CHAPTER 11: CIVIL RIGHTS

Section 1: Civil Rights and Discrimination
Section 2: Equal Justice Under Law
Section 3: Civil Rights Laws
Section 4: Citizenship and Immigration
SECTION 1: CIVIL RIGHTS AND DISCRIMINATION

Civil Rights in the United States

- What Are Civil Rights?
  - Equal status and treatment
    Example: Illegal to discriminate based on race
  - Equal participation in government
    Example: Right to vote
- How Have Civil Rights Changed?
  - At the time of the Declaration of Independence, American society viewed women and racial minorities as unequal to white men of European ancestry.
  - American society’s views now include equality for those groups previously denied equal treatment.
SECTION 1: CIVIL RIGHTS AND DISCRIMINATION

A Pattern of Discrimination
• In its history, the United States has practiced legalized discrimination toward minority groups based on prejudice, unfounded negative opinions, and racism, unfair treatment because of race.
• African Americans
  • Forced into slavery
  • 1857, Dred Scott v. Sandford: African Americans could never be U.S. citizens
  • Thirteenth Amendment abolished slavery, Fourteenth and Fifteenth Amendments granted citizenship and right to vote
• Native Americans
  • Effects of colonization of North America included diseases and loss of territory through force, violated treaties, and government policy regarding reservations
  • Forced onto reservations
  • Forced “Americanization”; prevented from speaking native language or maintaining traditional ways of life
SECTION 1: CIVIL RIGHTS AND DISCRIMINATION

- Asian Americans
  - Chinese Exclusion Act of 1882 effectively ended Chinese immigration
  - Japanese American Internment during World War II
- Hispanics
  - 1840s: U.S. took over the southwest leading to discrimination, violence, and loss of land
  - Immigrated from Puerto Rico, Cuba, Mexico for work and to escape political turmoil
- Women
  - Few rights before 1920
  - 1873, Bradwell v. Illinois: Women barred from practicing law
SECTION 2: EQUAL JUSTICE UNDER LAW

Equal Protection of the Law
The Equal Protection Clause

- 14th Amendment’s equal protection clause: “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.”
- Specifically targeted at states; protects civil rights

Reasonable Distinction

There are times when it is appropriate and legal to distinguish between different groups of people.

Three tests the courts use to determine fairness:

- Rational Basis Tests (“good reason”; driver’s license)
- Intermediate Scrutiny Test (higher standard; Selective Service)
- Strict Scrutiny Test (highest standard)
  - Restriction of a fundamental right
  - Classification made based on race or national origin (“suspect classification”)
SECTION 2: EQUAL JUSTICE UNDER LAW

- **Korematsu v. United States (1944)** refused to leave California, discrimination, ruled against to protect public
- **Loving v Virginia (1967)** law outlawing marriage between whites and blacks

### Applying Equal Protection

**United States v. Virginia (1996)**

**Test Applied:** Intermediate scrutiny

**Background:** The Virginia Military Institute (VMI), a public military college, denied admission to women. In 1990 the U.S. Department of Justice sued the state of Virginia to force an end to this policy, arguing that it violated the equal protection clause of the Constitution.

**Decision:** In a 7–1 decision, the Supreme Court ruled that VMI failed to show a persuasive justification for excluding women and was in violation of the equal protection clause. It ordered VMI to admit women.

Male and female cadets at VMI listen to a lecture in 2007.
SECTION 2: EQUAL JUSTICE UNDER LAW

- Laws and Segregation After The Civil War
  - Post–Civil War Laws
    - 13th, 14th, 15th Amendments
    - Many federal civil rights laws
    - Little effect on society
  - Racial Segregation
    - Progress in the South, 1865–1877
    - Compromise of 1877 led to:
      - Violence
        - Segregation: separation of racial groups
  - Jim Crow laws
    - Aimed at African Americans
    - Raised positions of whites while lowering nonwhites
    - Examples: schools, theaters
SECTION 2: EQUAL JUSTICE UNDER LAW

- Separate-but-equal doctrine
  - 1896, Plessy v. Ferguson: Louisiana law requiring separate railway cars for whites
  - Allowed separate facilities so long as they were “equal”

