Chapter 5: Civil Rights and Public Policy

1. Civil Rights
   1. Civil Rights
      1. Policies designed to protect people against arbitrary or discriminatory treatment by government officials or individuals.
   2. Equality Debates
      1. Racial and ethnic discrimination
      2. Gender discrimination
      3. Discrimination based on factors including age, disability, and sexual orientation.
2. The Struggle for Equality
   1. Conceptions of Equality
      1. Equality of opportunity
         1. Everyone should have the same chance to succeed.
   2. The Constitution and Inequality
      1. The Constitution nor the Bill of Rights mentions equality, however it doesn’t specifically state race in front of all rights.
      2. Fourteenth Amendment
         1. The constitutional amendment adopted after the Civil War that states “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.
      3. Equal protection of the laws
         1. Part of the Fourteenth Amendment emphasizing that the laws must provide equivalent “protection” to all people.
         2. Race and ethnicity
            1. Inherently suspect and difficult to make compromises on.
         3. Gender
            1. Intermediate scrutiny applies, there are some arguments.
         4. Age, Wealth, etc.
            1. Unanimous acceptance
3. African Americans’ Civil Rights
   1. The Era of Slavery
      1. For the first 250 years of American Settlements African Americans lived in slavery.
      2. Scott v. Sandford
         1. The 1857 Supreme Court decision ruling that a salve who had escaped to a free state enjoyed no rights as a citizen and that Congress had no authority to ban slavery in the territories.
      3. Thirteenth Amendment
         1. The constitutional amendment ratified after the Civil War that forbade slavery and involuntary servitude.
   2. The Era of Reconstruction and Segregation
      1. Former slaves now had to integrate into American society as citizens.
      2. Jim Crow laws put a stop to progress in the South and in some parts of the North
      3. Plessy v. Ferguson
         1. An 1896 Supreme Court decision that provided a constitutional justification for segregation by ruling that a Louisiana law requiring “equal but separate accommodations for the white and colored races” was constitutional.
      4. In 1941 FDR signed an executive order banning racial discrimination in defense industries and Truman ordered in 1948 the desegregation of the armed forces.
   3. Equal Education
      1. Brown v. Board of Education
         1. The 1954 decision holding that school was inherently unconstitutional because it violated the Fourteenth Amendment’s guarantee of equal protection. This case marked the end of legal segregation in the United States.
      2. De jure
         1. Segregation by law
      3. De facto
         1. Segregation by human patterns to be near similar people.
   4. The Civil Rights Movement and Public Policy
      1. Civil Rights Act of 1964
         1. The law making racial discrimination in hotels, motels, and restaurants illegals and forbidding many forms of job discrimination.
   5. Voting Rights
      1. Suffrage
         1. The legal right to vote, extended to African Americans by the Fifteenth Amendment, to women by the Nineteenth Amendment, and to people over the age of 18 by the twenty-sixth amendment.
      2. Fifteenth Amendment
         1. The constitutional amendment adopted in 1870 to extend suffrage to African Americans
      3. Poll taxes
         1. Small taxes levied on the right to vote. This method was used by most Southern states to exclude African Americans from voting. Poll taxes were declared void by the 24th Amendment in 1964.
      4. White primary
         1. Primary elections from which African Americans were excluded, an exclusion that, in the heavily Democratic South, deprived African Americans of a voice in the real contests. The Supreme Court declared white primaries unconstitutional in 1944.
      5. Twenty-fourth Amendment
         1. The constitutional amendment passed in 1964 that declared poll taxes void in federal elections.
      6. Voting Rights Act of 1965
         1. A law designed to help end formal and informal barriers to African American suffrage. Under the law, hundreds of thousands of African Americans were registered, and the number of African American elected officials increased dramatically.
4. The Rights of Other Minority Groups
   1. Native Americans
      1. Have experienced discrimination since the founding of the new world.
      2. Dawes Act of 1887
         1. Began forced assimilation
      3. In 1924 Congress gave native Americans the right to vote
      4. Civil Rights Act of 1968 gave Native Americans most of the benefits of the Bill of Rights
      5. In 1970, NARF (Native American Rights Fund) gave NA’s hunting, fishing, and land rights.
   2. Hispanic Americans
      1. Make up a huge percentage of the US population
      2. Were lynched
      3. Many Hispanic veterans faced discrimination after they severed in World War II.
      4. Hernandez v. Texas
         1. A 1954 Supreme Court ruling that extended protection against discrimination to Hispanics.
      5. MALDEF
         1. Hispanic equivalent of the NAACP
   3. Asian Americans
      1. During World War II, the US government rounded up close to 100,000 Japanese Americans and placed them away from the rest of civilization.
