

American National Government
POL 140
Sections 3-6
Civil Rights

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Announcements

- ▶ Papers-Due today. One letter grade deduction for each day late.
- ▶ Will return ASAP
- ▶ Unit 1 Exam (150 point). Wednesday!
- ▶ Please review course policy in syllabus on make-up exam.

Goals

- ▶ Civil Rights
- ▶ Race
- ▶ Gender
- ▶ Sexual Orientation
- ▶ Fourteenth Amendment

Basics

Civil Rights: The right of every person to equal protection under the laws and equal access to society's opportunities and public facilities.

- ▶ tend to be rights afforded to groups of people
- ▶ legal vs de facto equality
- ▶ opportunity vs outcome

Equal Protection

- ▶ Equal protection clause
 - ▶ Found in the Fourteenth Amendment
 - ▶ “...nor deny and person within its jurisdiction the equal protection of the laws.”’
 - ▶ amended in 1868

Levels of Court Review

- ▶ **Strict Scrutiny**
 - ▶ applied to cases involving race and ethnicity
 - ▶ suspect category-assumed unconstitutional unless there is overwhelming justification
 - ▶ hardest test to pass
- ▶ **Intermediate Scrutiny**
 - ▶ applied to cases involving gender
 - ▶ almost a suspect category- unconstitutional unless there is a compelling and justified purpose
 - ▶ second hardest test to pass
- ▶ **Reasonable Basis**
 - ▶ other categories such as age and income
 - ▶ assumed constitutional unless there is no sound rational for the law
 - ▶ easiest test to pass

Level of Court Review: Example 1

Traffic City, IL passed a law prohibiting white people from driving during rush hour on Mondays and Wednesdays and latinos from driving during rush hour on Tuesdays and Thursdays in order to help control traffic in the area.

- ▶ Is this constitutional?
- ▶ What level of court review should be applied?
- ▶ What is the foundation in the constitution?

Level of Court Review: Example 2

All Male University is concerned that there are too few women being admitted to their university. As such, the university has instituted a quota stating that at least 60% of new admissions must be female. Dwight went to high school with Phyllis and know that he made better grades than Phyllis. However, Phyllis was admitted to All Male University and Dwight was not.

- ▶ Is this quota constitutional?
- ▶ What level of court review should be applied?
- ▶ What is the foundation in the constitution?

Level of Court Review: Example 3

Pierce Hawthorne, who is 66 year old, wants to be a special agent for the FBI. Upon reviewing the FBI's website, Pierce learns that upon applying, special agents may be no older than 37 years old and he is there for unqualified for the position.

- ▶ Is this constitutional?
- ▶ What level of court review should be applied?
- ▶ What is the foundation in the constitution?

Post Civil War – 13, 14, 15 Amendments

- ▶ 13: “Neither slavery nor involuntary servitude...shall exist within the United States”
- ▶ 14: “All persons born or naturalized in the United States...are citizens of the United States and of the state wherein they reside. 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.”
- ▶ 15: “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.”

Reconstruction to Civil Rights Movement

- ▶ Jim Crow Laws
 - ▶ Segregation for Transportation, Accommodations, Education
- ▶ Poll Taxes, Grandfather Clauses, Literacy Tests
- ▶ Plessy v Ferguson 1896: Plessy purchased a first-class seat on the railroad in New Orleans and was arrested after refusing to give it up.
 - ▶ Harlan Lone Dissenter: “But in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.”

Civil Rights Movement: Brown v Board of Education of Kansas 1954

- ▶ Separation inherently unequal
- ▶ Studies to show that separation led to a feeling of inferiority



Civil Rights Movement: Important Figures

- ▶ Emmett Till
- ▶ Rosa Parks
- ▶ Martin Luther King



Civil Rights Movement: Important Laws

- ▶ Civil Rights Act of 1964
- ▶ Voting Rights Act of 1965
- ▶ Voting Rights Act today
 - ▶ Are voter identification laws in violation of the voting rights act?



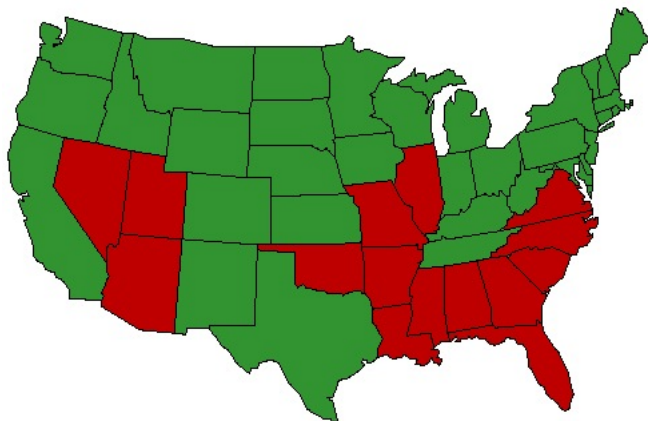
The Quest for Suffrage

- ▶ Abolitionist movement
- ▶ Civil War Amendments mention color but not sex
- ▶ 19th Amendment, 1920: “The right of citizens in the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”



The Quest for Equal Rights

- ▶ Equal Rights Amendment, 1970s



Those with Disabilities

- ▶ Americans with Disabilities Act of 1990
- ▶ “No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity.”



Asian Americans

- ▶ Korematsu v US (1944)



Other Groups

- ▶ Native Americans
- ▶ Latinos
- ▶ Gays and Lesbians
- ▶ Illegal Immigrants



The Fight for Equality: GLBT

- ▶ Sodomy laws
- ▶ Defense of marriage act
- ▶ Don't ask, don't tell" repealed
- ▶ Prop. 8 (California)
- ▶ Civil unions
- ▶ Full Faith and Credit?
- ▶ Gov. Jan Brewer...benefits