Chapter Five: Civil Rights
Learning Outcomes

1. Summarize the experience of African Americans under the separate-but-equal doctrine, and state how that doctrine was abolished.

2. Describe the philosophies of the civil rights movement and the major civil rights legislation of the 1960s.
3. Analyze the three standards used to determine if a law is discriminatory: strict scrutiny, intermediate scrutiny, and rational basis review.

4. Contrast the goals of the women’s suffrage movement with the goals of modern feminism.

5. Explain how immigration is changing the face of America.
6. Define affirmative action, and provide some of the arguments used against it.

7. Detail the rights provided by the Americans with Disabilities Act.

8. Summarize the recent revolution in the rights enjoyed by gay men and lesbians.

9. Evaluate the rights and status of juvenile citizens.
Civil Rights: Introduction

- Equal protection and freedom from discrimination for all citizens
  - Fourteenth Amendment protections
African Americans and the Consequences of Slavery in the U. S.

- *Dred Scott* decision
  - Supreme Court declares that blacks (free or slave) are not citizens
  - Increases tensions between North and South, prelude to Civil War
African Americans and the Consequences of Slavery in the U. S.

- Ending servitude
  - Emancipation Proclamation (1863)
  - Thirteenth Amendment
    - Prohibits slavery
  - Fourteenth Amendment
    - Grants citizenship to blacks
  - Fifteenth Amendment
    - Gives black men the vote
African Americans and the Consequences of Slavery in the U. S.

- The Civil Rights Acts of 1865 to 1875
  - Aimed at Southern states
  - Tried to prevent states from passing laws to circumvent amendments
African Americans and the Consequences of Slavery in the U. S.

- The Ineffectiveness of the Early Civil Rights Laws
  - *Plessy v. Ferguson* (separate-but equal doctrine)
  - Jim Crow laws
  - Voting barriers
  - White supremacy upheld outside law
African Americans and the Consequences of Slavery in the U. S.
African Americans and the Consequences of Slavery in the U. S.

- The end of the separate-but-equal doctrine
  - *Brown v. Board of Education of Topeka*
  - Desegregate “with all deliberate speed”
Reactions to school integration

- Challenged in South
- *De facto* segregation
- *De jure* segregation
- Court-ordered busing unpopular
The Civil Rights Movement

- King’s Philosophy of Nonviolence
  - Civil disobedience
  - Nonviolent demonstrations
  - March on Washington
  - Another approach—Black Power
“I have a dream”
The Civil Rights Movement

- Civil Rights Legislation
  - Civil Rights Act of 1964
    - Voter registration
    - Public accommodations
    - Public schools
    - Employment
  - Voting Rights Act of 1965
  - Civil Rights Act of 1968
The Civil Rights Movement

- Consequences of Civil Rights Legislation
  - Political participation increases
  - Lingering social and economic disparities
Civil Rights and the Supreme Court

- Fourteenth Amendment is basis for civil rights legislation, court decisions
- Strict scrutiny and suspect classifications
  - Strict scrutiny
  - Intermediate scrutiny
  - Rational basis review
Women’s Struggle for Equal Rights

- Early Women’s Political Movements
  - 1848 Seneca Falls convention
  - Women’s suffrage associations
  - Nineteenth Amendment (1920)
Women’s Struggle for Equal Rights

- Modern Women’s Movement
  - Feminism
  - After voting rights gained, little political involvement until 1960s
  - National Organization for Women (1966)
- Equal Rights Amendment
  - Proposed in 1923
  - Not ratified by enough states
Years, by Country, in Which Women Gained the Right to Vote

<table>
<thead>
<tr>
<th>Year</th>
<th>Country</th>
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<tbody>
<tr>
<td>1893</td>
<td>New Zealand</td>
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<td>1902</td>
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<td>Norway</td>
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<td>Canada</td>
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<td>Germany</td>
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<td>1971</td>
<td>Switzerland</td>
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<tr>
<td>1984</td>
<td>Yemen</td>
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Source: Center for the American Woman and Politics.
Women’s Struggle for Equal Rights

- Additional women’s issues
  - Domestic violence
  - Abortion rights
  - Pornography (divided the movement rather than united it)

- Discrimination in the Courts
  - Gender discrimination
  - Title IX of Education Amendments of 1972
Women’s Struggle for Equal Rights

- Women in politics today
  - Women in Congress
  - Women in the executive and judicial branches
  - Continuing disproportionate leadership
Women’s Struggle for Equal Rights

- Gender-Based Discrimination in the Workplace
  - Title VII of the Civil Rights Act of 1964
    - Employment discrimination
    - Sexual harassment
    - Wage discrimination
  - Equal Pay Act
Most immigrants today from Latin America and Asia

- Hispanic versus Latino
- The changing face of America
  - Fertility rate differences
Projected Changes in U.S. Ethnic Distribution

*Data for 2030 and 2050 are projections. Hispanics may be of any race. The chart categories White, Black, Asian, and Other are limited to non-Hispanics. Other consists of the following non-Hispanic groups: American Indian, Native Alaskan, Native Hawaiian, Other Pacific Islander, and Two or more races.*

Sources: U.S. Bureau of the Census and authors’ calculations.

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Affirmative Action

- Policies meant to level playing field
- *Bakke* case
  - Quota systems that only consider race are unconstitutional
- Additional limits
  - *Adarand Constructors, Inc. v. Peña*
  - Affirmative action program cannot use quotas/preferences for unqualified persons
- The end of affirmative action?
Securing Rights for Persons with Disabilities

- Americans with Disabilities Act of 1990
  - Reasonable accommodation
  - Requires physical access to public buildings and public services
  - Has some limitations
The Rights and Status of Gay Males and Lesbians

- Stonewall riots (1969)
- Growth in the gay male and lesbian rights movement
  - State and local laws target gays
  - Rights often an issue for states
The Rights and Status of Gay Males and Lesbians

- The gay community and politics
- Gay men and lesbians in the military
- Same-sex marriage
  - Defense of Marriage Act
  - State recognition of same-sex marriage
The Rights and Status of Juveniles

- 75 million Americans
  - Legal definition of minor varies
  - Society presumes parental protection
- Voting rights and the young
  - Vietnam War protests
  - Twenty-sixth Amendment (1971)
The Rights and Status of Juveniles

- Rights of children in civil and criminal proceedings
  - Civil rights of juveniles
    - Defined by state laws
    - Child custody issues
  - Criminal rights of juveniles
  - Dealing with juvenile crime
    - Minors tried as adults
    - Parents held responsible
Why do the contributions made by Malcolm X and members of the black power movement get overlooked?
Why is same-sex marriage so controversial if it is a civil rights issue? Does religion add controversy to what some scholars call a clear civil rights issue?
Do juveniles deserve to have the same rights as adults, especially in the judicial system?
Should factors like socioeconomic demographics be taken into account when determining juvenile sentencing guidelines?
Women outnumber men in the classroom in higher education. Can scholars attribute this to programs that eradicate discrimination?
Questions for Critical Thinking

If women outnumber men in the U.S. workplace, why do women continue to make less income than men?