



Social Studies Virtual Learning

AP Government

Required Document:

Letter from Birmingham Jail

(Part 4: Reflection)

April 17, 2020



AP Government: Letter from Birmingham Jail (Part 4)

April 17, 2020

Objective: PRD 1.A

Explain how constitutional provisions have supported and motivated social movements.

Reflection

Wrapping Up

Letter from Birmingham Jail

MCQ Practice Question #1

Which of the following best describes Dr. Martin Luther King's point of view when writing the *Letter from Birmingham Jail*?

- A) Dr. King apologizes for the community tensions created by such tactics as sit-ins and marches.
- B) Arguing that time was on their side, Dr. King promises that the Southern Christian Leadership Conference (SCLC) would slow down the pace of public demonstration.
- C) Dr. King defends the motivations, tactics, and goals of the Birmingham campaign specifically and the Civil Rights Movement in general.
- D) Acknowledging failure, Dr. King is ready to cede leadership of the Civil Rights Movement to more radical elements.

MCQ Practice Question #1 (Answer)

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- C) Dr. King defends the motivations, tactics, and goals of the Birmingham campaign specifically and the Civil Rights Movement in general.**
- D) Acknowledging failure, Dr. King is ready to cede leadership of the Civil Rights Movement to more radical elements.

****Can you explain why?***

MCQ Practice Question #2

Which of the following organizations was founded on principles that were in direct opposition to the tactic of nonviolent disobedience advocated in Dr. Martin Luther King's Letter from Birmingham Jail?

- A) The National Urban League
- B) The Black Panther Party
- C) The Congress of Racial Equality
- D) The Student Non-Violent Coordinating Committee

MCQ Practice Question #2 (Answer)

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- A) The National Urban League
- B) The Black Panther Party**
- C) The Congress of Racial Equality
- D) The Student Non-Violent Coordinating Committee

****Can you explain why?***

MCQ Practice Question #3

One of the short term effects of Dr. Martin Luther King's Letter from Birmingham Jail was

- A) The decision to organize a March on Washington DC for Jobs and Freedom
- B) An end to violence carried out on blacks in Birmingham, AL
- C) Unprecedented registration of black voters throughout the South
- D) The founding of the Black Panther Party by the Southern Christian Leadership Conference (SCLC)

MCQ Practice Question #3 (Answer)

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****Can you explain why?***

MCQ Practice Question #4

Which of the following best describes the major assumption of Dr. Martin Luther King's Letter from Birmingham Jail?

- A) Whites would finally recognize that blacks have a moral responsibility to break unjust laws and to take direct action to achieve social justice.
- B) Violence in the name of a just cause is always justified.
- C) Dr. King's incarceration would be a huge failure for the Civil Rights Movement.
- D) Efforts at civil disobedience would energize white, moderate churchgoers to join the Civil Rights Movement.

MCQ Practice Question #4 (Answer)

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- C) Dr. King's incarceration would be a huge failure for the Civil Rights Movement.
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****Can you explain why?***

MCQ Practice Question #5

Dr. Martin Luther King's Letter from Birmingham Jail reflects what shift in American attitudes towards civil disobedience?

- A) Civil disobedience, especially when it involves breaking the law, has no place in American society.
- B) Violent civil disobedience is a legitimate reaction to immoral laws in the US.
- C) In the face of immoral laws, civil disobedience is a perfectly justified response in America
- D) During wartime, acts of civil disobedience should never be tolerated in the US.

MCQ Practice Question #5 (Answer)

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- D) During wartime, acts of civil disobedience should never be tolerated in the US.

****Can you explain why?***

MCQ Practice Question #6

One of the long-term effects of Dr. Martin Luther King's Letter from Birmingham Jail was

- A) The acceptance of the Black Panther Party as a mainstream political organization.
- B) Its application of the ideals found in the letter by opponents of apartheid in South Africa and of communism behind the Iron Curtain.
- C) The dissolution of the Ku Klux Klan.
- D) The ascension of Malcolm X to a leadership position in the Southern Christian Leadership Conference (SCLC).

MCQ Practice Question #6 (Answer)

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****Can you explain why?***

Final Thought

To wrap up:

How did the equal protection clause and the US Supreme Court's ruling in Brown v. Board (1954) likely motivate and support King's argument in Letter to Birmingham jail?

