laws that made it difficult or impossible for African-Americans to vote; use of g\_\_\_\_\_\_\_\_\_\_\_\_\_ clause to keep white people voting
* **Other devices used to keep African Americans from voting**
	+ **White primary** - Primary operated by the Democratic party in southern states that, before Republicans gained strength in the “one-party South,” essentially constituted an election; ruled unconstitutional
	+ **Racial gerrymandering** - the drawing of election districts to ensure that African Americans would be a minority in all districts – unconstitutional (15th Amendment); known as “**cracking**” the district
	+ **Poll tax-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
	+ **Registration requirements-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
	+ **Literacy tests-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**24th Amendment – NO P\_\_\_\_\_\_\_\_ TAXES**

* After the F\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendment to the Constitution extended the vote to b\_\_\_\_\_\_\_ men in 1870, many southern states instituted p\_\_\_\_\_\_\_\_\_ taxes to prevent blacks from voting.
* Eligible voters were required to pay their p\_\_\_\_\_\_\_\_\_ tax before they could cast a b\_\_\_\_\_\_\_\_.
* A “g\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ clause” excused some poor whites from payment if they had an ancestor who voted before the Civil War, but there were no exemptions for African Americans.
* \_\_\_\_\_\_th Amendment (1964) - Banned p\_\_\_\_\_\_\_ taxes
* Modern-day question: **Does having to show ID at a polling place constitute a “poll tax”?**

**VOTING RIGHTS ACT OF 1965**

* **Provisions**
	+ Requires that states that had a history of denying African Americans the right to vote must clear any changes in any voting practice or laws that might result in dilution of voting power with the Department of Justice (some has since been struck down)
	+ Eliminated l\_\_\_\_\_\_\_\_\_\_\_ tests
	+ Empowered f\_\_\_\_\_\_\_\_\_\_\_ officials to r\_\_\_\_\_\_\_\_\_\_\_\_\_ voters
	+ Empowered f\_\_\_\_\_\_\_\_\_\_\_\_ officials to ensure that citizens could vote (w/ marshals)
	+ Empowered f\_\_\_\_\_\_\_\_\_\_\_\_\_\_ officials to count ballots
	+ Requires states to include ballots in l\_\_\_\_\_\_\_\_\_\_ other than English if a significant number of non-English speakers reside in an area

**Explain how the 14th amendment and the Voting Rights Act of 1965, weekend state power?**

**Effects of the Voting Rights Act of 1965**

* Huge increase in black voter turnout
* Large increase in number of black elected officials
* Forced white elected officials to take into account the needs of blacks

**What was the impact of the 24th Amendment and the Voting Rights Act of 1965? Use the data to back up your answer.**

**CIVIL RIGHTS ACT OF 1968 (FAIR HOUSING ACT)**

* Forbids owners to refuse to s\_\_\_\_\_\_\_ or r \_\_\_\_\_\_\_\_\_to any person because of race, color, religion, national origin, sex (since 1978), handicap, or because a person has children (since 1988)

|  |  |
| --- | --- |
| **Social Movements** | **Constitutional and Legal Provisions for Social Movements** |
| • African American civil rights • Women’s rights • LGBTQ rights | The Fourteenth Amendment’s equal protection clause and the due process clause of the Fifth and Fourteenth Amendments are the foundation for all of the movement’s actions. • The **Nineteenth Amendment** (1920) granted women the right to vote. • The Equal Pay Act (1963) required employers to pay men and women the same wage for the same job. • The Civil Rights Act of 1964 guaranteed all citizens due process and equal protection clauses in the Constitution. • Title IX of the Education Amendments Act of 1972 guaranteed that women have the same educational opportunities as men in programs receiving federal government funding. • Lawrence v. Texas (2003) struck down a law that criminalized homosexual behavior. The equal protection clause voided this law because the statute specifically singled out gays and lesbians. • In Obergefell v. Hodges (2015) the Court ruled 5:4 that states preventing same-sex marriage violated the Constitution. |

**Topic 3.11 How has the government responded to social movements? AMSCO p. 365**

**Reconstruction Amendments:** These three constitutional amendments were ratified to free the slaves (**13TH am**), to declare African Americans citizens assuring due process and equal protection (**14th am**), and to give them the vote (**15th am**). **Free, Equal Citizens, Vote**

**Civil Rights of 1875:** This act made it illegal for p\_\_\_\_\_\_\_\_\_ owned places of public a\_\_\_\_\_\_\_\_\_\_\_\_\_—trains, hotels, and taverns—to make distinctions between black and white patrons. Also, it outlawed d\_\_\_\_\_\_\_\_\_\_\_\_ in j\_\_\_\_\_\_\_\_election, public schools, churches, cemeteries, and transportation.

**Civil Rights Cases (1883):** The Court overruled the Civil Rights Act of 1875 & enabled discrimination in commercial affairs.

