

Social Studies Virtual Learning

AP US Gov & Politics

Civil Rights & Discrimination

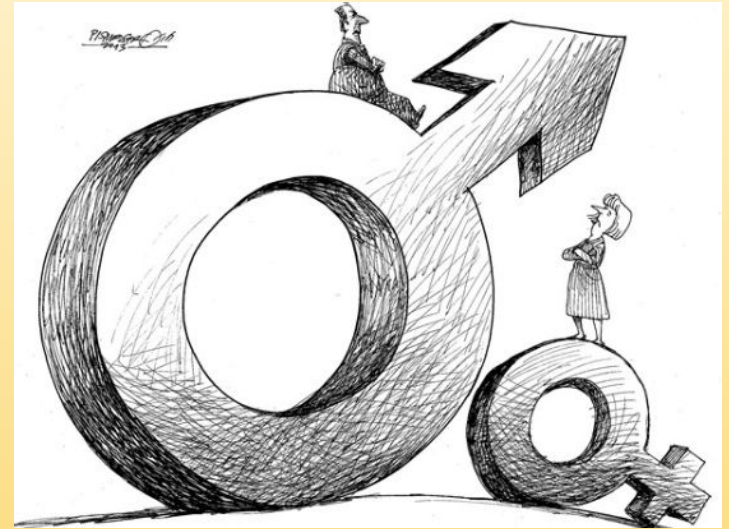
April 14, 2020

AP US Gov & Politics

Lesson #22: April 14th, 2020

Learning Target (PRD 1.A) : Explain how constitutional provisions have supported and motivated social movements.

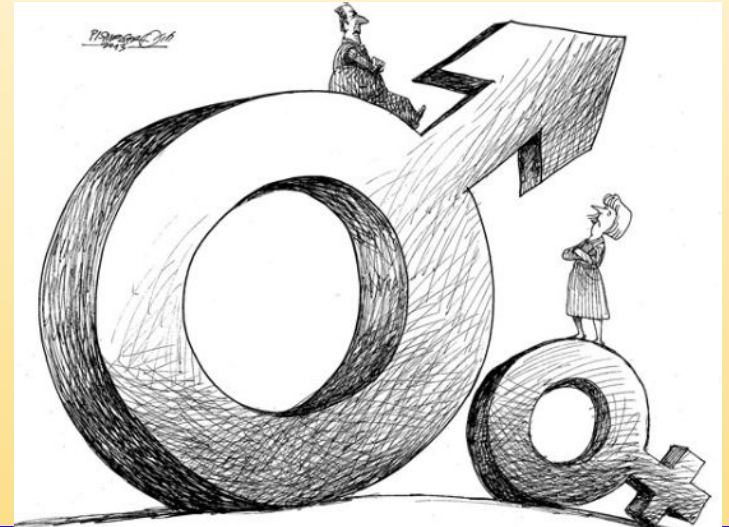
Warm Up:



Cartoon on the left: Noting that side of the house says “Equal Treatment” and that a dark complected man is on the front porch being addressed by the officer, what is the main point the cartoonist is attempting to get across?

Cartoon on the right: Remember that the symbol on the left pointed toward “2 o’clock” is for males and the plus sign under the other circle is for females. What is the cartoonists main point about men and women?

Warm Up: Teacher Thoughts



Cartoon on the left: I think that this cartoonist is striking at the notion that an African American male is judged differently than others. The man looks like he's trying to get into the equal treatment on the other side of the door but he's getting mistreated by the police officer who's wondering whether he deserves it.

Cartoon on the right: The cartoonist is clearly pointing out that men have a significant advantage over women. I'd assume that in terms of Civil Rights, women would need to be viewed more like racial, ethnic, religious, or other minorities in overcoming that difference.

Write me
down. I'm
important!



Important Vocabulary to Know:



**equal
protection
clause**

A clause of the Fourteenth Amendment stipulating that no state shall "deny to any person within its jurisdiction the equal protection of the laws." The equal protection clause has served as the basis for most legal challenges to discrimination.

**LGBTQ
movement**

A civil rights movement which emerged in the 1970s, dedicated to combating legal restrictions on lesbian, gay, bisexual, transexual, and queer citizens on the basis of Fourteenth Amendment protections. Note that some advocate for using alternative acronyms, such as LGBTQIA+ and GSRM.

**National
Organization
for Women
(NOW)**

An organization founded in 1960 with the goal of advancing the rights of women through legislative and legal challenges to sex discrimination.

**pro-life
(anti-
abortion)
movement**

A movement opposed to abortion, led by the National Right to Life Committee, which argues that Fourteenth Amendment protections begin at conception.

Additional Vocabulary to Know:

Write me
down. I'm
important!

Term	Definition
Civil Rights Act of 1964	Legislation barring discrimination in public accommodations, employment, or voting, on the basis of color, national origin, race, religion, or sex. The Civil Rights Act also created the Equal Employment Opportunity Commission to monitor and enforce the law.
Title IX	A provision of the Education Amendments of 1972, which prevents schools and universities receiving federal funding from discriminating against female students.
Voting Rights Act of 1965	Legislation prohibiting racial discrimination in voting, including the use of literacy tests, poll taxes, and grandfather clauses.

Prior Knowledge Set-Up

Today we will learn about the Equal Protection Clause of the 14th Amendment and go over how Civil Rights has been applied to:

Native Americans

Hispanic Americans

Asian Americans

Arab/Islamic Americans

LGBTQIA+ American

American Women

Disabled/Impaired Americans

Click on this video for an
Equal Protection summary



Civil Rights: What is it?

- Equal Treatment under the law (for citizens) = 14th Amendment!
- Government can't discriminate based on race, religion, gender, age
- There ARE some forms of discrimination (drinking age...)
- Fighting for Civil Rights is noble...therefore you'll need your SWORD, noble knight!

Write me
down. I'm
important!



Civil Rights

- **Civil Rights Movement is Key**
 - Constitution DID NOT mention equality!
- **Civil War Amendments (13/14/15)**
 - 14th is the FIRST and ONLY mention of “equality” under the **EQUAL PROTECTION CLAUSE**

Write me
down. I'm
important!