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<tr>
<th>Early Civil Rights: Reconstruction Amendments and Laws</th>
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<tr>
<td>Thirteenth Amendment (1865)</td>
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<td>Outlawed slavery in the United States</td>
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<td>Civil Rights Act of 1866</td>
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<td>Sought to guarantee African Americans the right to sue, own property, and be a witness in court</td>
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<td>Fourteenth Amendment (1868)</td>
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<td>Granted citizenship to African Americans and required states to provide all people “due process” and “equal protection”</td>
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<td>Fifteenth Amendment (1870)</td>
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<td>Granted African American men the right to vote</td>
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<td>Civil Rights Act of 1871</td>
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<td>Sought to protect African Americans from Ku Klux Klan violence</td>
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<td>Allowed individuals to sue state officials for civil rights violations</td>
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<td>Civil Rights Act of 1875</td>
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<td>Sought to grant African Americans equal access to public places</td>
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<td>Overturned by the Supreme Court in the Civil Rights Cases of 1883</td>
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SECTION 2: EQUAL JUSTICE UNDER LAW

- **Voting Rights for Women**
  - Women’s demand for equal rights grew out their participation in the struggle for African Americans’ rights. The main goal was women’s suffrage (right to vote).
  - **The Women’s Movement Begins**
    - 1848: Seneca Falls Convention
    - Conflict in women’s support of Fifteenth Amendment
    - States, especially in the West, begin giving women voting rights.
  - **Winning the Vote**
    - Early 1900’s: Suffrage effort began again
    - 1920: Nineteenth Amendment
    - The right of citizens….. To vote shall not be denied …. On account of sex
SECTION 2: EQUAL JUSTICE UNDER LAW

- Rolling Back Segregation
  - Early Legal Challenges
    - NAACP fought to end *de jure segregation* (legal segregation)
    - Example: Gaines v. Canada (1938), Sweatt v. Painter (1950)
    - Brown v. Board of Education of Topeka, Kansas (1954) In this case the Supreme Court ruled that de jure segregation violated the equal protection clause of the Constitution. This decision led to desegregation and helped spark the civil rights movement.
      - Filed on behalf of all African American students; overturned Plessy v. Ferguson
  - School Desegregation
    - Schools begin phasing out separation of groups based on race
    - *De facto segregation* (segregation in fact; reflect social and economic differences between groups)
Section 3: Civil Rights Laws

- The Civil Rights Movement
  - Civil rights movement: mass movement during 1950s and 1960s to guarantee civil rights of African Americans
  - protests against injustice, segregation
  - support for new federal civil rights laws
  - Key Events:
    - 9 African American students enter Central High School, Little Rock, AR
    - Rosa Parks refuses to give up seat on bus, resulting in bus boycott led by Martin Luther King Jr., and successful suit against city of Montgomery, AL by NAACP
    - Nonviolent protests were strategies used by activists
    - Acts of civil disobedience (nonviolent refusal to obey law) common.
    - 1963: March on Washington
    - 1965: March from Selma to Montgomery; violent images led to passage of new federal civil rights laws
SECTION 3: CIVIL RIGHTS LAWS

- New Federal Laws
  - Civil Rights Laws under Eisenhower
    - Civil Rights Act of 1957 (Civil Rights Commission)
    - Civil Rights Act of 1960 (voting)
  - Civil Rights Act of 1964
    - Banned discrimination based on race, color, religion, sex, or national origin in voting, employment, public accommodations
    - Age added in 1967
    - Under the commerce clause
  - Voting Rights Laws
    - Twenty-fourth Amendment (banned poll tax: tax on someone attempting to vote)
    - Voting Rights Act of 1965 (banned literacy tests)
  - Effects of New Federal Laws
    - Desegregation
    - Housing
    - Jobs
    - Voting
    - Public accommodations
## Section 3: Civil Rights Laws

### Modern Civil Rights: Federal Laws

In response to the civil rights movement, Congress passed a series of federal laws in a renewed attempt to guarantee all Americans’ civil rights.

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<td>Established the Civil Rights Commission to investigate civil rights violations; created a civil rights division in the Department of Justice to enforce civil rights laws</td>
<td>Gave the federal government the power to inspect local voter registration rolls and penalize anyone who obstructs a person’s right to vote</td>
<td>Banned the use of poll taxes in federal elections</td>
<td>Banned discrimination based on race, color, national origin, or sex in voting, employment, and public accommodations; created the Equal Employment Opportunity Commission</td>
<td>Banned unfair tests in voting, such as literacy tests; allowed federal agents to help register African American voters</td>
<td>Banned discrimination in the sale, rental, or financing of housing</td>
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Section 3: Civil Rights Laws

- Extending Civil Rights
  - Women
    - 1963: Equal Pay Act
    - 1972: Title IX of the Education Amendments
    - 1975: Equal Credit Opportunity Act
  - Hispanics
    - 1946, Mendez v. Westminster
    - 1954, Hernandez v. Texas
  - Native Americans
    - Protested to expand civil rights (Example: AIM)
    - Indian Self-Determination and Education Assistance Act of 1975
    - 1978: American Indian Religious Freedom Act
  - People with Disabilities
    - 1990: Americans with Disabilities Act
Section 3: Civil Rights Laws

- **Affirmative Action**
  - Years of past discrimination resulted in women and minorities being underrepresented in certain businesses and education. Affirmative action aims to provide opportunities for them.

