

Presentation Pro

Magruder's American Government

CHAPTER 21

Civil Rights: Equal Justice Under Law

Civil Rights: Equal Justice Under Law

SECTION 1 Diversity and Discrimination in American Society

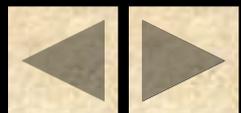
SECTION 2 Equality Before the Law

SECTION 3 Federal Civil Rights Laws

SECTION 4 American Citizenship

Diversity and Discrimination in American Society

- What does it mean to live in a heterogeneous society?
- How has race-based discrimination changed over time?
- How have women been discriminated against in the past and today?

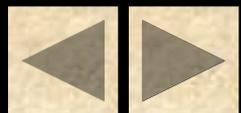


A Heterogeneous Society

Something that is **heterogeneous** is composed of a mix of ingredients. The population of the U.S. is a heterogeneous one.

The composition of the U.S. population has changed over time:

- **Immigrants**—that is, those people legally admitted as permanent residents—have arrived in near-record numbers every year since the mid-1960s.
- African American, Hispanic American, and Asian American populations have grown at rates several times that of the white population.
- Women consist of a greater percentage of the population than males. This has been true for over 50 years.



Go To
Section:

1

2

3

4

Chapter 21, Section 1

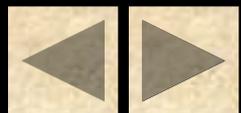
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African Americans

The white-male-dominated power structure in the United States has been historically reluctant to yield a full and equal place in the social, economic, and political life of America.

Discrimination against African Americans in the U.S. often receives the most attention for three main reasons:

- African Americans constitute the largest minority group in the United States.
- Since the beginning of slavery in what was to become the United States, African Americans have been the victims of consistent and deliberate unjust treatment, a longer time than any other group of Americans.
- Most of the gains America has made in translating the Constitution's guarantees of equality into a reality for all persons have come out of efforts made by and on behalf of African Americans.



Go To
Section:

1

2

3

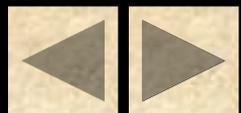
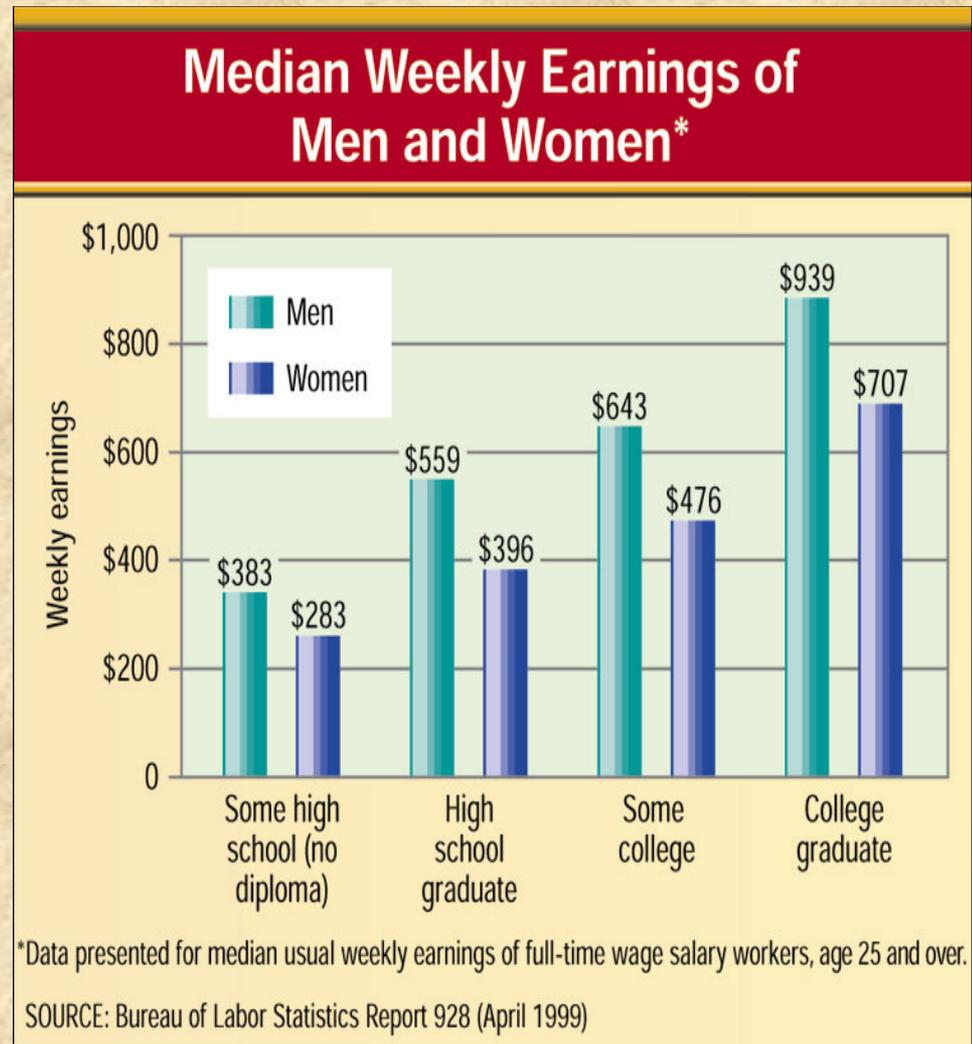
4