14th Amendment

~~Due Process~~ & Equal Protection Clauses

“~~... nor shall any state deprive any person of life, liberty, or property without due process of law;~~ nor (shall any state) deny any person within its jurisdiction the equal protection of the law.”

Equal Protection Clause : What does it do?

- Prevents states from making criminal laws that discriminate in an unreasonable and unjustified manner
- Discrimination depends on the class of people targeted for special treatment
- Criminal statutes that classify individuals randomly cannot be justified



What Counts as Discrimination?

Rational Basis Test: determines if discrimination has a legitimate purpose
Government usually wins if Rational Basis!

BASIS OF CLASSIFICATION	STANDARD OF REVIEW	APPLYING THE TEST
Race and ethnicity	Inherently suspect (difficult to meet)	Is the classification necessary to accomplish a compelling governmental purpose and the least restrictive way to reach the goal?
Gender	Intermediate scrutiny (moderately difficult to meet)	Does the classification bear a substantial relationship to an important governmental goal?
Other (age, wealth, etc.)	Reasonableness (easy to meet)	Does the classification have a rational relationship to a legitimate governmental goal?

Supreme Court's Standards for Classifications Under the Equal Protection Clause of the 14th Amendment

Lesson Activity #1

Today we will learn about the Equal Protection & Sex Discrimination thru Crash Course!

- 1) Who is the largest group protected class according to the 14th Amendment?
- 2) What is Intermediate Scrutiny?
- 3) What is Title VII of the Civil Rights Act of 1964 about?
- 4) What are the two types of sexual harassment at work?

Click on this Summary video, try to find missing answers



Lesson Activity #1

Today we will learn about the Equal Protection & Sex Discrimination thru Crash Course!

- 1) Women
- 2) Intermediate Scrutiny - Women are a majority group doesn't need as much legislative protection as religious, racial, ethnic groups but still receive some considerations
- 3) Employment discrimination specifically is found in Title VII of Civil Rights Act of 1964
- 4) QUID PRO QUO & HOSTILE WORK ENVIRONMENT

Summary video, with completed answers



Civil Rights - Women

(NOT a minority)

- American history: women and men unequal
- **19th Amendment (1920):** right to vote
- Equal Rights Amendment (ERA, 1923) was intended to enforce full equality for women but never was ratified by necessary $\frac{3}{4}$ of state legislatures
- Title IX of the Education Act of 1971 forbids gender discrimination in federally subsidized education programs (college and universities), including athletes.



Civil Rights - Disabled Americans

- **Americans with Disabilities Act of 1990** protects disabled Americans against job discrimination and requires accommodations (if it doesn't impose an "undue hardship").
 - FEDERAL GOV > STATES...
 - Forbids discrimination based on disability
 - Includes physical & mental disabilities
 - Unfunded mandate: a statute or regulation that requires a state or local government to perform certain actions, with no money provided for fulfilling the requirements. Public individuals or organizations can also be required to fulfill public mandates.



ADA - Americans with Disabilities Act

Lesson Activity #2

Click on this Summary video,
try to find missing answers

Today we will learn about Ethnic Civil Rights in America as it relates to discrimination thru Crash Course.

- 1) Which discrimination law singled out Asian Americans?
- 2) What court case makes school districts eliminate language barriers for students?
- 3) Which group is considered citizens of their own sovereign territory as a Discrete and Insular Minority?
- 4) Romar v. Evans (1996), Lawrence v. Texas (2003), Obergefell v. Hodges (2015) are all Supreme Court cases dealing with discrimination of what group of Americans?



Lesson Activity #2

Summary video, with completed answers

Today we will learn about Ethnic Civil Rights in America as it relates to discrimination thru Crash Course.

- 1) Chinese Exclusion Act of 1882
- 2) Lau v. Nichols (1974)
- 3) Native Americans are considered citizens of their own sovereign territory (Discrete and Insular Minority) & also Linguistic Minority like Lau case due to language barriers
- 4) Romar v. Evans (1996), Lawrence v. Texas (2003), Obergefell v. Hodges (2015) all deal with discrimination of LGBTQIA+ Americans



Lesson Activity

Click on this
Summary video

Main Takeaway of Protected Groups:

- 1) They have been historically been discriminated against, often times the discrimination continues
- 2) Numerical minorities except for women, meaning that they will have a hard time defending themselves in the political arena



Civil Rights Minorities: Native Americans

- Were isolated on “reservations” until the Dawes Act of 1887
- Right to Vote in 1924
- Native Americans Rights Fund → uses existing laws & treaties to ensure the federal and state gov'ts live up to legal obligations
- Special Rights: land rights, gov't can't build roads on ancient burial grounds, etc.

Civil Rights Minorities: Hispanic Americans

Largest racial group at 15% or more of American population

- Mexican American Legal Defense Fund (MALDEF) and United Farm Workers + new state laws
 - Force districts to give more funds to low income minorities for education, bilingual education, hiring, and challenging election rules/appointments
 - Aided by Voting Rights Act & Equal Protection
 - United Farm Workers: gain rights and better treatment for migrant workers.

Civil Rights Minorities: Asian & Islamic Americans

Asian Americans

- Fastest growing (5%)
- History of discrimination: Korematsu v. US (1944)
 - Okay to be interned for “national security”

Arab & Islamic Americans

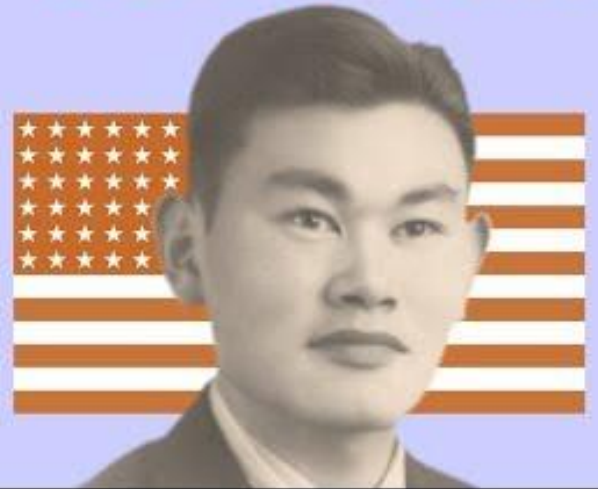
- 9/11: what are some of the violations and/or protections Muslim Americans have faced since then?