Social Studies Virtual Learning

AP US Gov & Politics

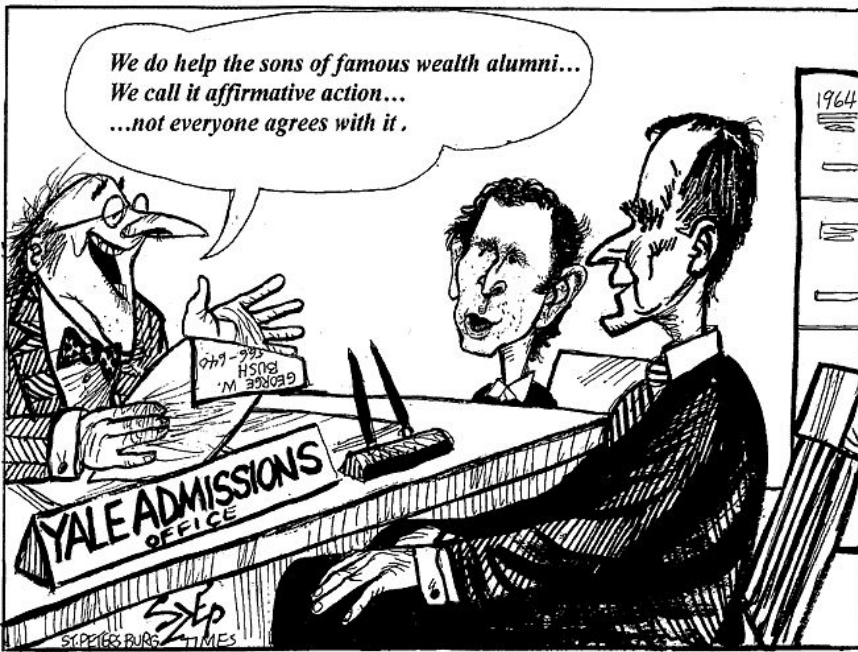
Affirmative Action & Colleges

April 17, 2020

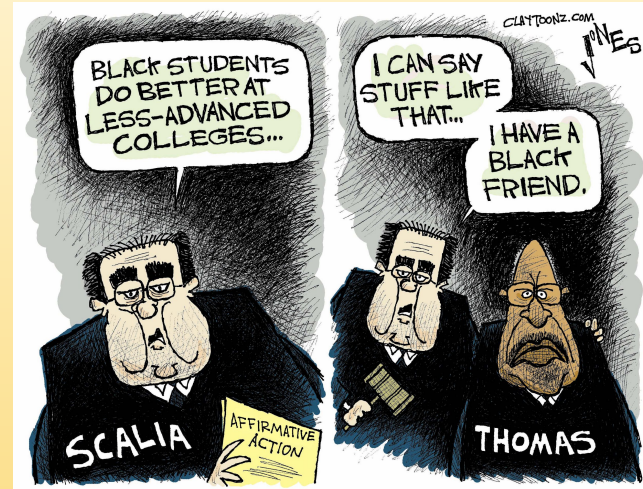
AP US Gov & Politics

Lesson #28: April 17th, 2020

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



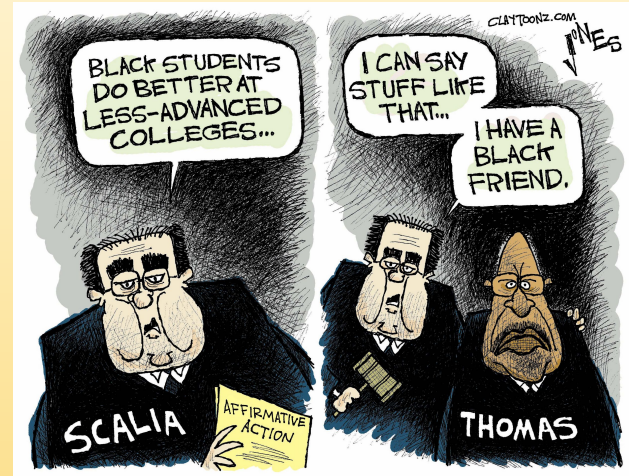
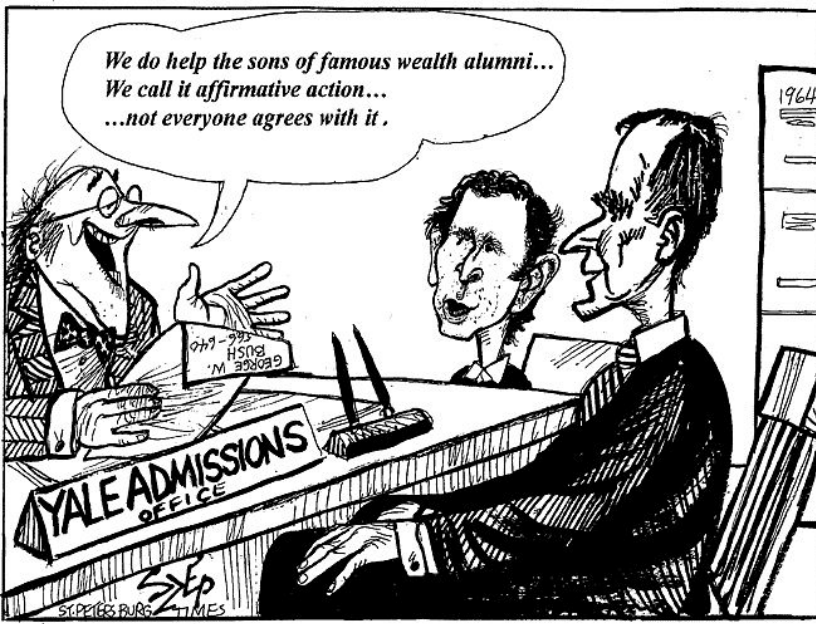
Warm Up:



Cartoon on the left: The cartoon on the left shows a father and a son sitting down with the admissions department of Yale University. The practice of Affirmative Action is a practice to correct past discrimination but remember political cartoons are satirical/joking in nature. Who is in this picture and what is it trying to communicate?

Cartoon on the right: The cartoon on the right has a man in a black robe (who could be assumed to be a judge) justifying his position on Affirmative Action. What does he mean when he states that “Black students do better at less-advanced colleges?” Why does the cartoonist use the other visual of him standing next to another judge named Thomas?

Warm Up: Teacher Thoughts



Cartoon on the left: The cartoon on the left is referring a common criticism that many of the most powerful people in our country have cheated the system designed to help more disadvantaged races, ethnicities, women, nationalities, etc. for the benefit of people who already had a leg up. This cartoon has President George W. Bush in the middle and his father President George H.W. Bush to his left rigging the system.

Cartoon on the right: The cartoon on the right is criticizing two conservative Supreme Court Justices Scalia and Thomas for their decisions against Affirmative Action programs but still preventing the hint of racism since Scalia says, "I can say stuff like that. I have a Black friend."

Lesson Activity

Click on this
Summary video

Today we will learn about the Equal Protection Clause of the 14th Amendment and how it applies to Affirmative Action programs:

Affirmative Action definition

What it means particularly
to Young Americans



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...)
- **Rational Basis Test:** determines if discrimination has a legitimate purpose

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 Fourteenth Amendment

14th Amendment

- 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** 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**

Affirmative Action

Click on Khan Academy video for background

Write me down.
I'm important!

**Policy to correct
past discrimination**

★ Affirmative Action

California Civil Rights Initiative (Proposition 209), 1996

Regents of the Univ. of Cal.
v. Bakke (1978)

Grutter v. Bollinger
(2003)

As part of its goal of "assembling a class that is both exceptionally academically qualified and broadly diverse," the Law School seeks to "enroll a 'critical mass' of minority students." ... the Law School's concept of critical mass is defined by reference to the educational benefits that diversity is designed to produce...

These benefits are substantial. As the District Court emphasized, the Law School's admissions policy promotes "cross-racial understanding," helps to break down racial stereotypes, and "enables [students] to better understand persons of different races." ...



Khan Academy



Justice Sandra
Day O'Connor

Affirmative Action for Our Class

Write me down. I'm important!