**Brown v. Board of Education:** The Supreme Court ruled that the “separate but equal” doctrine from the Plessy v. Ferguson (1896) case was inherently unequal, effectively striking down s\_\_\_\_\_\_\_\_\_ in education.

**24th Amendment (1964):** This amendment outlawed the p\_\_\_\_\_\_ t\_\_\_\_\_\_\_ in any federal, primary, or general election.

**Civil Rights Act of 1964:** This act prevented discrimination in employment, education, and in federal elections, and enabled federal enforcement of these guarantees.

**Voting Rights Act of 1965:** This law empowered Congress and the federal government to oversee state elections in southern states. It addressed states that used a “test or device” to determine voter qualifications or any state or voting district with less than 50 percent of its voting-age population registered to vote. The law effectively ended the l\_\_\_\_\_\_\_\_\_\_\_ test.

**Title IX of Education Amendments of 1972:** This law guaranteed that w\_\_\_\_\_\_\_\_\_\_ have the similar educational opportunities as men in programs receiving federal government funding.

**Gay and Lesbian Rights**

The civil rights movement of the 1960s heralded the rights of African Americans and Women. Subsequently it was extended to Latinos. Today such civil rights are being waged on behalf of the LGBT community.

|  |
| --- |
| **Court Cases and Laws for/against the Gay Community** |
| **Court Cases and Laws** | **Detail of Cases/laws** |
| *Bowers v. Hardwick (1986)* | Supreme Court ruled that a Georgia criminalizing sexual behavior in private between consenting adults was constitutional. |
| “Don’t Ask, Don’t Tell” (1994) | Created during the Clinton Administration. 2011, Pentagon ended the policy and allowed gays to serve openly in the military. |
| *Lawrence v. Texas (2003)* | Overturned *Bowers* that laws regarding private sexual conduct violate the right to privacy and are unconstitutional. |

**Full Faith and Credit Clause**

Under the Full Faith and Credit Clause of the Constitution (Article IV, Section 1), marriages recognized in one state are valid in all states.

In response to the issue of gay marriage, Congress passed the Defense of Marriage Act in 1996.

The legislation allows states to ignore same-sex marriages legal in other states and defines marriage in federal law as a legal union between one man and one woman.

***Obergefell v. Hodges* (2015)**

The Court held that the Due Process Clause of the Fourteenth Amendment guarantees the right to marry as one of the fundamental liberties it protects, and that analysis applies to same-sex couples in the same manner as it does to opposite-sex couples.

Court also held that the First Amendment protects the rights of religious organizations to adhere to their principles, but it does not allow states to deny same-sex couples the right to marry on the same terms as those of opposite- sex couples.

**3.13 AFFIRMATIVE ACTION**

Policies designed to give special attention or compensatory treatment of members of some previously disadvantaged groups.

**THE AFFIRMATIVE ACTION CONTROVERSY**

**Affirmative action -policies requiring s\_\_\_\_\_\_\_\_\_\_ efforts in employment, promotion, or school admissions on behalf of d\_\_\_\_\_\_\_\_\_\_\_\_ groups**

 –The goal of affirmative action is to move b\_\_\_\_\_\_\_\_\_ equal opportunity toward equal r\_\_\_\_\_\_\_\_\_\_\_.

 –Some groups have claimed that affirmative action programs constitute “r\_\_\_\_\_\_\_\_\_\_\_\_\_ discrimination.”

•Constitutionality of affirmative action programs

 –University of California Regents v. Bakke (1978)

 •Q\_\_\_\_\_\_\_\_\_\_\_ cannot be used for admissions (cannot reserve seats for racial minorities

•Affirmative action programs are not necessarily unconstitutional

**Can you have equal opportunity and achieve equal results? Explain.**

**Reaffirming the Importance of Diversity**

–*Gratzv. Bollinger (2003)*–race cannot be used as a “bonus” point

–*Grutterv. Bollinger (2003)*–race can be one of the factors to be considered in admissions

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

* UC Davis Medical School desired to produce more minority doctors so they set aside 16 (out of 100) places in the entering class for members of disadvantaged groups
* Alan Bakke, a white applicant, was repeatedly deferred even though his MCAT scores were substantially higher than most of the minority applicants who were accepted
* Affirmative Action laws are not unconstitutional, but q\_\_\_\_\_\_\_\_\_\_\_ in college admissions are u\_\_\_\_\_\_\_\_\_\_\_\_\_\_*.* The Court said the university could use race as one element in admissions.

**IS AFFIRMATIVE ACTION THE SAME THING AS QUOTAS?**

* Some, but not all, Affirmative Action programs use q\_\_\_\_\_\_\_\_\_
* Quotas require that a certain n\_\_\_\_\_\_\_\_\_\_ or p\_\_\_\_\_\_\_\_\_\_\_\_ of a disadvantaged group get a job
* For example, if it is proven that a police force actively discriminated against hiring minority officers, a q\_\_\_\_\_\_\_\_\_ may be used to c\_\_\_\_\_\_\_\_\_\_\_\_\_ past d\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_