

LESSON 12

CIVIL RIGHTS

(456-458, 479-495)

UNIT 2

Civil Liberties and Civil Rights

(≈10%)

RACIAL EQUALITY

- Civil rights are the constitutional rights of all persons, not just citizens, to due process and the equal protection of the laws: the constitutional right not to be discriminated against by governments or individuals because of race, ethnic background, religion, or gender.
- Civil Rights Act of 1964 - Ended segregation in public places 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 federal offense to discriminate against any customer or patron in a place of public accommodation 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
 - 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
- Civil Rights Act of 1968 (Fair Housing Act of 1968)
 - Forbids owners to refuse to sell or rent to any person because of race, color, religion, national origin, sex (since 1978), handicap, or because a person has children (since 1988)
- Americans with Disabilities Act, 1990
 - Prohibits discrimination based on disability
 - Requires employers to provide reasonable accommodations to employees with disabilities
 - Requires facilities be made accessible to those with disabilities

WOMEN'S RIGHTS

- First feminist wave
 - Struggle for suffrage – 19th Amendment, 1920
- Second feminist wave: 1960-present
 - Rise of National Organization for Women (NOW), 1966 – dedicated to women's rights
 - Other women's groups such as EMILY'S List, 1985 – pro-choice
 - Legislation
 - Equal Pay Act of 1963
 - Title VII of Civil Rights Act of 1964 prohibited employment discrimination on the basis of sex
 - Proposal, ratification struggle, and defeat of ERA
 - Title IX of Education Act of 1972 prohibited gender discrimination in federally subsidized education programs, including athletics

PRIVACY RIGHTS - ABORTION

- Fundamental rights are those which are explicitly in the Constitution (Bill of Rights)
- Such rights also include those which are implicitly in the Constitution (travel, political association, privacy – *Griswold v. Connecticut*, 1965).

- Abortion Cases:
 - Prior to 1973: states set own abortion policies.
 - *Roe v. Wade*, 1973: established trimester guidelines. Based upon right of privacy implied in Bill of Rights.
 - *Webster v. Reproductive Health Services*, 1987: did not overturn *Roe*, but gave states more leeway in restricting abortion.
 - *Planned Parenthood v. Casey*, 1992: somewhat defined that leeway: states cannot impose an “undue burden” on a women’s right to an abortion.

PRIVACY RIGHTS - HOMOSEXUALS

- *Lawrence v. Texas* (2003) – Court struck down Texas sodomy law through use of “liberty” part of 14th Amendment’s due process clause
- *Obergefell v. Hodges* (2015) – Same-sex couples right to marry is protected by the due process clause and the equal protection clause of the 14th Amendment
- Most effective way to secure rights has been through litigation in the courts to gain protections against discrimination

VOTING RIGHTS - PROTECTING VOTING RIGHTS

- After federal troops withdrew from the South in 1877, southern Democrats used social pressure, violence, and terrorist activities to keep African-Americans from voting
- Southern States created Jim Crow laws that made it difficult or impossible for African-Americans to vote; use of grandfather 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)
 - Poll tax
 - Registration requirements
 - Literacy tests

THE 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 literacy tests
 - Empowered federal officials to register voters
 - Empowered federal officials to ensure that citizens could vote (w/ marshals)
 - Empowered federal officials to count ballots
 - Requires states to include ballots in languages other than English if a significant number of non-English speakers reside in an area
- Effects
 - Huge increase in black turnout
 - Large increase in number of black elected officials
 - Forced white elected officials to take into account the needs of blacks

ADDITIONAL DEVELOPMENTS

- *Shaw v. Reno*, 1993 – majority-minority districts are LEGAL
 - Supreme Court announced that states may take race into account, they may not make race the sole reason for drawing district lines
- Effect – Major instrument for increasing the number of African American and other minority voters

FREE RESPONSE QUESTION (FRQ) REVIEW

1. In the past, obstacles were presented to racial minority groups in their efforts to gain political influence.
 - (a) Explain how literacy tests presented obstacles to racial minority groups in their efforts to achieve political goals.
 - (b) Explain how racial gerrymandering presented obstacles to racial minority groups in their efforts to achieve political goals.

