

Civil Rights in America

CIVIL RIGHTS- protections against discrimination

CIVIL LIBERTIES- protections against gov't intrusions of individual rights

I.) Equal Protection Clause in the 14th Amendment-

1.) RATIONAL BASIS TEST- (age, wealth,)

a.) Is there a relationship to the achievement of some proper cause?
(e.g. teenage pregnancy)

2. MIDDLE TIER (intermediate scrutiny) a.) The gov't must show that the challenged classification serves an important state interest and the classification is at least substantially related to serving the interest) gender

3.) STRICT SCRUTINY TEST- (suspect classifications- race,)

a.) Gov't must have a compelling interest

b.) the state must prove the law in question is necessary to accomplish a permissible goal that is the LEAST RESTRICTIVE means through which the goal can be accomplished

Equal Protection Clause

14th Amendment- protection from state intrusion of liberties. All persons born or naturalized in the U.S. and subject to the jurisdiction thereof, are citizens of the U.S. 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 persons of life , liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws.

II.) History of Racial Discrimination in the Courts and Society

A.) Pre-Civil War

1.) Slavery

a.) *Dred-Scott v. Sanford* (1856-57)

B.) Civil War/Reconstruction

1.) Emancipation Proclamation-

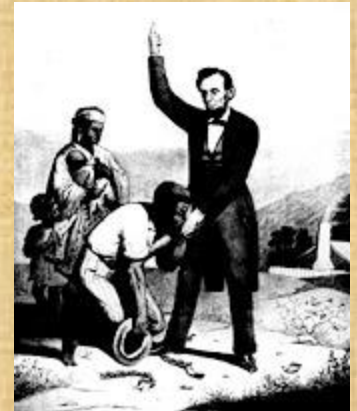
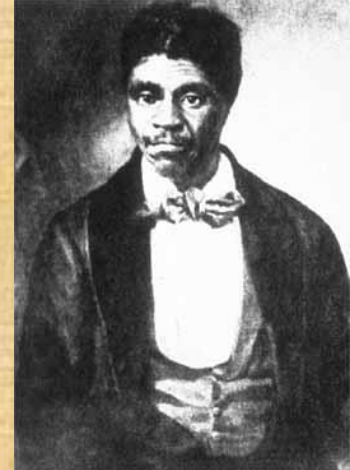
2.) 13th Amendment-

3.) Civil Rights Act of 1866-

4.) 14th Amendment- or property

5.) 15th Amendment-

6.) Civil Rights Act of 1875-



C.) The Failure of Reconstruction- Jim Crow and Black Codes

1.) Civil Rights Act of 1875 Voided (1883)-

2.) *Plessy v. Ferguson* (1896)-

Results: Black Codes-

3.) *Buchanan v. Warley* (1917)-

4.) *Missouri ex rel Gaines v. Canada*-



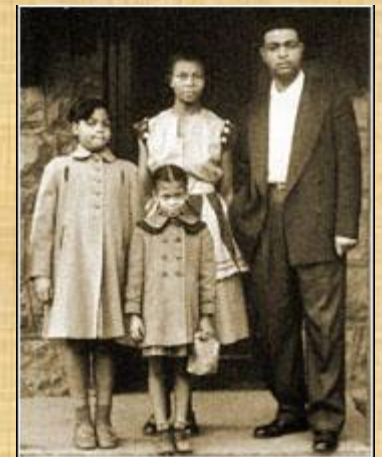
D.) The Second Reconstruction (1947-1968)

1.) Origins:



2.) Baseball (1947) and Army desegregated (1948)

3.) *Brown v. Board of Education of Topeka Kansas* (1954)-



Carl Iwasaki/TimePix.

4.) Civil Rights Act of 1964- “equality before the law”