[Click on this summary video](#)

Wartime
Discrimination of
Japanese
Americans during
WWII

Korematsu v. United States

Supreme
Court
Briefs



Case: *Trump v. Hawaii* (2018)

President Trump & the Travel Bans of 2017 (Muslim majority countries) produced lots of criticism culminating in a 5-4 controversial Supreme Court ruling allowing the bans to stand.

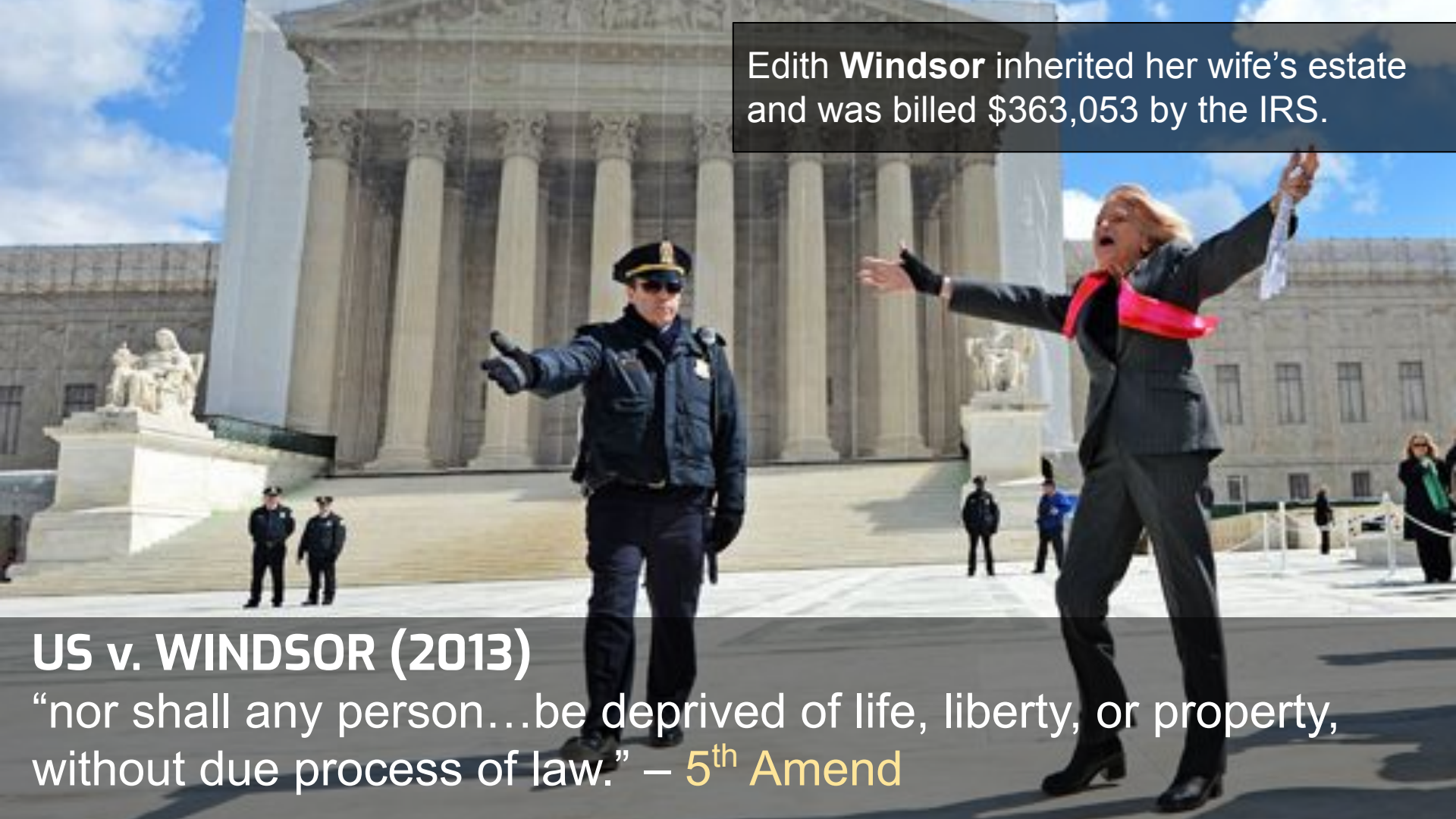
Click on these criticism summary videos



Civil Rights - LGBTQIA+

Gay rights and Sexuality Awareness started it

- “Don’t ask, don’t tell” policy for military
- DOMA (Defense of Marriage Act), 1996 allows states NOT to recognize another state’s civil unions
 - Full Faith & Credit contradicts
- Obergefell v. Hodges (2014) : Makes states recognize same-sex marriage

