CHAPTER 5

CIVIL RIGHTS AND PUBLIC POLICY

CHAPTER OUTLINE

I. Introduction (pp. 139-141)
   A. Civil rights are policies that extend basic rights to groups historically subject to discrimination.
   B. Debates on inequality in America center on racial discrimination, gender discrimination, and discrimination based on age, disability, sexual orientation, and other factors.

II. Racial Equality: Two Centuries of Struggle (pp. 141-144)
   A. Conceptions of Equality
     1. Equality of opportunity: everyone should have the same chance.
     2. Equal results or rewards: everyone should have the same rewards.
   B. Early American Views of Equality
   C. The Constitution and Inequality. The Fourteenth Amendment provides for equal protection of the laws, resulting in expansive constitutional interpretation.

III. Race, the Constitution, and Public Policy (pp. 144-157)
   A. The Era of Slavery
     2. The Civil War and the Thirteenth Amendment ended slavery.
   B. The Era of Reconstruction and Resegregation
     1. Jim Crow laws (segregation laws) established in the South.
     2. Plessy v. Ferguson justified segregation through the “equal but separate” doctrine.
   C. The Era of Civil Rights
     2. The civil rights movement organized to end the policies and practice of segregation.
     3. The Civil Rights Act of 1964 made racial discrimination illegal in places of public accommodation and in employment.
   D. Getting and Using the Right to Vote
     1. Suffrage was guaranteed to African Americans by the Fifteenth Amendment in 1870.
     2. Southern practices to deny African American suffrage (literacy tests, grandfather clause, poll taxes, and the White primary) were gradually struck down by the Supreme Court and the Twenty-fourth Amendment.
3. The **Voting Rights Act of 1965** prohibited any government from using voting procedures that denied a person the vote on the basis of race or color.

E. Other Minority Groups
1. Native Americans
2. Hispanic Americans
3. Asian Americans: *Korematsu v. United States*, 1944, upheld the internment of Japanese Americans during World War II.
4. Other Groups

IV. Women, the Constitution, and Public Policy (pp. 157-166)
A. The Battle for the Vote: the **Nineteenth Amendment** gave women the right to vote.
B. The “Doldrums”: 1920-1960
1. Public policy toward women was dominated by protectionism.
2. The **Equal Rights Amendment** was first introduced in Congress in 1923.
C. The Second Feminist Wave
1. *Reed v. Reed* (1971) ruled that any “arbitrary” sex-based classification violated the Fourteenth Amendment.
D. Women in the Workplace: Congressional acts and Supreme Court decisions have reduced sex discrimination in employment and business activity.
E. Wage Discrimination and Comparable Worth: Women should receive equal pay for jobs of “comparable worth.”
F. Women in the Military
1. Only men must register for the draft.
2. Statutes and regulations prohibit women from serving in combat.
G. Sexual Harassment: The Supreme Court has ruled that sexual harassment that is so pervasive as to create a hostile or abusive work environment is a form of sex discrimination.

V. Newly Active Groups Under the Civil Rights Umbrella (pp. 166-171)
A. Civil Rights and the Graying of America
B. Civil Rights and People with Disabilities: the **Americans with Disabilities Act of 1990** required employers and public facilities to make reasonable accommodations and prohibited employment discrimination against the disabled.
C. Gay and Lesbian Rights

VI. Affirmative Action (pp. 171-175)
A. **Affirmative action** involves efforts to bring about increased employment, promotion, or admission for members of groups that have suffered invidious discrimination.
B. In *Regents of the University of California v. Bakke* (1978), the Court ruled against the practice of setting aside a quota of spots for particular groups.

C. The Court has been more deferential to Congress than to local government in upholding affirmative action programs.

D. In *Adarand Constructors v. Peña* (1995), the Court ruled that federal programs that classify people by race are constitutional only if they are “narrowly tailored” to accomplish a “compelling governmental interest.”