- **An organization (businesses, gov't agencies, labor unions, schools, colleges, etc.) must take positive steps to increase the number or proportion of women, African Americans, or other minorities in its membership (to correct past discrimination)**
- **Usually Challenged in Courts**
 - Regents of the University of California v. Bakke (1978)- Affirmative Action ok but quotas (#set aside for minorities) were unconstitutional
- **Courts have become less tolerant of programs over time**

ADMISSIONS



DAUGHTER
of ALUM

SON of
BIG DONOR

SOCCER
PLAYER

RAISED in
DISTANT STATE

MINORITY

DIDN'T
GET IN

S. HANSEN

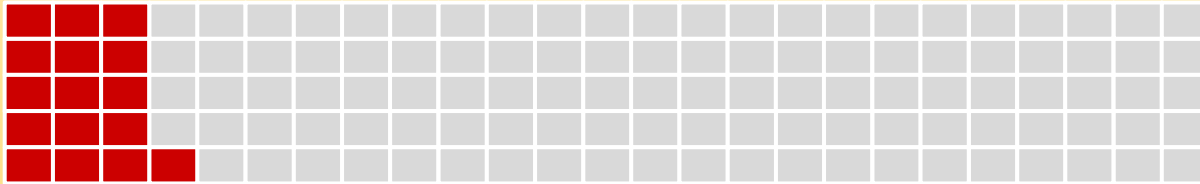
Challenger #1

Bakke v. Regents of California at Davis (1978)

Bakke v. Regents of California at Davis (1978)



Medical School desired to produce more minority doctors so they set aside **16 (out of 100)** places in the entering class for members of disadvantaged groups.

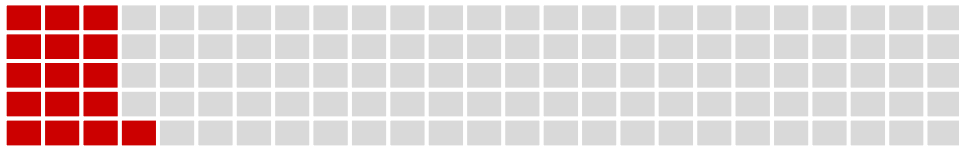


Alan Bakke

was repeatedly deferred.
His MCAT scores were
higher than some of the
minority applicants

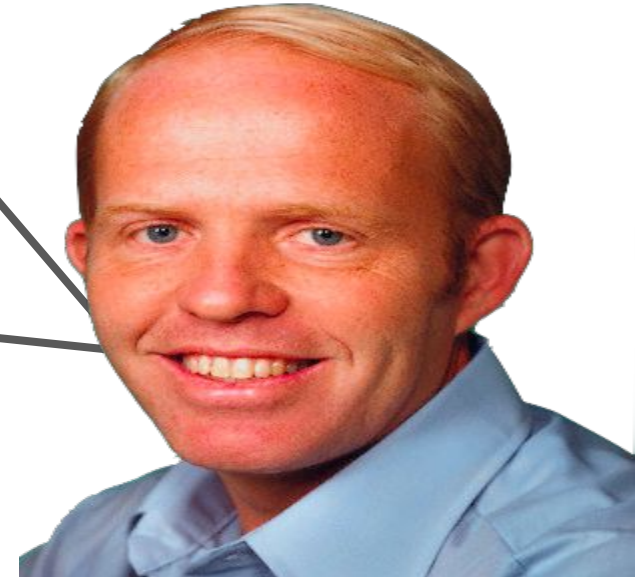
Bakke v. Regents of California at Davis (1978)

I'm only eligible for 84 spots because I'm white.



A minority applicant is eligible for all 100 spots.

This isn't fair and violates the **Equal Protection Clause** of the 14th Amendment.



*No state shall deny to any person within its jurisdiction "the **equal protection** of the laws

Bakke v. Regents of California at Davis (1978)

Write me down. I'm important!

- Bakke was admitted.
- Strict quotas in college admissions were found to be unconstitutional (but quotas in other areas could still be used).
- Race (but not quotas) could still be used in college admissions.
 - Businesses can have quotas because they are private enterprises

Challengers #2 & #3

Gratz v. Bollinger (2003)

Grutter v. Bollinger (2003)



Two cases related to the **University of Michigan** reached the court in 2003.



Jennifer Gratz

A white Michigan resident, was denied admission in 1995 with a GPA of 3.8 and a ACT of 25.