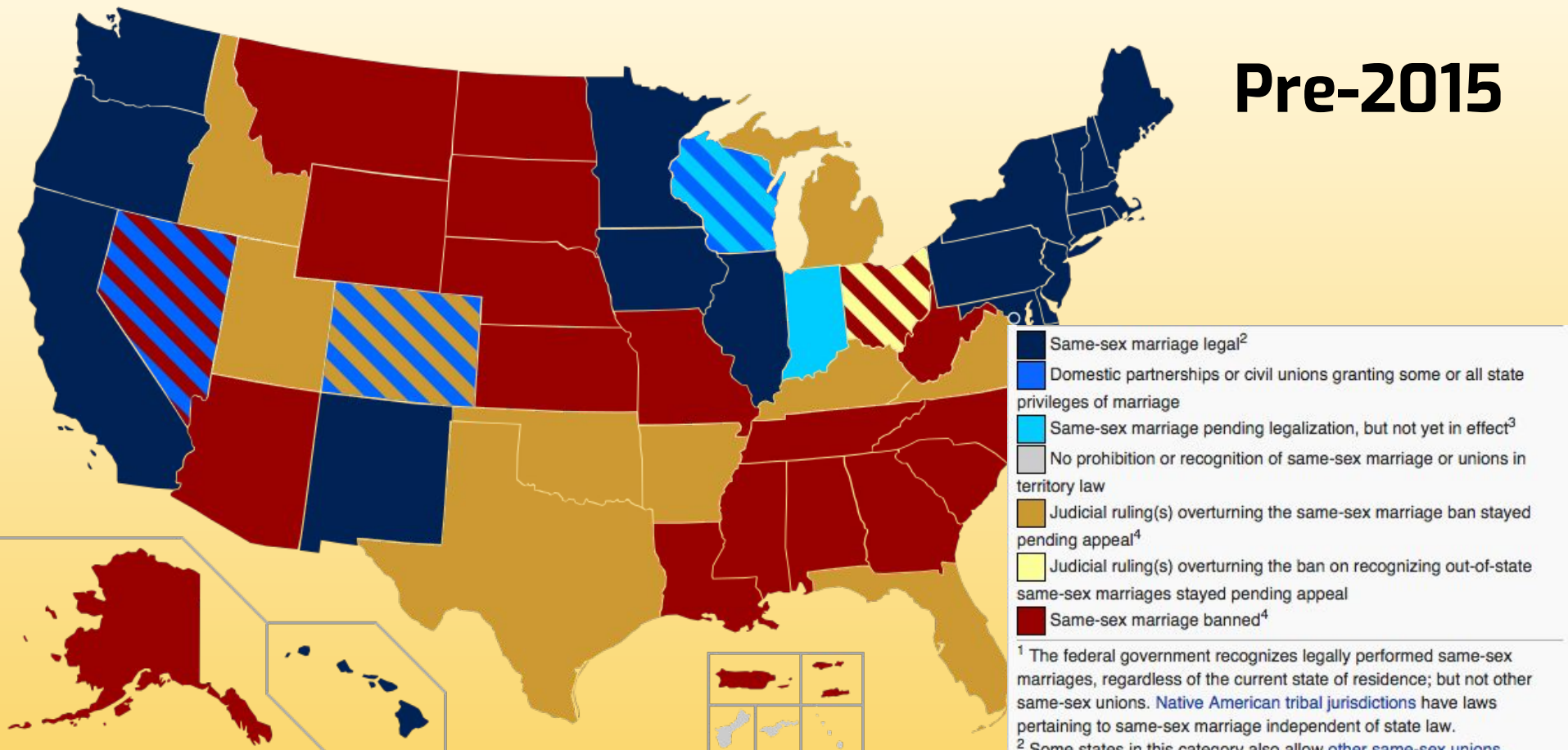


Edith **Windsor** inherited her wife's estate and was billed \$363,053 by the IRS.

US v. WINDSOR (2013)

“nor shall any person...be deprived of life, liberty, or property, without due process of law.” – 5th Amend

Pre-2015



- Same-sex marriage legal²
- Domestic partnerships or civil unions granting some or all state privileges of marriage
- Same-sex marriage pending legalization, but not yet in effect³
- No prohibition or recognition of same-sex marriage or unions in territory law
- Judicial ruling(s) overturning the same-sex marriage ban stayed pending appeal⁴
- Judicial ruling(s) overturning the ban on recognizing out-of-state same-sex marriages stayed pending appeal
- Same-sex marriage banned⁴

¹ The federal government recognizes legally performed same-sex marriages, regardless of the current state of residence; but not other same-sex unions. *Native American tribal jurisdictions* have laws pertaining to same-sex marriage independent of state law.

² Some states in this category also allow *other same-sex unions*.

³ Rulings striking down *Indiana's* and *Wisconsin's* same-sex marriage bans have been upheld.

⁴ Many states in these categories either *ban unions similar to marriage* or have *judicial rulings against bans on unions similar to marriage*.