      2. Korematsu v. United States
         1. A 1944 Supreme Court decision that upheld as constitutional the interment of more than 100,000 Japanese decent in encampments during World War II.
   4. Arab Americans and Muslims
      1. After 9/11, the public opinion on Arab Americans began to change.
      2. The US government rounded up 1,200 suspected persons to be a threat to national security.
         1. They were jailed for months without due process or explanation
         2. No habeas corpus
         3. In 2004, the Supreme Court ruled that the detainees had the right to challenge their detention before a judge or other legal matter.
5. Women and Public Policy
   1. The Battle for the Vote
      1. Nineteenth Amendment
         1. The constitutional amendment adopted in 1920 that guarantees the right to vote.
      2. Susan B. Anthony was an important leader in granting women’s suffrage.
   2. The “Doldrums”: 1920-1960
      1. Winning the right to vote didn’t grant equal status to women
      2. Equal Rights Amendment
         1. A constitutional amendment originally proposed in Congress in 1923 and passed by Congress in 1972, stating that “equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.” Despite public support, the amendment fell short of the three-fourths of state legislatures required for passage.
      3. The ERA was not supported as many thought it would be the death of the “American Family”
   3. The Second Feminist Wave
      1. Reed v. Reed
         1. The landmark case in 1971 in which the Supreme Court for the first time upheld a claim of gender discrimination.
      2. Craig v. Boren
         1. In this 1976 ruling, the Supreme Court established the “intermediate scrutiny” standard for determining gender discriminations.
         2. There must be a very profound reason for the government to use gender discrimination
         3. Gender discrimination is neither valid nor invalid
   4. Women in the Workplace
      1. Most women today have a position in the workforce
      2. Civil Rights Act of 1964
         1. A banned gender discrimination in employment
      3. Women have made lost of progress in this field however there still needs to be progress made in regards to wage discrimination, sexual harassment, and the role of women in the military.
   5. Wage Discrimination and Comparable Worth
      1. Traditional women’s jobs pay less than traditional men’s jobs.
      2. Obama signed a law banning “discrimination in compensation”
   6. Sexual Harassment
      1. Sexual harassment is banned in the workplace according to the 1964 Civil Rights Act.
      2. Sexual Harassment is still a big issue in the military
   7. Women in the Military
      1. In 1970 women bade up 2% of the force, now they make up 14% of the military force.
      2. Draft is still male only
      3. There still are conflicts if women should be serving in combat duty.
6. Other Groups Active Under the Civil Rights Umbrella
   1. Civil Rights and the Graying of America
      1. 12% of the population is 65 or older
      2. In 1967, the Age Discrimination In Employment Act banned some kids of age discrimination.
   2. Civil Rights and People with Disabilities
      1. Americans with Disabilities Act of 1990
         1. A law passed in 1990 that requires employers and public facilities to make “reasonable accommodations” for people with disabilities and prohibits discrimination against these individuals in employment.
      2. In 2008, congress expanded the definition of disability, making it easier to prove discrimination.
      3. These programs have sluggish enforcement compared to other Civil Rights issues.
   3. Gay and Lesbian Rights
      1. Homophobia
         1. The fear and hatred of homosexuals
      2. Bowers v. Hardwich
         1. States could ban homosexual relations
      3. Boy Scouts were allowed to ban homosexuals on the basis of a violation of the organizations principles.
      4. Gay Marriage is now legal in all 50 states.
7. Affirmative Action
   1. Affirmative Action
      1. A policy designed to give special attention to or compensatory treatment for members of some previously disadvantaged group.
   2. Regents of the University of California v. Bakke
      1. A 1978 Supreme Court decision holding that a state university could weight race or ethnic background as one element in admissions by could not set aside places for members of particular racial groups.
   3. Adarand Constructors v. Pens
      1. A 1995 Supreme Court decision holding that federal programs that classify people by race, even for an ostensibly benign purpose such as expanding opportunity for minorities, should be presumed unconstitutional.
8. Understanding Civil Rights and Public Policy
   1. Civil Rights and Democracy
      1. Equality is a basic principle of democracy.
      2. Equality tends to favor majority rule.
   2. Civil Rights and the Scope of Government
      1. The Civil War showed that the original Constitution did not adequately deal with issues like slavery.
      2. Civil Rights laws increase the scope and power of government.