2. Initially, the United States Constitution did little to protect citizens from actions of the states. In the twentieth century, the Supreme Court interpreted the Constitution to protect the rights of citizens from state governments in a process referred to as incorporation.
 - (a) Define selective incorporation
 - (b) Explain how privacy rights have been incorporated. Your explanation must be based on a specific and relevant Supreme Court decision.

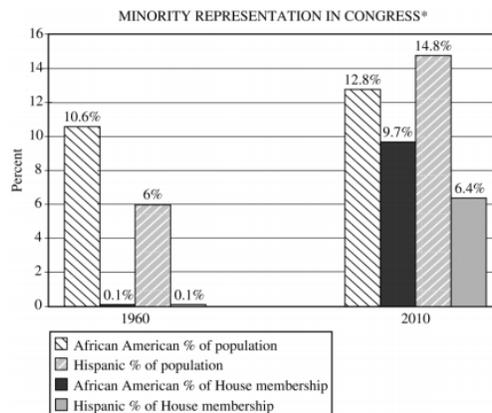
3. The power of the federal government relative to the power of the states has increased since the ratification of the Constitution.
 - (a) Explain how each of the following has increased the power of the federal government relative to the power of the state governments.
 - Americans with Disabilities Act
 - Civil Rights Act of 1964

4. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." - Fifteenth Amendment to the United States Constitution, 1870 Despite the ratification of the Fifteenth Amendment, voter turnout among African American citizens was very low throughout the first half of the twentieth century. Over the past 50 years, civil rights policies have changed substantially, along with a significant increase in African American voter turnout.
 - (a) Explain how two measures taken by some states prior to the 1960s affected voter turnout among African American citizens.
 - (b) Facing discrimination at the voting booth, many African American citizens turned to alternative forms of political participation. Describe two alternative forms of participation that helped bring about changes in civil rights policies.

5. The Fourteenth Amendment protects civil rights and civil liberties.
 - (a) Describe the difference between civil rights and civil liberties.
 - (b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights.
 - (c) Describe a specific legislative action that extended civil rights to each of the following.
 - Women
 - Persons with disabilities

6. The Constitution limited the power of the national government and restricted popular control; however, citizen participation has changed over time.
 - (a) Describe a constitutional amendment that increased suffrage.
 - (b) Describe the effect of the Voting Rights Act of 1965 on citizen participation in elections.

7. (a) Using the chart, compare minority representation in 1960 and 2010.
 - (b) Explain how each of the following assisted in the removal of barriers to minority voting.
 - Voting Rights Act of 1965
 - Twenty-fourth Amendment