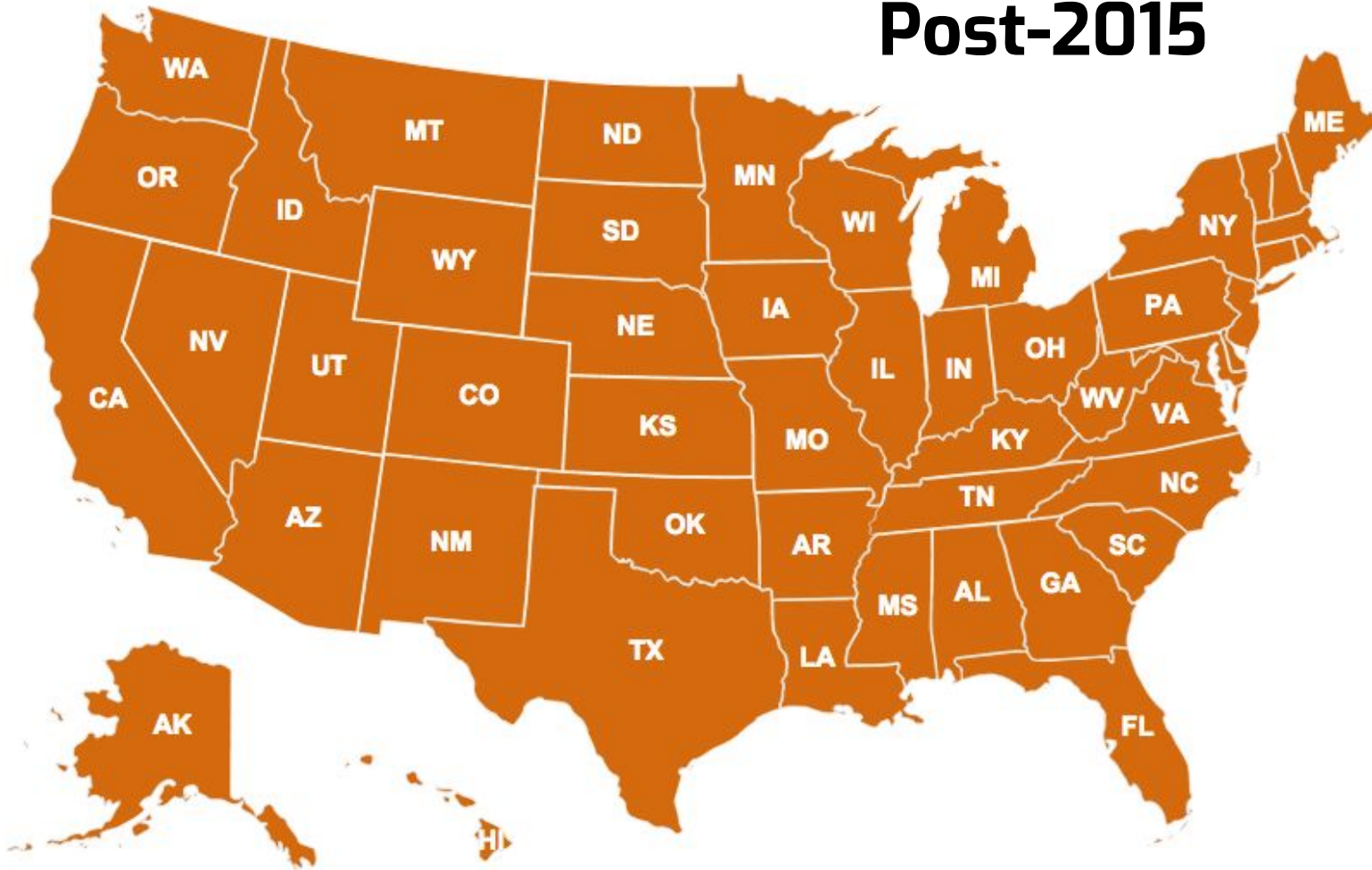


OBERGEFELL v. HODGES (2015)

The **fundamental right to marry** is guaranteed to same-sex couples by both the **Due Process Clause** and the **Equal Protection Clause** of the **Fourteenth Amendment** to the United States Constitution.

Same-sex marriage is legal

Post-2015



VT

NH

MA

CT

RI

NJ

DE

MD

DC

Click Below for
an example

[Article about the recent baker case with different interpretations of rights on the basis of the 14th and 1st Amendments](#)



SAME SEX MARRIAGE & FEDERALISM

Practice #1

“No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family . . . It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.” -Justice Anthony Kennedy, majority opinion in *Obergefell v. Hodges* (2015)

- A) Marriage is a fundamental right under the Fourteenth Amendment's equal protection and due process clauses
- B) A new constitutional amendment should protect the fundamental right of marriage
- C) The institution of marriage is more important than the Constitution
- D) Individuals should be able to declare their love for each other openly based on the First Amendment's protection of freedom of speech

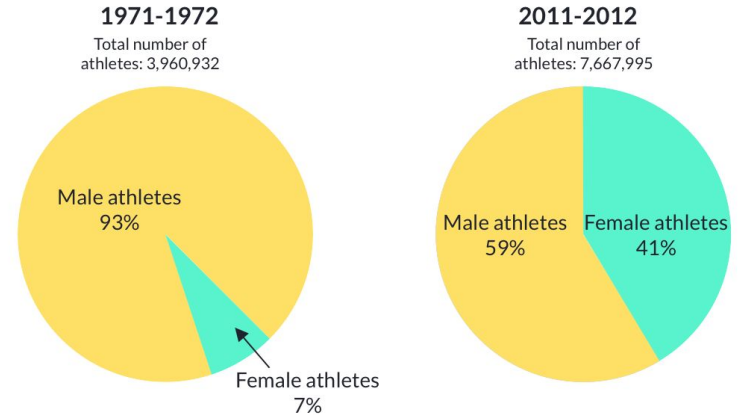
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Practice #2

Percentage of Male and Female Participation in High School Sports in 1972 and 2011



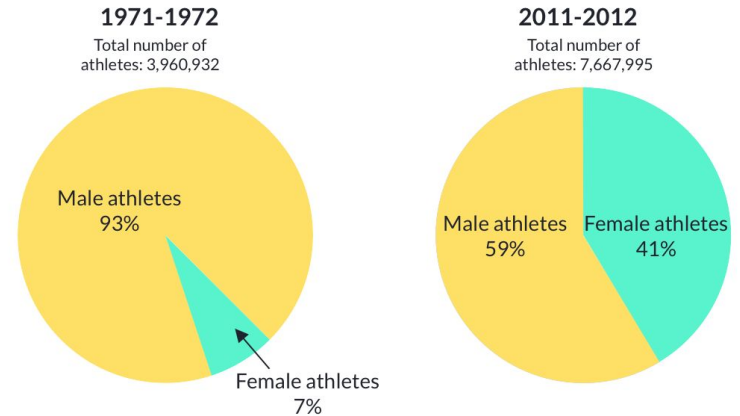
Source: National Federation of State High School Associations, 2011

Which of the following accurately describes the information presented in the pie charts?

- A) Female athletes represented a larger proportion of total high school athletes in 2011-2012 than in 1971-1972
- B) From 1971-72 to 2011-12, female athletes became more likely to participate in high school sports than male athletes
- C) The total number of high school athletes decreased from 1971-72 to 2011-12
- D) All high school sports became co-ed, allowing for female athletes to participate on male sports teams

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Practice #3

Which of the following statements best explains why the Civil Rights Act of 1964 was a significant political event?

Which of the following constitutional provisions did the Supreme Court use to support their decision?

- A) It prohibited discrimination in public places, employment, and voting
- B) It extended suffrage to African American men and women
- C) It removed structural barriers to minority voting
- D) It prevented schools and universities from discriminating against female students

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Which Civil Rights protected class is frustrated with their treatment in this parody music video?

Click on video for a preview of the next lesson

You're Welcome
:)

Reflection



For Fun

Click on video for
a preview of the
next lesson

You're Welcome
:)



Social Studies Virtual Learning

AP US Gov & Politics

Racial Civil Rights & *Brown v. Board of Education of Topeka, KS*

April 14, 2020

AP US Gov & Politics

Lesson #23: April 14th, 2020

Learning Target (PRD 1.A) : Explain how constitutional provisions have supported and motivated social movements.



Warm Up:



Cartoon on the left: The cartoon on the left is referring to a particular case we will get into later in the lesson. The Supreme Court Justice is looking over school districts who have two books in their hands. What is the cartoonist stating about how school districts are at following the rules?

Cartoon on the right: Pay close attention to the woman sitting down being confronted by the larger man with "Racism" on his back. What is this cartoon in reference to? Why does the cartoonist say that "No" is the most eloquent word?



Warm Up: Teacher Thoughts



Cartoon on the left: The cartoon on the left is referring to the Supreme Court Justice overseeing the Civil Rights lesson to school districts who were not paying attention, as referenced by the coloring book being higher priority than “achieving a colorblind society.”