Chapter 21, Section 1

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Discrimination Against Women

- Women are in fact not a minority, making up over 51 percent of the U.S. population.
- Women, however, on average, earn less than men, consist of less than 10 percent of Congress, less than 20 percent of the 50 State legislatures, and are underrepresented in corporate management and other groups in the private sector.



Go To
Section:

1

2

3

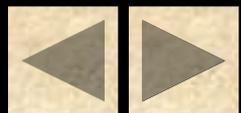
4

Chapter 21, Section 1

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Equality Before the Law

- How important is the Equal Protection Clause?
- What is the history of segregation in America?
- How does classification by sex relate to discrimination?



Equal Protection Clause

The 14th Amendment's Equal Protection Clause declares that citizens are protected equally under the law.

Reasonable Classification

- The government may reasonably classify, or draw distinctions, between groups of individuals. Government may not discriminate *unreasonably*, however.

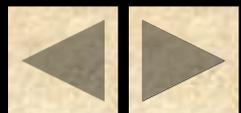
The Supreme Court often uses two measures to determine the constitutionality of an action:

The Rational Basis Test

- The rational basis test asks: Does the classification in question bear a reasonable relationship to the achievement of some proper governmental purpose?

The Strict Scrutiny Test

- Sometimes more imposing standards are used, especially when a case deals with “fundamental rights” or “suspect classifications.”



Go To
Section:

1

2

3

4

Chapter 21, Section 2

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Segregation in America

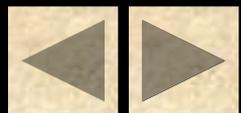
- **Segregation** means the separation of one group from another.
- **Jim Crow laws**, passed in the late 1800s by several States, aimed at separating minorities from the white population.
- The **separate-but-equal doctrine**, upheld by *Plessy v. Ferguson*, 1896, provided that separate facilities for African Americans were legal as long as they were equal to those provided for whites.
- In 1954, the Supreme Court struck down separate-but-equal in *Brown v. Board of Education of Topeka*.
- Desegregation and **integration** programs progressed through the 1950s and 1960s.
- **De facto segregation**, segregation in fact even if no law requires it, has emerged in housing and schooling patterns in some areas of the country.

Classification by Sex

- The only mention to sex in the Constitution is in the 19th Amendment, which forbids the denial of the right to vote “on account of sex.”
- Since the 1971 *Reed v. Reed* case, the Supreme Court has struck down many laws that discriminated because of sex.
- Overall, the Court has ruled that laws that treat men differently than women will be overturned unless (1) they are intended to serve an “important government objective” and (2) they are “substantially related” to achieving that goal.

Federal Civil Rights Laws

- How has civil rights legislation developed from Reconstruction to today?
- What are the issues surrounding affirmative action?



Go To
Section:

1

2

3

4

Chapter 21, Section 3

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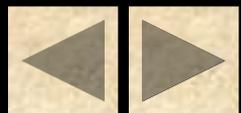
Civil Rights: Reconstruction to Today

The Civil Rights Act of 1964

- Prohibited discrimination against any person on grounds of race, color, religion, national origin, sex, or physical disability in any federally funded programs.
- Forbid employers to discriminate against any person on grounds of race, color, religion, sex, physical disability, or age in job-related matters.

The Civil Rights Act of 1968

- Often referred to as the Open Housing Act.
- Forbids anyone to refuse to sell or rent a dwelling to any person on grounds of race, color, religion, national origin, sex, or disability.
- Strengthened in 1988 by allowing the Justice Department to bring criminal charges against those who violate the terms of the act.



Go To
Section:

1

2

3

4

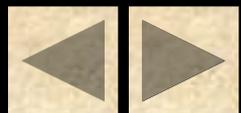
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Affirmative Action

Affirmative Action is a policy that requires most employers to take positive steps to remedy the effects of past discriminations.

- This policy applies to all the agencies of the Federal Government, to all the States and their local governments, and to all those private employers who sell goods or services to any agency of the Federal Government.
- Beginning in 1965, **affirmative action** programs established guidelines and timetables for overcoming past discriminations.
- Many employers hire certain workers due to their minority backgrounds or gender. Such rules requiring specific numbers of jobs or promotions for members of certain groups are called **quotas**.



Go To
Section:

1

2

3

4

Chapter 21, Section 3

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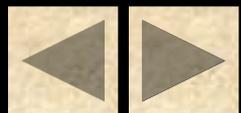
Affirmative Action Cases and Measures

Regents of the University of California v. Bakke, 1978

- Allan Bakke sued the University of California for **reverse discrimination** and won. This case shows that the Constitution does not allow race to be used as the only factor in the making of **affirmative action** decisions.