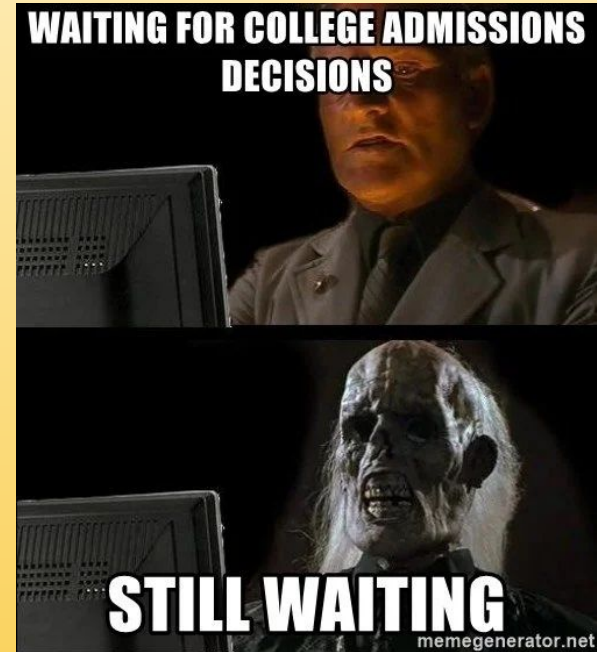


Barbara Grutter

A white Michigan resident, was denied admission to Michigan Law with LSAT scores in the 86th percentile.



Michigan & Other Schools Had Point Systems for Admission





Total Your Points

GPA

2.6 = 52

2.8 = 56

3.0 = 60

3.2 = 64

3.4 = 68

3.6 = 72

3.8 = 76

4.0 = 80

Difficulty of Curriculum

Easy Courses = -4

General Curriculum = 0

1-2 AP Courses = 4

3+ AP Courses = 6

IB Curriculum = 8

Geography

MI Resident = 10

Underrepresented MI
County = 6

Underrepresented
State = 2

Alumni

Legacy (parents) = 4

Legacy (other) = 1



Total Your Points

High School Quality

Below Avg. = 0

Avg. School = 4

Quality School = 6

Elite Prep School = 10

Essay

Avg. = 0

Good = 1

Excellent = 2

Outstanding = 3



What her case
focused on

Miscellaneous (one maximum)

Economic Disadvantage = 20

Underrepresented racial/ethnic
minority = 20

Men in Nursing = 5

Scholarship Athlete = 20

Provost's Discretion = 20



Total Your Points

ACT	SAT	Points	
0-19	400-920	0	Asian Avg. = 1070 White Avg. = 1060 Hispanic Avg. = 910 Black Avg. = 860
20-21	930-1000	6	
22-26	1010-1190	10	
27-30	1200-1350	11	
31-36	1360-1600	12	



SCOTUS Decisions

Grutter v. Bollinger (5-4)

Law School

She lost!

A small fixed numerical constant boost for minority status is worse than a potentially larger flexible boost that is never formally quantified by admissions personnel.

Justice O'Connor wrote, "in the context of its individualized inquiry into the possible diversity contributions of all applicants, the Law School's race-conscious admissions program does not unduly harm nonminority applicants."

Gratz v. Bollinger (6-3)

Undergraduate

She won!

Justices didn't like that admission officers gave points to all minority students (they felt this was a quota)

Race cannot be translated into a numerical boost.

Justice Stephen Breyer wrote that, "in cases dealing with the Equal Protection Clause, the Court should distinguish between policies of inclusion and policies of exclusion because the former are much more likely to prove consistent with the intent of the Clause."

"We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today."