Cartoon on the right: Pay close attention to the woman sitting down being confronted by the larger man with “Racism” on his back. What is this cartoon in reference to? Why does the cartoonist say that “No” is the most eloquent word?

Write me
down. I'm
important!

Important Vocabulary to Know:

Term	Definition
civil rights	Rights of individuals against discrimination based on race, national origin, religion, sex, ability, sexual orientation, age, or pregnancy.
Civil Rights Act of 1964	Legislation passed by Congress prohibiting segregation of public facilities, as well as discrimination on the basis of race, color, sex, religion, or national origin. The Civil Rights Act also created the Equal Employment Opportunity Commission to enforce these provisions.
Civil Rights Movement (1960s)	A movement, led by both grassroots and national civil rights organizations, to end segregation and other forms of discrimination against African American citizens.
due process clause	A clause of the Fourteenth Amendment stipulating that no state shall "deprive any person of life, liberty, or property without due process of law." This clause aims to ensure that neither states nor the federal government infringe upon the rights of individuals without following proper legal procedures.
equal protection clause	A clause of the Fourteenth Amendment stipulating that no state shall "deny to any person within its jurisdiction the equal protection of the laws." The equal protection clause has served as the basis for most legal challenges to discrimination.

Write me
down. I'm
important!

Additional Vocabulary to Know:

Term	Definition
"separate but equal" doctrine	The Supreme Court's decision in <i>Plessy v. Ferguson</i> (1896) that having separate facilities for black and white citizens was not a violation of the Fourteenth Amendment's equal protection clause.
majority-minority districts	Congressional districts with boundaries set so that the majority of voters are from one minority group. The aim of creating districts in this way is to make it easier for citizens of a racial or ethnic minority to elect a representative who reflects their concerns, and to prevent their collective votes from being diluted when spread across several different districts.
Voting Rights Act of 1965	Legislation prohibiting racial discrimination in voting, including the use of literacy tests, poll taxes, and grandfather clauses. The act also specifies that electoral district lines may not be drawn in such a way as to improperly dilute the votes of minority groups.

Prior Knowledge Set-Up

Today we will learn about the Equal Protection Clause of the 14th Amendment and go over how Civil Rights has been applied to:

African Americans

Click on this video for an Equal Protection summary



Lesson Activity

Today we will learn about the development of Civil Rights throughout American history in these cases: (Red = AP Test Worthy)

Dred Scott v. Sanford

Plessy v. Ferguson

Brown v. Board of Education of Topeka, KS (Parts 1 & 2)

Loving v. Virginia

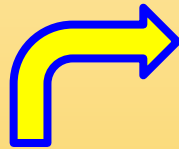
Shaw v. Reno

Click on this *Dred Scott v. Sanford* Summary video



What Civil Rights cases are going to be on the AP Government Exam?

More for the reapportionment & gerrymandering than race on the AP Exam



Cases to know

***Brown v. Board of Education* (1954):** Oliver Brown was the father of Linda, an African American third grader who was forced to attend a segregated elementary school. Along with other African American families in the area, Brown sued the Board of Education of Topeka, Kansas. Under the leadership of future Supreme Court justice Thurgood Marshall, the NAACP's Legal Defense Fund sought to prove with this case that segregated public schools violated the Fourteenth Amendment's equal protection clause. In its decision, the Supreme Court agreed, ruling that "in the field of public education, separate but equal has no place." This ruling was a crucial victory for the civil rights movement, and later cases challenging segregation built on the precedent set in *Brown*.

***Shaw v. Reno* (1993):** The US attorney general rejected a congressional reapportionment plan from North Carolina because it created only one black-majority district. In response, North Carolina submitted a second plan creating two black-majority districts, but one of those districts was an abnormal shape. Five North Carolina residents challenged the constitutionality of that district, arguing that its only purpose was to secure the election of additional black representatives. The Supreme Court ruled that although legislative redistricting must be conscious of race and comply with the Voting Rights Act of 1965, exceeding what is reasonably necessary to avoid racial imbalances is unconstitutional, representing a violation of the equal protection clause of the Fourteenth Amendment.

What's going to be connected to the Civil Rights cases of ***Brown v. Board of Education*** and ***Shaw v. Reno*** on the AP Test?

Supreme Court restrictions and protections of minority rights: The Supreme Court's interpretation of the Constitution can change over time, as it did between the decisions in *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954). In *Plessy*, the Court ruled that public facilities that were "separate but equal" did not violate the Fourteenth Amendment. This decision sanctioned segregation in public places all across the United States.

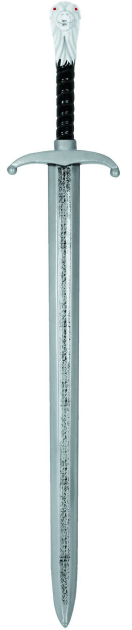
However, in *Brown v. Board of Education* (1954), the Court under Chief Justice Earl Warren ruled that race-based school segregation violates the equal protection clause, overturning *Plessy*. These different interpretations of the constitutionality of segregation show how at times the Court has restricted rights, and at others protected them. For example, *Shaw v. Reno* (1993) is an example of the Court upholding the rights of the majority, arguably at the expense of minority rights, by placing limits on majority-minority redistricting.

Influence of the composition of the court: The Court's changing composition contributes to its different interpretations of the Constitution over time: for example, the majority of justices on the Warren Court who ruled against segregation in *Brown v. Board* tended to hold liberal positions and ruled in favor of expanding civil rights, many having been appointed by Democratic presidents. By the time of *Shaw v. Reno*, eight of nine justices were nominees of Republican presidents. With this more conservative composition, the Court interpreted the Fourteenth Amendment to uphold the rights of the racial majority (white voters) in the case of *Shaw*.

Civil Rights: What is it?

- Equal Treatment under the law (for citizens) = 14th Amendment!
- Government can't discriminate based on race, religion, gender, age
- There ARE some forms of discrimination (drinking age...)
- Fighting for Civil Rights is noble...therefore you'll need your SWORD, noble knight!