MULTIPLE CHOICE (MC) REVIEW

- The Thirteenth Amendment bans slavery. When was it passed?
 - when the South seceded from the Union
 - during the Civil War
 - immediately after the Civil War
 - immediately after Reconstruction
 - during the civil rights movement
- The Fourteenth Amendment attempted to guarantee which of the following to former slaves?
 - forty acres of farmland and a mule
 - free university education
 - economic equality with whites
 - citizenship rights
 - debt forgiveness
- Which of these does the Civil Rights Act of 1964 ban?
 - poll taxes and grandfather clauses
 - discrimination in public accommodations
 - integration in public transportation
 - discrimination based on sexual orientation
 - nonviolent direct action
- Why did Congress pass the Voting Rights Act of 1965?
 - in order to facilitate the prosecution of those who had restricted the voting rights of African Americans
 - because Congress was afraid the Reverend Martin Luther King Jr. would lead a boycott of white businesses if the legislation was not passed
 - to prevent the race riots from spreading from African American neighborhoods into traditionally white neighborhoods
 - the Supreme Court had determined that only the national government could regulate elections
 - because it was clear that the South had no intention of living up to the spirit of the Fifteenth Amendment
- The civil rights movement pushed for racial equality. When did this movement take place?
 - immediately after the Civil War
 - during Reconstruction
 - during the early 1900s
 - during the 1950s and 1960s
 - after passage of the Equal Rights Amendment
- What did Jim Crow laws mandate?
 - voting rights
 - racial segregation
 - poll taxes
 - grandfather clauses
 - black codes
- Women were guaranteed the right to vote by _____.
 - Korematsu v. United States*
 - Reed v. Reed*
 - the Nineteenth Amendment
 - the 1964 Civil Rights Act
 - the 1965 Voting Rights Act
- What provision of the Fourteenth Amendment serves as a cornerstone of our understanding of civil rights?
 - the equal protection clause
 - the all men are created equal clause
 - the privileges and immunities clause
 - the Equal Rights Amendment
 - the grandfather clause
- Tests given to African Americans with questions that are far more difficult than those asked on comparable tests given to whites have been used to discriminate against African Americans in what area?
 - running for office
 - employment
 - serving on juries
 - admission to college
 - voting
- Which of the following situations would most likely be a violation of Title IX?
 - an election jurisdiction that does not provide bilingual ballots when there is a large bilingual community
 - a legal prohibition on hiring women for positions that are known to be hazardous to women's reproductive health
 - a college that spends significantly more on sports programs for men than for women
 - job applications that are not made accessible to the blind
 - an employer who systematically pays women less than men for doing comparable work

11. The Supreme Court's decision in *Lawrence v. Texas* (2003) primarily enhanced the civil liberties of _____.
 - (A) African Americans
 - (B) Asians
 - (C) American Indians
 - (D) gays and lesbians
 - (E) disabled Americans

12. In the South after Reconstruction, what did the Democratic Party use to prevent African Americans from having a meaningful impact on the outcome of elections?
 - (A) Jim Crow laws
 - (B) whites-only primaries
 - (C) majority-minority districts
 - (D) *de facto* segregation/discrimination
 - (E) affirmative action

13. Which of the following accommodations would an employer most likely have to make to be in compliance with the Americans with Disabilities Act?
 - (A) hiring a disabled person instead of an equally qualified person without a disability
 - (B) providing better medical insurance for employees who have a disability
 - (C) lowering expectations for the quality of work performed by employees with disabilities
 - (D) ensuring that employees who use a wheelchair have jobs that shield them from public contact
 - (E) installing a ramp and other physical accommodations for someone who uses a wheelchair

14. The Civil Rights Act of 1964 was designed to overturn which of the following?
 - (A) integration
 - (B) Jim Crow laws
 - (C) nonviolent direct action
 - (D) the Fifteenth Amendment
 - (E) Reconstruction

15. What provision of the Constitution did Congress use to justify laws prohibiting discrimination in public accommodations, such as hotels and restaurants?
 - (A) the commerce clause
 - (B) the Eighteenth Amendment
 - (C) the First Amendment
 - (D) the full faith and credit clause
 - (E) the supremacy clause

16. The provision of the Fourteenth Amendment that prohibits any state from denying "any person within its jurisdiction the equal protection of the laws" is known as the _____ clause.
 - (A) due process
 - (B) jurisdiction
 - (C) grandfather
 - (D) equal protection
 - (E) privileges and immunities

17. Why did southern states enact poll taxes?
 - (A) to raise revenue for the government
 - (B) to ensure that only people who really want to vote would do so
 - (C) to get around the Fifteenth Amendment
 - (D) to enfranchise former slaves
 - (E) because literacy is necessary for democracy to function

18. How are the Fourteenth Amendment and the Civil Rights Act of 1964 similar?
 - (A) They both were enacted quickly and easily.
 - (B) They both passed the strict scrutiny test administered by the Supreme Court.
 - (C) They were both based on Congress's power to regulate interstate commerce.
 - (D) They both sought equal rights for women.
 - (E) They both sought equal rights for African Americans.