Justice Sandra Day O'Connor

2028 would be the end of the 25 years for Justice O'Connor

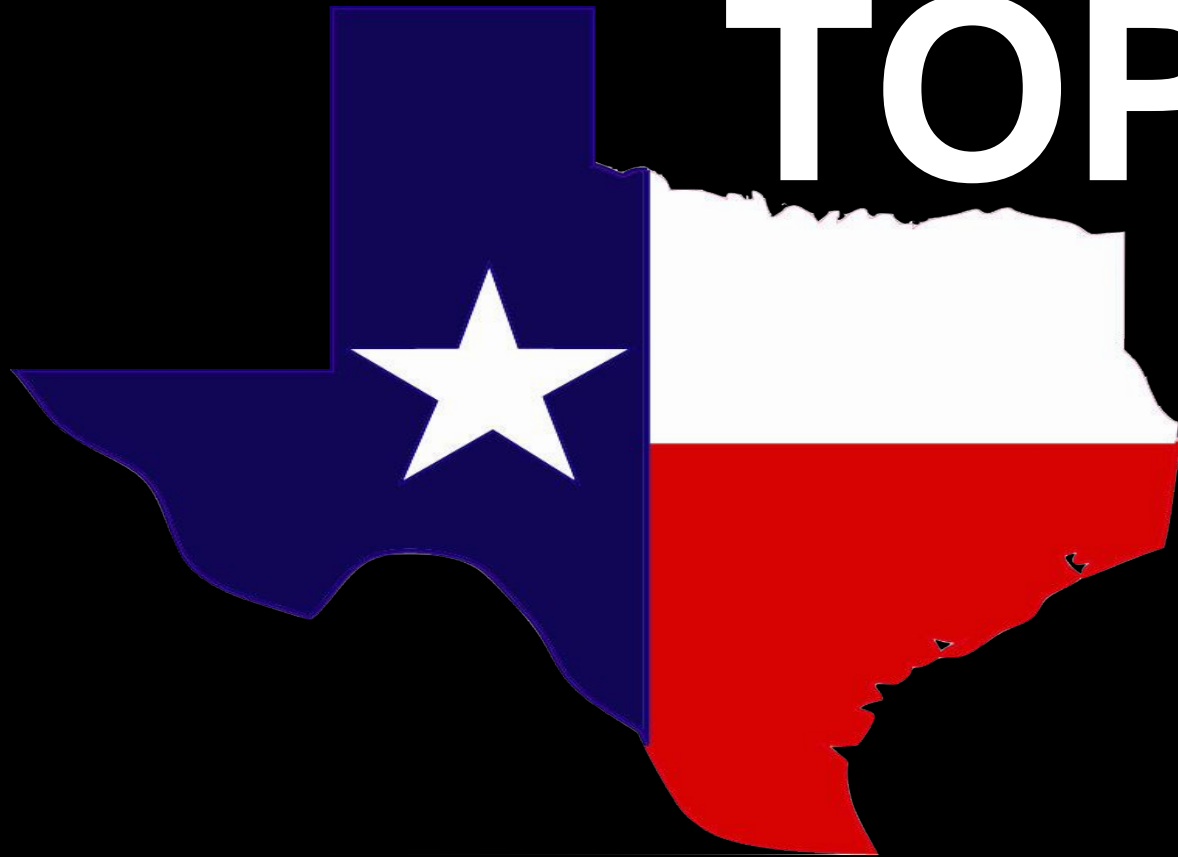




Majority of justices believe that universities serve a “compelling interest” when they attempt to assemble a racially diverse student body. Academic freedom is protected by the 1st Amendment.

Challenger #4

Fisher v. University of Texas (2016)



TOP 10%

Applicants not in the top 10% of their graduating class (16,000) compete for about 1,275 slots.

Abigail Fisher



Write me down. I'm important!

Fisher (3.6 GPA & 1180 SAT) was not in the top 10% of her graduating class. She sued claiming that UT's race conscious admissions procedures for the remaining 1,275 spots was discriminatory and violated the Equal Protection Clause of the 14th Amendment.

Fisher v. University of Texas (2016)

- Court documents show that one black and four Hispanic applicants with scores lower than Fisher's were allowed into a provisional admission program, but so, too, were 42 white students with scores equal to or lower than Fisher's.
- Meanwhile, 168 black and Hispanic applicants who had scores equal to or higher than Fisher's were denied admission.
- The case was ordered back to federal district court which sided with the University.
- Schools can maintain and protect diversity (and they want to make \$\$\$!!)



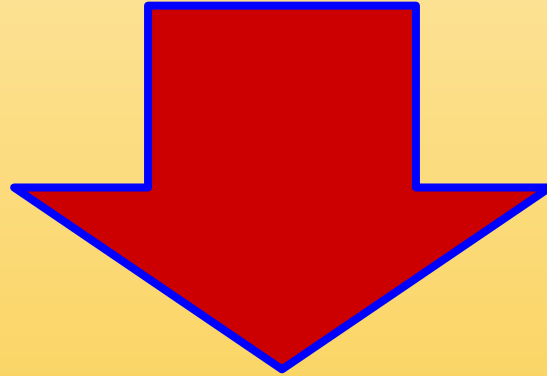
Fisher v. University of Texas (2016)

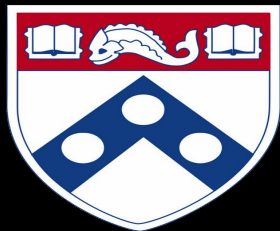
- Fisher, now around 30-years-old, eventually graduated from Louisiana State University with a Finance Degree
- Lost in 2013, then again in 2016
- Based on previous judicial precedent in cases dealing with minority admissions, the Court has held that such cases are reviewable under the Fourteenth Amendment and that they must be reviewed under a standard of strict scrutiny to determine whether the policies are "precisely tailored to serve a compelling governmental interest." If the policy does not meet this standard, race may not be considered in the admissions process.



