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| **Chapter 19:****Civil Rights** | **Summary**  | **Constitutional/ Court Connections** |
| **Background of the Civil Rights Movement**  | * African Americans couldn’t vote
* Two main reasons:
	+ dominant white minorities in the south feared potential competition for jobs, land, public services, and living space from African American.
	+ The white majority at the national level opposed African American attempts to achieve rights and didn’t favor federal action to secure those rights.
* Civil rights leaders broadened their base by publicizing the denial to African Americans of essential, widely accepted liberties
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| **Civil Rights Movement in the Courts** | * The 14th amendment, adopted in 1868, was both an opportunity and a problem for black activists.
* It guaranteed equal rights for all.
	+ The amendment argued that African Americans had equal legal rights but could otherwise be treated differently than whites.
* The National Association for the Advancement of Colored People (NAACP)
	+ most influential role was played in the constitution.
* In fighting the separate-but-equal doctrine, the NAACP establish a three-step process to attack school segregation.
	+ First, persuade the Supreme Court to declare unconstitutional the laws creating schools the were separate but obviously unequal. (Funding, facilities, faculty)
	+ Second, persuade the supreme court to declare unconstitutional the laws creating schools that were separate but not so obviously unequal.
	+ Finally, the Supreme Court rule that separate schools are inherently unequal and therefore unconstitutional.
* *Brown* was a landmark decision, and the reasons for it and the means chosen to implement it were important and controversial:
	+ The *brown* case was a class action suit that applied to all situated African American students.
	+ The decision in *brown* argued that segregation was detrimental to African American students, creating a sense of inferiority.
	+ The South segregation by law (*de jure* segregation) was clearly unconstitutional as a result of brown. The North segregation was the result of residential segregation ( *de facto* segregation)
* *Swann v. Charlotte-Mecklenburg Board of Education* (1971) set guidelines for all subsequent cases involving school integration:
	+ To violate the constitution, a school system must have intended to discriminate.
	+ A one-race school creates a presumption of intent to discriminate.
	+ Remedies for past discrimination can include quotas, busing, and redrawn district lines.
	+ Not every school must reflect the racial composition of the entire system.
 | *Plessy v. Ferguson (1896)** National Association for the Advancement of Colored People (NAACP)
* Brown v. Board of education (1954)
* *Swann v. Charlotte-Mecklenburg Board of Education* (1971)
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| **Civil Rights Movement in Congress** | * Congress to pass new civil rights laws required a far more difficult and decentralized strategy than campaigning in the federal courts.
* First strategy was to pass new civil rights issues on the political agenda by mobilizing public opinion through dramatic events.
* Efforts were made to get blacks registered to vote in countries where whites had used intimidation and harassment to prevent registration by blacks.
* Early demonstration were based on the philosophy of nonviolent civil disobedience-that is, peacefully violation of a law.
* Public opinion had mixed results. It succeeded in getting civil rights on the national political agenda.
* Congress opponents of civil rights had strong defensive positions.
* Southerner controlled the House Rules Committee. It occurred when civil rights legislation came to the floor.
* The assassination of President Kennedy, in 1963, gave his successor, President Johnson, a period of strong relations with Congress and a mythical hero figure to refer to in promoting civil rights.
* The 1964 election was a Democratic landslide that allowed northern Democrats to seize power in Congress.
* Five important civil rights bill were passed between 1957 and 1968.
* The high point of civil rights legislation, however, was the Civil Rights Act of 1964.
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| **Women & Equal Rights** | * The feminist movement that reappeared in the 1960s questioned the claimed that women differed from men in ways that justified differences in legal status.
* Passing laws that required equal pay for equal work, prohibited discrimination on the basis of sex in employment and public education, and banned discrimination against pregnant women on the job.
* The Supreme Court had a choice between two standards in considering sex discrimination.
* First is the reasonableness standard, which holds that when the government treats some classes of people differently from others.
* Second, the strict scrutiny standard standard, which holds that some instances of drawing distinctions between different groups are inherently suspect.
* When women complained that some laws treated them unfairly, the court adopted a mid-level standard somewhere between the reasonable and strict scrutiny tests.
* The Supreme Court held that Congress can require men but not women to register for the draft without violating the due-process clause of the 5th amendment.
* **Sexual harassment**: Two forms of harassment. The first is quid pro quo, in which sexual favors are expected.
* Hostile environment- creating a setting in which harassment impairs a person’s ability to work.
* **Abortion:** The issue of abortion was left to the states until 1973, when the Supreme Court used *Roe v. Wade.*
* Texas ban on abortion and all similar state laws. It holds that a womans freedom to choose an abortion is protected by the 14th amendment in the first trimester of pregnancy.
	+ 1976: Barred the use of federal funds to pay for abortions except when the life of a mother is at stake
	+ 1989: The Supreme Court first upheld the right of states to impose some restrictions on abortion.
	+ 1992: In Casey v. Planned Parenthood the Court permitted more restrictions, such as a twenty-four-hour waiting period and parental consent for teenagers.
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| **Affirmative Action**  | * Expressed in one of two views. assumption is that racism and sexism can be overcome only when remedies change the results.
* The second view advocates equality of opportunities. reverse discrimination occurs when race or sex is used as a basis for preferential treatment.
* Supreme Court ruled that numerical minority quotas are not permissible but that race could be considered in admissions policies.
* Standards are emerging for quotas and preference systems.
	+ Quotas must identify actual practices that discriminate.
	+ Federal quotas will be given deference because the Constitution gives Congress greater power to correct the effects of racial discrimination.
	+ Preferences are acceptable for the purpose of achieving diversity.
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