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Civil Rights

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 - Constitution DID NOT mention equality!
- **Civil War Amendments (13/14/15)**
 - 14th is the FIRST and ONLY mention of “equality” under the **EQUAL PROTECTION CLAUSE**

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14th Amendment

~~Due Process~~ & Equal Protection Clauses

“~~... nor shall any state deprive any person of life, liberty, or property without due process of law;~~ nor (shall any state) deny any person within its jurisdiction the equal protection of the law.”

Equal Protection Clause

Prevents states from making criminal laws that discriminate in an unreasonable and unjustified manner

Depends on the class of people targeted for special treatment

Criminal statutes that classify individuals randomly cannot be justified



What Counts as Discrimination?

Rational Basis Test: determines if discrimination has a legitimate purpose
Government usually wins if Rational Basis!

BASIS OF CLASSIFICATION	STANDARD OF REVIEW	APPLYING THE TEST
Race and ethnicity	Inherently suspect (difficult to meet)	Is the classification necessary to accomplish a compelling governmental purpose and the least restrictive way to reach the goal?
Gender	Intermediate scrutiny (moderately difficult to meet)	Does the classification bear a substantial relationship to an important governmental goal?
Other (age, wealth, etc.)	Reasonableness (easy to meet)	Does the classification have a rational relationship to a legitimate governmental goal?

Supreme Court's Standards for Classifications Under the Equal Protection Clause of the 14th Amendment

Challenger #1
Loving v. Virginia (1967)

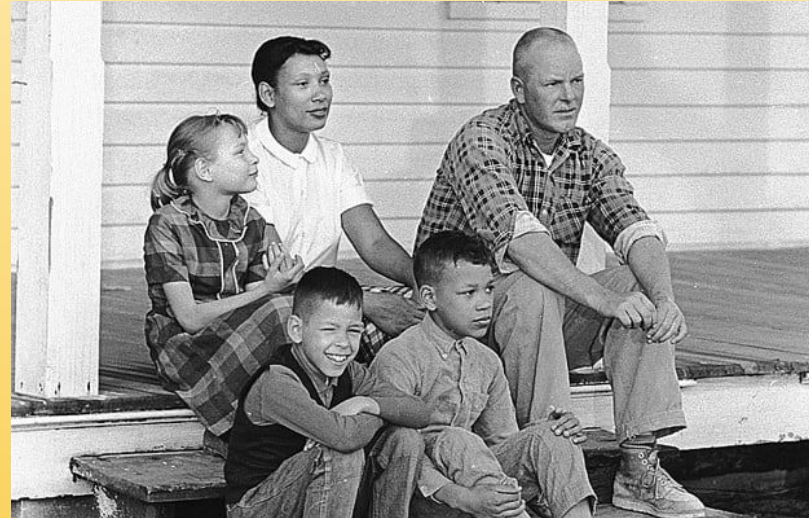
According to the Equal Protection Clause of the 14th Amendment, Virginia couldn't make criminal laws that discriminate in an unreasonable and unjustified manner

The random classification of criminal statutes to apply to mixed race marriages was found to be unconstitutional.

Found no government interest in treating citizens of a different race more or less harshly.

If the Lovings were both White or both Black their marriage would not have been a criminal issue.

**Example :
Loving v. Virginia**



Loving v. Virginia was cited as an example in these other cases related to Same-Sex Marriage as similar to Interracial Marriage

[Click on this summary video](#)



Lawrence v. Texas
(2003)



United States v.
Windsor (2013)



Obergefell v.
Hodges (2015)



Loving Movie (2016) if you're interested:

Click on this
movie trailer



Equal Protection Clause

Modern courts do not uphold criminal statutes that classify based on race because there is no government interest in treating citizens of a different race more or less harshly. Race = Random classification

The previous 3 cases listed: Lawrence v. Texas, United States v. Windsor, and Obergefell v. Hodges were all cases that added sexuality/sexual orientation to the random classification list

There are many pending cases with gender identification as well

Criminal statutes classifying CONVICTED felons differently CAN be justified as rational

Challenger #2

Dred Scott v. Sanford (1857)

Dred Scott & Privileges and Immunities Clause

The phrase "privileges and immunities" appears more than two dozen times in the notorious 1857 Supreme Court case of Dred Scott v Sandford. The Court concluded that black persons were not entitled to the privileges and immunities of citizens, which the Court took broadly to include the rights to speak, bear arms, assemble, and travel freely. John Bingham, primary author of the Fourteenth Amendment, said that he used the phrase "privileges and immunities" to specifically overturn the language of Scott v Sandford.

"...For if they [blacks] were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police regulations which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the State."

*A passage comes from the 1857 Scott decision: SO WE CAN'T HAVE THAT APPARENTLY (EYE-ROLL)

14th Amendment : Not Strong Enough Phrase...

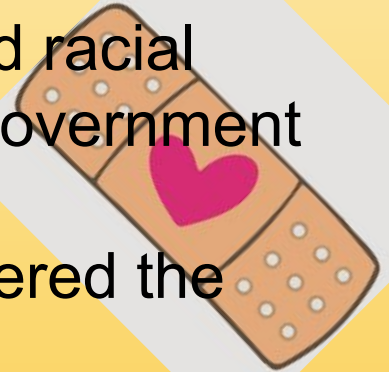
- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein their reside.
- No STATE shall make or enforce any law which shall abridge (deprive) the **PRIVILEGES or IMMUNITIES or immunities** of citizens of the United States.
- ... nor shall any state deprive any person of life, liberty, or property without **DUE PROCESS** of law;
- Nor (shall any state) deny any person within its jurisdiction the **EQUAL PROTECTION of the law**

Challenger #3
Plessy v. Ferguson (1896)

Civil Rights Over Time

Write me
down. I'm
important!

- **Black Codes & Jim Crow Laws = More Segregation**
 - **Plessy v. Ferguson (1896)**- set up “separate but equal” doctrine
- **Attempted Short-Term Band-Aids**
 - **Executive Order 8802 (1941)**- FDR banned racial discrimination in the defense industry and government offices
 - **Executive Order 9981 (1948)**- Truman ordered the desegregation of the armed forces



De Jure v. De Facto Segregation

Write me
down. I'm
important!

De jure: segregation by law (illegal)

De facto: segregation through circumstance with NO LAW supporting it (it just kind of happens)

*Most of what you knew about racial segregation was de jure until states started ignoring federal policies (then it became de facto, like “White Flight” etc.