SHE LOST!

How about a college
admission criteria
comparison?





Ivy Admissions @ Penn

16,000
applicants

4,000
offered spots

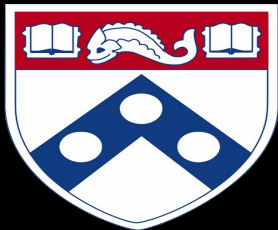
2,250
freshman class

Difference end up choosing
other schools like Yale,
Stanford, Harvard, etc.

**Official
Requirement**

3.8 GPA

1400 SAT
to gain admission



Ivy Admissions @ Penn

Official Requirement

3.8 GPA
1400 SAT
to gain admission



Affirmative Action

3.8 1400

Kids of Alumni

3.5 1200

Penn didn't admit minorities until the early 1960s

Private Schools

3.0 1100

Prep Schools are disproportionately white

NCAA Athletes

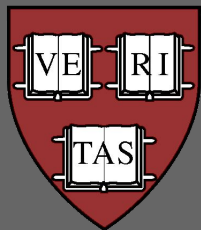
2.8 1000

5 of the 35 sports draw more minority athletes

Kids of Faculty

2.8 1000

Faculty has been historically very white



Harvard Applications 2008

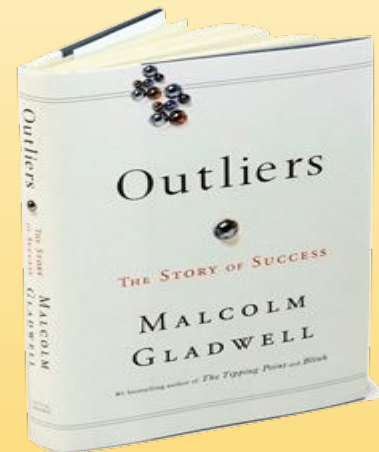
27,462 of the most highly qualified high school seniors applied to Harvard in 2008

2,500 had a perfect score on the Reading SAT

3,300 had a perfect score on the Math SAT

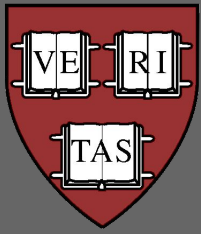
3,300 were class valedictorian

Harvard accepted only **1,600**



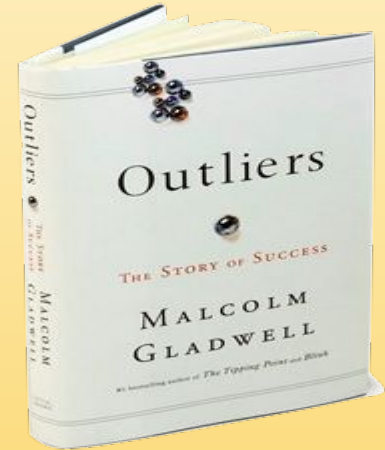
93%

Rejection Rate



Harvard Applications 2008

Is it really possible to say that one student is Harvard material and another isn't, when both have identical – and perfect – academic records?



93%

Rejection Rate



Should Harvard just have a **1,600** student lottery among the applicants who meet Harvard's standards?

Several states have banned the use of Affirmative Action in college admissions. Are those bans constitutional?

Affirmative Action Bans in the U.S.



YEAR	STATE	METHOD
2012	Oklahoma	Legislatively referred constitutional amendment
2011	New Hampshire	Statute
2010	Arizona	Initiative constitutional amendment
2008	Colorado	<i>Failed Initiative constitutional amendment</i>
2008	Nebraska	Initiative constitutional amendment
2006	Michigan	Initiative constitutional amendment
1999	Florida	Executive order by governor
1998	Washington	Initiative statute
1996	California	Initiative constitutional amendment

Should We Scrap Affirmative Action Programs?

This Week: Affirmative Action

- 1) “Place Not Race” as an alternative mechanism?
- 2) Policies based on socioeconomic levels rather than race
 - a) Think of Will from Fresh Prince of Bel Air

Watch this video to see alternative suggestions



EQUAL ACCESS ACT

US Code Title 20, Chapter
52,
Subchapter VIII,
§4071

The following are scenarios to practice your observance of equal protection under the law and generally how programs related to Affirmative Action have been treated at schools.