  - **Early Affirmative Action Efforts**
    - Began in 1960s
    - Late 1970s: affirmative action controversial
    - Some people claimed they were victims of reverse discrimination, discrimination against the majority group

  - **The Bakke Case**
    - Allan Bakke denied entry to medical school with quota (fixed number or percentage) of minorities needed
    - Regents of the University of California v. Bakke (1978), Supreme Court ruled university’s quota system invalid
SECTION 3: CIVIL RIGHTS LAWS

- **The Michigan Cases**
  - Two cases questioning affirmative action at University of Michigan
  - Court ruled in favor of applicant in *Gratz v. Bollinger (2003)*
  - Court ruled against applicant in *Grutter v. Bollinger (2003)*

- **Ballot Measures**
  - Several states passed laws (voter initiatives) limiting affirmative action
  - California, 1996; Washington, 1998; Michigan, 2006

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### Major Supreme Court Rulings on Affirmative Action

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<tr>
<th>Ruling</th>
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<td>Race can be used as one factor in college admissions, but quota systems are unconstitutional.</td>
<td><em>Regents of the University of California v. Bakke (1978)</em></td>
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<td>Consideration of sex as a factor in promotions is acceptable.</td>
<td><em>Johnson v. Transportation Agency, Santa Clara County, California (1987)</em></td>
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<td>Affirmative action must be targeted at specific problems of past discrimination, not general discrimination by society as a whole.</td>
<td><em>Adarand Constructors, Inc. v. Peña (1995)</em></td>
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<tr>
<td>Reaffirmed that race can be used as one factor in admissions, but overturned a system that awarded points to minorities</td>
<td><em>Gratz v. Bollinger and Grutter v. Bollinger (2003)</em></td>
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DEBATING THE ISSUE: AFFIRMATIVE ACTION

- Should the government promote affirmative action to help address the effects of past discrimination?
- Since 1965 federal law has required many public institutions and private companies to institute affirmative action policies to provide more opportunities for members of historically underrepresented groups, such as racial minorities and women. Affirmative action policies vary widely, employing methods such as recruitment, quotas, and proportional representation. However, these policies have been controversial, drawing both praise and criticism. Although the Supreme Court has ruled on a number of affirmative action cases, it has overturned about as many policies as it has upheld.
SECTION 4: CITIZENSHIP AND IMMIGRATION

- **US Citizenship**
  - People become U.S. citizens in several ways:
    - **Citizenship by Birth**
      - jus soli (“law of the soil”)
      - jus sanguinis (“law of the blood”)
    - **Citizenship by Naturalization**
      - legal process by which an immigrant becomes a citizen
  - **Losing Citizenship**
    - Denaturalization: loss of naturalized citizenship
    - Expatriation: giving up citizenship
- **Civic Responsibilities**
  - Respect and obey law; respect rights of others
  - Loyalty to government; pay taxes; vote
- **Civic Identity**
  - common devotion to democracy, individual liberties, civil rights
SECTION 4: CITIZENSHIP AND IMMIGRATION

Immigration Policies

- **Encouraging Immigration**
  - At first plenty of land and resources
  - Over time, less land; different languages and cultures

- **Restricting Immigration**
  - Laws restricting numbers of immigrants, especially from Asia, Africa, Latin America
  - **Nationality Act of 1965**, did away with country-based quota system, allowed 290,000 immigrants per year, gave preference to skilled workers, relatives of U.S. citizens
  - Law updated in 1990, allows about 675,000 immigrants annually

- **Political Asylum and Refugees**
  - Separate immigration policies for refugees
  - United States accepts more refugees than any other country
SECTION 4: CITIZENSHIP AND IMMIGRATION

- Illegal Immigration
  - The Situation Today
    - Undocumented alien: Someone who lives in a country without authorization from the government
    - Deportation: Legal process of forcing a noncitizen to leave a country
    - Difficult to determine exact number in United States
    - Most from Mexico and Latin America
  - The Debate over Illegal Immigration
    - Pro: Hard workers who contribute to U.S. economy
    - Con: Drain on government services

- Illegal Immigration Policies
  - Immigration Reform and Control Act, 1986
  - Effect of September 11, 2001, terrorist attacks

- Congress had been unable to pass comprehensive immigration reform