Legal Developments

Civil Rights Act of 1964- Outlawed racial discrimination in public places and prohibited discrimination in employment

- **Equal Employment Opportunity Commission:** enforces CR laws against workplace discrimination (investigates complaints)
- Independent Regulatory Agency oversees this as part of the Bureaucracy

Voting Rights Act of 1965- made voter registration easier and outlawed discriminatory tests in voting registration

Plessy v. Ferguson

**Supreme
Court
Briefs**



FOR
WHITE PASSENGERS



FOR
COLORED PASSENGERS

Click on this
*Plessy v.
Ferguson (1896)*
summary video

ESSENTIAL COURT CASE!

Challenger #4

Brown v. Board of Education of Topeka,
Kansas (1954 Part 1, 1955 Part 2)

Slow End to Jim Crow Laws

- **Brown v. Board of Education (1954)-**
overturned Plessy
- **Brown v. Board of Education II (1955)-**
desegregated schools

Challenged De Jure Segregation but did not solve
issues with De Facto

Click on this
***Brown v. Board
of Education***
summary video

SEPARATE BUT EQUAL



Marshall Movie (2017) if you're interested:

[Click on this movie trailer](#)

Thurgood Marshall was a pioneer in the legal world for Civil Rights.

He eventually became the 1st African American Supreme Court Justice.

First, he was one of the leading lawyers for ***Brown v. Board of Education***.



Write me
down. I'm
important!

Challenger #5

Shaw v. Reno (1993)

Click on this
***Shaw v.
Reno***
summary
video



Practice #1

In 1890, Louisiana enacted a law that required separate railway cars for black people and for white people. Homer Plessy took a seat in a “whites only” train. He refused to move to the car reserved for black people and was arrested. The case went to the Supreme Court and the Supreme Court ruled to uphold the Louisiana law.

Which statement accurately summarizes the impact of the Plessy v. Ferguson (1896) decision?

- A) It restricted African-American voting power by ruling that poll taxes and literacy tests were constitutional
- B) It restricted African-American access to the same public facilities as the majority white population
- C) It protected African-American voting power by requiring that states create majority-minority legislative districts
- D) It protected African-American access to the same public facilities as the majority white population

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Practice #2

“An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because it did not have the unhampered right to vote. Who can say that the legislature of Alabama which set up the segregation laws was democratically elected? Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered voters, and there are some counties without a single Negro registered to vote, despite the fact that the Negroes constitute a majority of the population. Can any law set up in such a state be considered democratically structured?” Dr. Martin Luther King, “Letter from a Birmingham Jail,” 1963

Which of the following governmental policies would the author most likely support as a solution to the problems described in this passage?

- A) The Civil Rights Act of 1964
- B) The Twenty-sixth Amendment
- C) The Voting Rights Act of 1965
- D) Title IX of the Education Amendments Act of 1972

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Practice #3

“An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand, a just law is a code that a majority compels a minority to follow, and that is willing to follow itself. This is sameness made legal.”

-Dr. Martin Luther King, Jr., Letter from a Birmingham Jail, 1963.

Supporters of King’s view that just laws treat the majority and minority the same could point to which of the following Supreme Court cases?

- A) Tinker v. Des Moines Independent Community School District (1969)
- B) McDonald v. Chicago (2010)
- C) McCulloch v. Maryland (1819)
- D) Brown v. Board of Education of Topeka (1954)

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Practice #4

Which of the following is an accurate comparison of the two court cases?

	<i>Brown v. Board of Education (1954)</i>	<i>Shaw v. Reno (1993)</i>
A	Ruled that Kansas violated the equal protection clause of the Fourteenth Amendment	Ruled that North Carolina violated the due process clause of the Fourteenth Amendment
B	Prohibited race-based segregation in schools	Prohibited oddly-shaped majority-minority districts
C	Decided that states had the exclusive right to regulate schools	Decided that federal courts can intervene and decide redistricting cases
D	Led to the “one-person, one-vote” judicial doctrine	Led to an increase in power for the national government

Comparison A
Comparison B

Comparison C
Comparison D

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Comparison C

Comparison D

Practice #5

In *Swann v. Charlotte-Mecklenberg County Schools* (1971), the Supreme Court held that schools could assign students to schools outside of their district to achieve racial balances.

Which of the following cases did the Court use as precedent in their decision?

- A) *Brown v. Board of Education of Topeka* (1954)
- B) *Tinker v. Des Moines Independent Community School District* (1969)
- C) *Engel v. Vitale* (1962)
- D) *Gideon v. Wainwright* (1963)

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Practice #6

“The District Court’s assessment that all this evidence proved racial predominance clears the bar of clear error review. The court emphasized that the districting plan’s own architects had repeatedly described the influx of African-Americans into District 12 as a . . . compliance measure, not a side-effect of political gerrymandering. And those contemporaneous descriptions comported with the court’s credibility determinations about the trial testimony—that Watt told the truth when he recounted Rucho’s resolve to hit a majority-BVAP target; and conversely that Hofeller skirted the truth (especially as to Guilford County) when he claimed to have followed only race-blind criteria in drawing district lines. We cannot disrespect such credibility judgments.” -Associate Justice Elena Kagan, opinion of the Court in *Cooper v. Harris*, 2017

Which of the following statements best summarizes the author’s argument?

- A) North Carolina created districts predominantly based on race in accordance with the Voting Rights Act, making it a constitutional action
- B) North Carolina created districts predominantly based on population changes, making it a constitutional action
- C) North Carolina created a districts predominantly based on partisan lines, which is unconstitutional
- D) North Carolina created a district predominantly based on racial lines, which is unconstitutional

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Reflection Questions to Ponder

In *Brown v. Board* (1954), how was the “separate but equal” doctrine found to restrict minority rights?

How is the decision in *Brown v. Board of Education* (1954) an example of the Supreme Court changing the interpretation of the Constitution to protect minority rights?

What is the Supreme Court’s interpretation of the constitutionality of majority-minority districts?

For Fun

Click on video for
a “terrible” review
of the this lesson

You're Welcome :)

Plessy V. Ferguson



Drake's “One Dance” Parody



For Fun:
Because You
Need Another

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