E. Opponents view affirmative action as reverse discrimination.

VII. Understanding Civil Liberties and the Constitution (pp. 175-176)

A. Civil Rights and Democracy: equality favors majority rule that may threaten minority rights.

B. Civil Rights and the Scope of Government: civil rights laws increase the scope and power of government.

VIII. Summary (pp. 176-177)

**LEARNING OBJECTIVES**

After studying Chapter 5, you should be able to:

1. Understand the historical and constitutional basis of the struggle for equal rights.

2. Discuss the struggle for equality for African Americans in terms of three historical eras, the Constitution, and public policy.

3. Explain how women have gained civil rights and what equality issues remain important for women today.

4. Describe the new groups in the civil rights movement.

5. Explain the controversy over the issue of affirmative action.

6. Understand the impact of civil rights on democracy and the scope of government.

The following exercises will help you meet these objectives:

Objective 1: Understand the historical and constitutional basis of the struggle for equal rights.

1. What are the three key types of inequality in America?
2. Explain the two major conceptions of equality.

3. What is the only mention of the idea of equality in the Constitution?

4. Explain the Supreme Court’s three standards for classifications under the equal protection clause and give an example of each.

Objective 2: Discuss the struggle for equality for African Americans in terms of three historical eras, the Constitution, and public policy.

1. Complete the following table listing the three eras of the struggle for African American equality, the major policy focus during each era, major court cases and their importance in each era, and any acts of Congress or constitutional amendments passed during each era.

3. What is the difference between *de jure* segregation and *de facto* segregation?

4. List the six major provisions of the Civil Rights Act of 1964.

   1.
   2.
   3.
   4.
   5.
   6.
5. List and explain four ways in which the southern states denied African Americans the right to vote.

1. 

2. 

3. 

4. 

6. What was the impact of the Voting Rights Act of 1965?

7. List three other minority groups that have faced discrimination similar to that experienced by African Americans.

1. 

2. 

3. 

Objective 3: Explain how women have gained civil rights and what equality issues remain important for women today.

1. Explain the policy of “protectionism.”

2. What was the Equal Rights Amendment?
3. List and explain the significance of four Supreme Court cases dealing with sex-based discrimination.
   1. 
   2. 
   3. 
   4. 

4. How has Congress attempted to end sex discrimination in the area of employment?

5. What is meant by “comparable worth”?

6. In what two ways are women legally treated differently in the military?
   1. 
   2. 

7. How has the Supreme Court dealt with the issue of sexual harassment?

Objective 4: Describe the new groups in the civil rights movement.

1. In what ways are the elderly discriminated against in American society?
2. What are the main provisions of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990?

3. Why might gays and lesbians face the toughest battle for equality?

Objective 5: Explain the controversy over the issue of affirmative action.

1. Define the term “affirmative action.”

2. List four cases in which the Supreme Court seems to support affirmative action and four cases in which it seems to oppose affirmative action.

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Objective 6: Understand the impact of civil rights on democracy and the scope of government.

1. How does equality threaten liberty?

2. How do civil rights laws increase the scope and power of government?
KEY TERMS

Identify and describe:

civil rights

Fourteenth Amendment

equal protection of the laws

*Scott v. Sandford* (1857)

Thirteenth Amendment

*Plessy v. Ferguson* (1896)

*Brown v. Board of Education* (1954)

Civil Rights Act of 1964

suffrage

Fifteenth Amendment

poll taxes
White primary

Twenty-fourth Amendment

Voting Rights Act of 1965

*Korematsu v. United States* (1944)

Nineteenth Amendment

Equal Rights Amendment

*Reed v. Reed* (1971)

*Craig v. Boren* (1976)

comparable worth

Americans with Disabilities Act of 1990 (ADA)

affirmative action
Regents of the University of California v. Bakke (1978)


Compare and contrast:

Fourteenth Amendment and equal protection of the laws

Dred Scott v. Sandford and Thirteenth Amendment

Plessy v. Ferguson and Brown v. Board of Education

Civil Rights Act of 1964 and Voting Rights Act of 1965

suffrage and Fifteenth Amendment

poll taxes and White primary

Twenty-fourth Amendment and poll taxes

Nineteenth Amendment and Equal Rights Amendment
Reed v. Reed and Craig v. Boren

affirmative action and Regents of the University of California v. Bakke

affirmative action and Adarand Constructors v. Peña

Name that term:

1. Policies that extend basic rights to groups historically subject to discrimination.

_________________________

2. The Fourteenth Amendment forbids the state from denying this to their citizens.

_________________________

3. The Supreme Court case that justified segregation.

_________________________

4. This law made racial discrimination illegal in hotels, motels, restaurants, and other places of public accommodations.

_________________________

5. A device that permitted political parties in the heavily Democratic South to exclude blacks from primary elections.

_________________________
6. This case upheld the internment of Japanese Americans in encampments during World War II.

7. “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.”

8. This idea suggests that women should receive equal pay with men for jobs demanding similar skills.

9. The law that requires employers and public facilities to make reasonable accommodations for disabled people.

USING YOUR UNDERSTANDING

1. Investigate the policy that your college or university follows with regard to the admission of minority and women students. Also find out about its employment practices, and whether or not it has an affirmative action program. Collect statistics on the percentage of minorities enrolled and employed by the school. Does your college or university offer special academic programs for minorities and women? Evaluate whether or not you believe your school is doing too much or too little in addressing equality issues. Include a recommendation as to how you believe the school’s policy might be improved, describing what consequences your recommendation would have.

2. The onslaught of the AIDS epidemic has raised new issues of equality in the United States. Examine this issue. Should AIDS victims receive the same protections as other handicapped people? How has AIDS affected the gay rights movement? Compile a list of state and local ordinances concerning homosexuals. Do most of these laws protect or discriminate against homosexuals? Also compile survey research results on public opinion towards gays and lesbians. Has the public become more or less tolerant of gays and lesbians? How has AIDS affected public attitudes? Compare the gay rights movement with the civil rights and women’s movements. How are they similar and how are they different?
REVIEW QUESTIONS

Check ☒ the correct answer:

1. The rallying cry for groups demanding more equality has been
   □ a. civil rights.
   □ b. civil liberties.
   □ c. civil disobedience.
   □ d. civil war.

2. Policies that are designed to protect people against arbitrary or discriminatory treatment by government officials or individuals are called
   □ a. social policies.
   □ b. civil liberties.
   □ c. civil rights.
   □ d. civil equalities.

3. Today, debates about equality typically center on each of the following key types of inequality in America EXCEPT
   □ a. discrimination based on income.
   □ b. racial discrimination.
   □ c. gender discrimination.
   □ d. discrimination based on age, disability, and other factors.

4. American society tends to emphasize
   □ a. equal results.
   □ b. equal rewards.
   □ c. equal opportunities.
   □ d. equal distributions.

5. The word “equality” does not appear in the original Constitution.
   □ True
   □ False

6. The idea of equality in the Constitution first appeared in the
   □ a. original Constitution.
   □ b. Bill of Rights.
   □ c. Fourteenth Amendment.
   □ d. Nineteenth Amendment.
7. The five words in the Constitution that refer to equality are
   □ a. “all men are created equal.”
   □ b. “equality and justice for all.”
   □ c. “equal protection of the laws.”
   □ d. “equal representation of the states.”

8. The Supreme Court has ruled that classifications based on gender are subject to a lower level of scrutiny than classifications based on race.
   □ True
   □ False

9. In the case of *Scott v. Sanford* (1857), the Supreme Court defended the idea of
   □ a. slavery.
   □ b. equality.
   □ c. civil rights.
   □ d. equal protection of the laws.

10. The Thirteenth Amendment
    □ a. promoted equal protection of the laws.
    □ b. gave women the right to vote.
    □ c. abolished slavery.
    □ d. legalized segregation.