a.) Title II-

b.) Title VI-

c.) Title VII-



5.) Voting Rights Act of 1965-



6.) Civil (Housing) Rights Act of 1968-

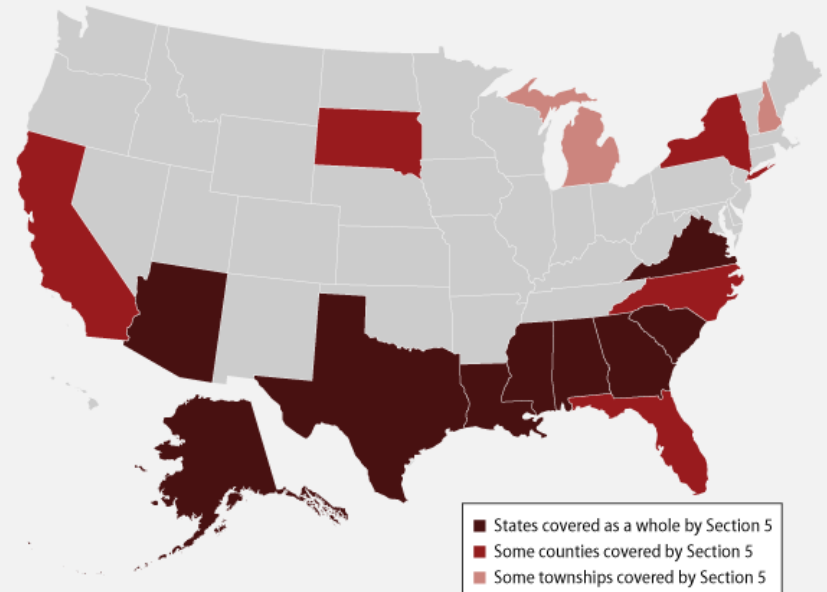


• 7.) *Shelby County v. Holder* (2013)



FIGURE 1

Jurisdictions covered by Section 5 of the Voting Rights Act



Source: United States Department of Justice, "Section 5 Covered Jurisdictions," available at http://www.justice.gov/crt/about/vot/sec_5/covered.php.

E.) Reverse Discrimination?/Affirmative Action

- 1.) *Regents of the University of California v. Bakke* ([1978](#))-
- 2.) *Adarand Constructors v. Peña* (1995)-
- 3.) CCRI/Proposition 209 (1996)- California State Amendment
- 4.) [University of Michigan-Gratz v. Bollinger](#) and [Grutter v. Bollinger](#) (2003)-
- 5.) [Fisher v. University of Texas](#) (2016 4-3)-



III.) Gender Discrimination in the Courts & Society

A.) Fight for Equality

1. Traditional Roles-

2.) Women's Rights Movement evolves

a.) Seneca Falls Convention

i.) growth out of Abolitionist movement

b.) Participation during the War

i.) 19th Amendment

3.) Phase Two

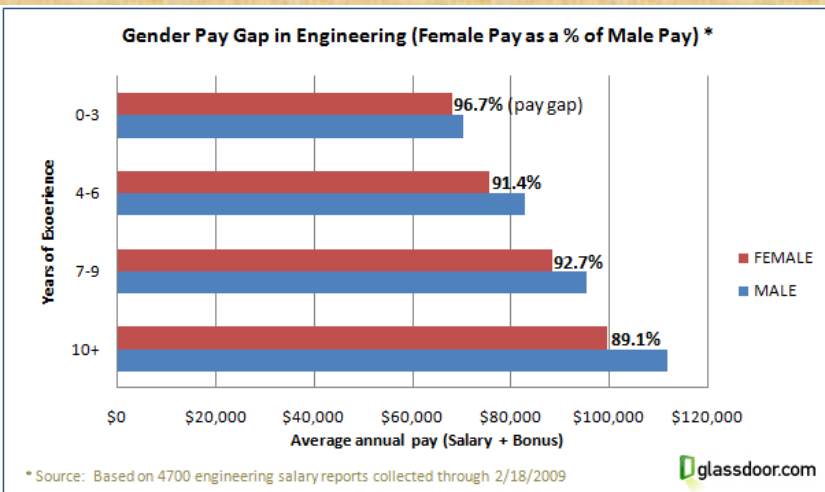
a.) growth out Civil Rights Movement

b.) Civil Rights Act of 1964

i.) Title VII

ii.) ERA- (1970s)

iii.) Title IX of the 1972 Education Act- that no one shall because of sex be denied the benefits of any educational program or activity that receives direct federal aid.



B.) Control Over Reproduction

1.) [Roe v. Wade](#) (1973) 7-2 decision-

2.) *Webster v. Reproductive Health Services* (1989)-

4.) *Planned Parenthood of S.E. Penn. v. Casey* (1992)-

3.) Partial Birth Abortion- *Stenberg v. Carhart* (2000) / *Gonzales v. Carhart* (2007)

4. *Whole Woman's Health v. Hellerstedt*

(2016) Do Texas laws that include a provision required that any physician performing an abortion have admitting privileges at a hospital within 30 miles of where the abortion was performed, and another provision required that all abortion clinics comply with standards for ambulatory surgical centers.





Gay Marriage

1. *U.S. v. Windsor* (2013 5-4): DOMA unconstitutional
2. *Hollingsworth v. Perry* (2013 5-4): overturned California's Prop 8 banning same sex marriage
3. *Obergefell v. Hodges* (2015 5-4): legalized gay marriage as protected by the Due Process and Equal Protection clauses in the 14th Amendment