



LESSON 13

EDUCATION RIGHTS (496-500)

UNIT 2

Civil Liberties and Civil Rights (≈10%)

PLESSY V. FERGUSON (1896)

- The Court endorsed the separate-but-equal doctrine
- Separate but equal always resulted in discrimination against African-Americans, leading to lawsuits challenging the doctrine

BROWN V. BOARD OF EDUCATION (1954)

- The Court reversed its *Plessy* decision; segregation is itself discrimination (separate-but-equal unconstitutional)
- *Brown I* was the end of segregation
- *Brown II* was the process of integration
- Title VI of the Civil Rights Act of 1964 stipulates that federal dollars under any grant or project be withdrawn from a school that discriminates (Civil Rights Act of 1964 essentially ends Jim Crow laws)

FROM SEGREGATION TO DESEGREGATION

- *de jure* segregation – segregation imposed by law
 - 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
 - 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)

THE AFFIRMATIVE ACTION CONTROVERSY

- Affirmative action - policies requiring special efforts in employment, promotion, or school admissions on behalf of disadvantaged groups
 - The goal of affirmative action is to move beyond equal opportunity toward equal results.
 - Some groups have claimed that affirmative action programs constitute "reverse discrimination."
- Constitutionality of affirmative action programs
 - *University of California Regents v. Bakke (1978)*
 - Quotas cannot be used for admissions (cannot reserve seats for racial minority groups)
 - Affirmative action programs are not necessarily unconstitutional
- Reaffirming the Importance of Diversity
 - *Gratz v. Bollinger (2003)* – race cannot be used as a "bonus" point
 - *Grutter v. Bollinger (2003)* – race can be one of the factors to be considered in admissions

FREE RESPONSE QUESTION (FRQ) REVIEW

1. Many scholars and observers have argued that the ratification of the Fourteenth Amendment to the Constitution has become the single most important act in all of United States politics.
 - (a) Identify which provision of the Fourteenth Amendment was applied in the Supreme Court case *Regents of the University of California v. Bakke* (1978) and explain the significance of the decision in United States politics.

2. Segregation has existed in America whether by law or by practice.
 - (a) Compare *de facto* segregation with *de jure* segregation.
 - (b) In *Plessy v. Ferguson*, explain what did the Supreme Court said about the relationship between *de jure* segregation and equality.
 - (c) Explain what did the Supreme Court said about this relationship in *Brown v. Board of Education*.

3. The South had successfully avoided the promises of the Fourteenth and Fifteenth Amendments through various mechanisms.
 - (a) Define the Civil Rights Act of 1964 and the Voting Rights Act of 1965
 - (b) Explain why the two acts in (a) were necessary given that the Fourteenth and Fifteenth Amendments were enacted decades beforehand.

MULTIPLE CHOICE (MC) REVIEW

- In *Regents of the University of California v. Bakke* (1978), the Supreme Court determined that _____ were unconstitutional.
(A) poll taxes
(B) grandfather clauses
(C) all forms of affirmative action
(D) Jim Crow laws
(E) racial quotas
- What strategy did the National Association for the Advancement of Colored People (NAACP) use most effectively to advance civil rights for African Americans?
(A) boycotts
(B) protests
(C) litigation
(D) nonviolent direct action
(E) marches and rallies
- What was the basis for the Supreme Court's decision in *Plessy v. Ferguson* (1896) that upheld the constitutionality of a state law requiring segregated railroad facilities?
(A) Former slaves are not entitled to full citizenship rights because they did not immigrate to the United States willingly.
(B) Former slaves are not entitled to full citizenship rights because they were considered property under the law.
(C) The Constitution does not prohibit segregation; it only mandates equal protection under the law.
(D) Railroad transportation involves interstate commerce, which is regulated by Congress; there is no provision in federal law that prohibits segregation.
(E) Each state has the right to interpret the Constitution as it sees fit, as long as the interpretation is "reasonable and without malice."
- What did the Supreme Court determine was unconstitutional in *Brown v. Board of Education*?
(A) integrated schools
(B) poll taxes
(C) segregation of schools
(D) unequal school funding
(E) school busing
- What is the source of *de facto* segregation and discrimination?
(A) practice
(B) law
(C) the Constitution
(D) Congress
(E) affirmative action
- Which of the following is an example of *de jure* segregation?
(A) Jim Crow laws
(B) the tendency for churches to be racially homogeneous
(C) the small number of African American senators
(D) sequestering the jury in order to ensure a fair trial
(E) Title IX legislation
- What was the Supreme Court's justification for overturning the separate-but-equal doctrine?
(A) The Supreme Court did not have all of the facts when it adopted the separate-but-equal doctrine.
(B) The separate-but-equal doctrine was never intended to apply to people.
(C) The quality of life for African Americans in the South had deteriorated considerably since the adoption of the separate-but-equal doctrine.
(D) The Supreme Court needed to step in because the South had been unwilling to segregate educational facilities as required by *Plessy v. Ferguson*.
(E) Segregated schools stigmatize minority children and are inherently unequal.
- Which of the following affirmative action programs would be a clear violation of the Supreme Court's decision in *Regents of the University of California v. Bakke* (1978)?
(A) considering race as a factor in university admissions decisions
(B) considering how an applicant would contribute to the diversity of the university
(C) considering applicants' academic and extracurricular achievements
(D) admitting some minority applicants with lower academic achievement than some rejected white applicants
(E) setting aside a certain percentage of admissions slots for African American students

9. Which of the following arguments would most likely be made by an opponent of affirmative action policies?
- (A) Affirmative action helps to compensate for past discrimination.
 - (B) Discrimination is a natural part of the human experience.
 - (C) Affirmative action discriminates on the basis of race.
 - (D) Diversity helps Americans better understand each other.
 - (E) Unaddressed past discrimination causes perpetual inequality.
10. Why did the Supreme Court strike down an affirmative action program in *Gratz v. Bollinger* (2003) but uphold a different affirmative action program in *Grutter v. Bollinger* (2003)?
- (A) The *Gratz* program was predicated on promoting diversity, while the *Grutter* program was predicated on remedying past discrimination.
 - (B) The *Gratz* program used race as a "plus factor," while the *Grutter* program relied on a race-based quota system.
 - (C) The *Gratz* program used a mechanical, point-based system, while the *Grutter* program used race as part of an individualized, holistic review.
 - (D) The *Gratz* program classified applicants by race, while the *Grutter* program classified applicants by ethnicity.
 - (E) The *Grutter* program had a history of discrimination, while the *Gratz* program was for an already diverse school.
11. If you thought you were getting an inferior public education because of your ethnicity, which part of the Constitution would you rely on most heavily to justify your case?
- (A) the First Amendment
 - (B) the Thirteenth Amendment
 - (C) the Fourteenth Amendment
 - (D) the Nineteenth Amendment
 - (E) the Equal Rights Amendment
12. What is the status of affirmative action in college admissions after the Supreme Court decisions in the two cases involving the University of Michigan, *Gratz v. Bollinger* (2003) and *Grutter v. Bollinger* (2003)?
- (A) Affirmative action policies are generally permissible, but they cannot involve race-based quotas or numerical point systems.
 - (B) Affirmative action policies are assumed to be unconstitutional unless the university can demonstrate the need to promote racial tolerance.
 - (C) Affirmative action policies are assumed to be constitutional unless an applicant can demonstrate that race affected the admissions decision.
 - (D) Affirmative action policies must ensure that all racial and ethnic groups are represented in accordance with the population of the nation as a whole.
 - (E) All forms of affirmative action are unconstitutional because they unfairly favor some people over others based on the color of their skin.