11. During the first 10 years after the Civil War, many African-American men held both state and federal offices.
    □ True
    □ False

12. In the case of *Plessy v. Ferguson* (1896), the Supreme Court upheld a Louisiana law providing for
    □ a. slavery.
    □ b. the civil rights movement.
    □ c. equal opportunity.
    □ d. segregated facilities.

13. The case of *Brown v. Board of Education* (1954) ended the era of
    □ a. slavery.
    □ b. legal segregation.
    □ c. civil rights.
    □ d. equal opportunity.
14. School busing was used as a tool for segregation after the passage of the Civil Rights Act of 1964.
   □ True
   □ False

15. School busing was a practice upheld in the case of
   □ b. *Plessy v. Ferguson.*

16. Children assigned to schools near their homes when those homes are in racially segregated neighborhoods is an example of
   □ a. separate but equal.
   □ b. *de jure* segregation.
   □ c. *de facto* segregation.
   □ d. all of the above

17. The civil rights movement organized both African Americans and whites to end segregation.
   □ True
   □ False

18. Which of the following was NOT a key strategy of the civil rights movement?
   □ a. sit-ins
   □ b. marches
   □ c. quiet acceptance
   □ d. civil disobedience

19. The 1950s and 1960s saw a marked increase in public policies to foster racial equality primarily due to
   □ a. court decisions.
   □ b. the civil rights movement.
   □ c. increased African-American voting.
   □ d. all of the above

20. Racial discrimination in public places became illegal by the
    □ a. Supreme Court case of *Brown v. Board of Education.*
21. By the 1980s, few, if any, forms of racial discrimination were left to legislate against.
   □ True
   □ False

22. Suffrage is the legal right to
   □ a. free speech.
   □ b. vote.
   □ c. equal opportunities.
   □ d. suffer.

23. The Fifteenth Amendment extended suffrage to
   □ a. African Americans.
   □ b. women.
   □ c. Native Americans.
   □ d. naturalized citizens.

24. Implementation of the Fifteenth Amendment proceeded swiftly and with the total support of the states.
   □ True
   □ False

25. Southern states attempted to deny African Americans the right to vote through the use of the
   □ a. literacy test.
   □ b. poll tax.
   □ c. White primary.
   □ d. all of the above

26. Poll taxes were declared void by the
   □ a. Thirteenth Amendment.
   □ b. Fifteenth Amendment.
   □ c. Nineteenth Amendment.
   □ d. Twenty-fourth Amendment.

27. Which of the following was NOT a consequence of the Voting Rights Act of 1965?
   □ a. the registration of many southern black voters
   □ b. the use of White primaries
   □ c. the election of more black officials
   □ d. the intervention of federal election registrars
28. Which of the following statements is FALSE?
   □ a. Native Americans comprise the oldest American minority.
   □ b. African Americans achieved citizenship before Native Americans.
   □ c. The Indian Claims Act was passed by Congress to settle disputes arising from lands taken from Indians.
   □ d. Native Americans are not protected by policy protections against discrimination.

29. Hispanic Americans are the largest minority group in the United States.
   □ True
   □ False

30. In the case of Korematsu v. United States (1944), the Supreme Court upheld
   □ a. affirmative action programs for Asian Americans.
   □ b. the tribal system of government for Native Americans.
   □ c. the internment of Americans of Japanese descent.
   □ d. the enforcement of immigration policies.

31. Equality for women did not appear on the nation’s political agenda until the middle of the twentieth century.
   □ True
   □ False

32. Suffrage for women was achieved with the passage of the
   □ a. Tenth Amendment.
   □ b. Fifteenth Amendment.
   □ c. Nineteenth Amendment.
   □ d. Twenty-fourth Amendment.

33. Winning the right to vote gave the women’s movement great momentum in the fight for equality.
   □ True
   □ False

34. After women received the right to vote, public policy toward women was dominated by the idea of
   □ a. protectionism.
   □ b. equality.
   □ c. coverture.
   □ d. autonomy.
35. The Equal Rights Amendment was first introduced in Congress as an amendment in 1923.
   □ True
   □ False

36. The Supreme Court ruled in Reed v. Reed (1971) that
   □ a. any arbitrary sex-based classification under state law violated the equal protection clause.
   □ b. people should be paid comparable wages for comparable jobs.
   □ c. women should be allowed to hold combat positions in the military.
   □ d. sexual harassment violates federal policies against sexual discrimination in the workplace.