Adarand Constructors v. Peña, 1995

- The Supreme Court's decision in this case holds that whenever government provides for any preferential treatment based on race, that action is almost certainly unconstitutional, even if it is intended to benefit minority groups suffering from past injustices.



Go To
Section:

1

2

3

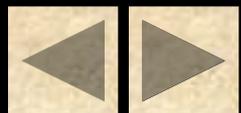
4

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American Citizenship

- What questions surround American citizenship?
- How do people become American citizens by birth and by naturalization?
- How can an American lose his or her citizenship?
- Why can the United States be called a nation of immigrants?
- What are the differences between undocumented aliens and legal immigrants?



The Question of Citizenship

A **citizen** is a member of a state or nation who owes allegiance to it by birth or naturalization and is entitled to full civil rights.

Rules of Naturalization



To become a naturalized citizen, a person must:

- ★ be at least 18 years old
- ★ have entered the country legally, lived in the United States for at least five years, and in certain States for at least three months
- ★ file a petition for naturalization with the clerk of a Federal district court or a State court of record
- ★ be literate in the English language
- ★ be "of good moral character," "attached to the principles of the Constitution," and "well disposed to the good order and happiness of the United States"
- ★ have "a knowledge and understanding of the fundamentals of the history, and the principles and form of government, of the United States"
- ★ take an oath or affirmation in which he or she absolutely renounces any allegiance to any foreign power and promises to "support and defend the Constitution and laws of the United States against all enemies, foreign and domestic"

Citizenship by Birth

Jus Soli

- **Jus soli** is the law of the soil, or where one is born.
- The 14th Amendment confers citizenship to any person born within the United States.

Jus Sanguinis

- **Jus Sanguinis** is the law of the blood, or to whom one is born.
- A child who is born abroad to at least one citizen, and who has at some time lived within the United States, can petition for citizenship.

Citizenship by Naturalization

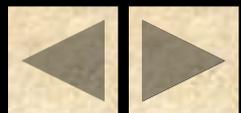
Naturalization is the legal process by which a person becomes a citizen of another country at some time after birth.

Individual Naturalization

- Naturalization is generally an individual process in which the Immigration and Naturalization Service investigates each applicant and then reports to a judge. If the judge is satisfied, the oath or affirmation is administered in open court, and the new citizen receives a certificate of naturalization.

Collective Naturalization

- This form of naturalization is less common than individual naturalization. This has most often happened when the United States has acquired new territory and the inhabitants are given citizenship.



Go To
Section:

1

2

3

4

Chapter 21, Section 4

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Hall

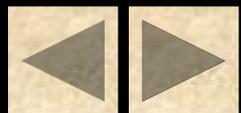
Loss of Citizenship

Expatriation

- **Expatriation** is the legal process by which a loss of citizenship occurs.
- Expatriation is a voluntary act.
- The Supreme Court has held that the Constitution prohibits automatic expatriation, so an individual cannot have his or her citizenship taken away for breaking a law.

Denaturalization

- **Denaturalization** is the process by which citizens can lose their citizenship involuntarily.
- This process can only occur by court order and only after it has been shown that the person became a citizen by fraud or deception.



Go To
Section:

1

2

3

4

Chapter 21, Section 4

Prentice
Hall

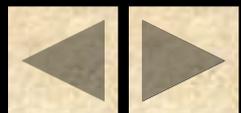
A Nation of Immigrants

Regulation of Immigrants

- Congress has the exclusive power to regulate immigration.
- The first major restrictions on immigration was the Chinese Exclusion Act in 1882. Other groups were added to the act until there were over 30 restricted groups in the early 1920s. The next step was the National Origins Act of 1929. This act assigned **quotas** of immigrants to each country.
- Eventually, the quota system was eliminated with the Immigration Act of 1965, which allowed over a quarter million immigrants into the United States each year, without regard to race, nationality, or country of origin.

Deportation

- This is a legal process in which **aliens** are legally required to leave the United States.
- The most common cause of **deportation** is illegal entry to the country.



Go To
Section:

1

2

3

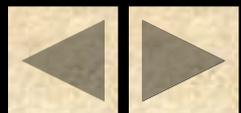
4

Chapter 21, Section 4

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Undocumented Aliens

- No one knows for sure how many undocumented aliens live in the United States today. The Census Bureau and the INS give estimates between three and six million. However, some feel the number is twice that many.
- The growing number of undocumented aliens places stress on programs which are based on a known population. With such an increase, there is added stress on public schools and welfare services in several States.
- After much debate and struggle, Congress passed the Illegal Immigration Restrictions Act of 1996. This law made it easier for the INS to deport aliens by toughening the penalties for smuggling aliens into this country, preventing undocumented aliens from claiming Social Security benefits or public housing, and allowing State welfare workers to check the legal status of any alien who applies for any welfare benefits.



Go To
Section:

1

2

3

4

Chapter 21, Section 4

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