37. The Supreme Court has voided laws that
   □ a. provide for alimony payments to women only.
   □ b. close nursing schools to men.
   □ c. set a higher age for drinking for men than for women.
   □ d. all of the above

38. Most American mothers who have children below school age are in the labor force.
   □ True
   □ False

   □ a. banned sex discrimination in employment.
   □ b. forbade sex discrimination in federally subsidized education programs.
   □ c. shifted the burden of proof in Justifying hiring and promotion practices to employers.
   □ d. made it illegal for employers to exclude pregnancy and childbirth from their health-benefits plans.

40. Comparable worth is based on the idea that comparable wages should be paid to
   □ a. blacks and whites.
   □ b. men and women.
   □ c. people performing jobs requiring comparable skill.
   □ d. people holding comparable job titles.
41. (bonus) The subject referred to by the head of the U.S. Civil Rights Commission in the Reagan administration as “the craziest idea since Looney Tunes” was
  □ a. suffrage for women.
  □ b. comparable worth.
  □ c. the Equal Rights Amendment.
  □ d. affirmative action.

42. Statutes and regulations prohibit women from serving in combat.
  □ True
  □ False

43. The Supreme Court has made it very difficult to prove sexual harassment.
  □ True
  □ False

44. Age discrimination is one area that has received very little attention from the U.S. Congress.
  □ True
  □ False

45. The Americans with Disabilities Act of 1990
  □ a. strengthened previous protections against discrimination against the disabled.
  □ b. required employers and public facilities to make reasonable accommodations.
  □ c. prohibited employment discrimination against the disabled.
  □ d. all of the above

46. The one group that probably faces the toughest battle for equality is
  □ a. the handicapped.
  □ b. the elderly.
  □ c. young people.
  □ d. gays and lesbians.

47. Members of the armed services who declare their homosexuality face discharge unless they can prove they will remain celibate.
  □ True
  □ False
48. The women’s movement and the civil rights movement converged when it came to the debate over
   □ a. comparable worth.
   □ b. the Equal Rights Amendment.
   □ c. affirmative action.
   □ d. protectionism.

49. Affirmative action emphasizes equal opportunities over equal results.
   □ True
   □ False

50. The Supreme Court held that an admissions quota for particular groups was illegal in
   □ c. Regents of the University of California v. Bakke.
   □ d. Wygart v. Jackson Board of Education.

51. Opposition to affirmative action is especially strong when people view it as
   □ a. affecting only African Americans.
   □ b. a form of separate-but-equal.
   □ c. reverse discrimination.
   □ d. discriminating against women.

52. Which of the following statements is FALSE?
   □ a. Equality is a basic principle of democracy.
   □ b. The principle of equality can invite the denial of minority rights.
   □ c. Civil rights laws and court decisions tell groups and individuals that there are certain things they may and may not do.
   □ d. Current civil rights policies conform to the eighteenth-century idea of limited government.

ESSAY QUESTIONS

1. How would you define the term “equality”? What does the U.S. Constitution say about equality?

2. What have been the different eras in the struggle for racial equality? What public policy achievements were made in each era?
3. Explain how the right to vote has been extended in the United States to include both African Americans and women. How was the struggle for suffrage among these two groups similar and different?

4. Explain the nature of the feminist movement in the United States. What policies have resulted from the struggle for equal rights for women? Explain the controversy over the issue of comparable worth.

5. Who are the new groups under the civil rights umbrella and what issues are they concerned about? What equality issues might arise in the near future?

6. What is meant by affirmative action? What are the pros and cons of affirmative action? How has the Supreme Court dealt with the issue of affirmative action?

7. How do civil rights affect the nature of democracy and the scope of government in the United States?