Equal Access Practice Scenario #1

Students at **Central Christian High School** want to start a Buddhist Meditation Group after school.

Does the school have to allow them a right to meet?

Equal Access **Answer** Scenario #1

Students at **Central Christian High School** want to start a Buddhist Meditation Group after school.

Does the school have to allow them a right to meet?

No, they don't have to...they could though.
Private school = Law doesn't apply

Equal Access Practice Scenario #2

You are a student at a public high school that gets federal financial assistance and you want to have a Bible Study Club meet before school. Presently, the school only has a French Club that meets after school.

Does the school have to allow the club?

Equal Access **Answer** Scenario #2

You are a student at a public high school that gets federal financial assistance and you want to have a Bible Study Club meet before school. Presently, the school only has a French Club that meets after school.

Does the school have to allow the club?

No, because the school is a closed forum. They only allow curricular related classes. If they allow one non-curricular club, they have to allow them all.

Equal Access Practice Scenario #3

You are a student at a public high school with a **limited open forum**; you wish to hold your Bible Club meetings on Sunday at the school.

Does the school have to allow the club a right to meet?

Equal Access **Answer** Scenario #3

You are a student at a public high school with a **limited open forum**; you wish to hold your Bible Club meetings on Sunday at the school.

Does the school have to allow the club a right to meet?

No. Sunday might mean extra cost to the district. Before school yes. Churches can meet on school grounds on Sat/Sun if they rent the space.

Equal Access Practice Scenario #4

You are a student at a public high school with a **limited open forum**; you want to invite your imam to lead prayers during Ramadan.

Do students have a right to invite the imam to meet with their “Students of Faith” club?

Equal Access **Answer** Scenario #4

You are a student at a public high school with a **limited open forum**; you want to invite your imam to lead prayers during Ramadan.

Do students have a right to invite the imam to meet with their “Students of Faith” club?

Nonschool persons can’t conduct, control, or regularly attend activities of student groups. Is a one time guest directing or controlling the meeting?

Equal Access Practice Scenario #5

You are a student at a public high school with a **limited open forum**; you want to hold Neo-Nazi meetings at the school.

Does the school have to allow the club?

Equal Access Practice Scenario #5

You are a student at a public high school with a **limited open forum**; you want to hold Neo-Nazi meetings at the school.

Does the school have to allow the club?

Yes, if the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school

Practice #1

“Race-based action necessary to further a compelling governmental interest does not violate the Equal Protection Clause so long as it is narrowly tailored to further that interest. Context matters when reviewing such action. Not every decision influenced by race is equally objectionable, and strict scrutiny is designed to provide a framework for carefully examining the importance and the sincerity of the government's reasons for using race in a particular context.”

-Justice Sandra Day O'Connor in *Grutter v. Bollinger* (2003)

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

- A) The Equal Protection Clause prohibits racial classifications in all cases
- B) The Constitution does not always forbid decisions based on race
- C) The Constitution permits wide-ranging classifications by race
- D) There is no context in which the government has a compelling interest in making racial classifications

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Practice #2

“The Constitution abhors classifications based on race, not only because those classifications can harm favored races or are based on illegitimate motives, but also because every time the government places citizens on racial registers and makes race relevant to the provision of burdens or benefits, it demeans us all. . . . Undoubtedly there are other ways to ‘better’ the education of law students aside from ensuring that the student body contains a ‘critical mass’ of underrepresented minority students.”

-Justice Clarence Thomas, dissenting opinion in *Grutter v. Bollinger* (2003)

Which of the following is most consistent with the author’s argument in the passage?

- A) The Constitution allows for the use of race-based quotas as a way to remedy past injustices
- B) The Constitution does not include enough protections for people of color and the Supreme Court has to rectify that
- C) The Constitution only forbids racial classifications when they are designed to harm minorities, not help them
- D) The Constitution is colorblind and any racial classifications, even when used to help minorities, are harmful to society

Practice #2

“The Constitution abhors classifications based on race, not only because those classifications can harm favored races or are based on illegitimate motives, but also because every time the government places citizens on racial registers and makes race relevant to the provision of burdens or benefits, it demeans us all. . . . Undoubtedly there are other ways to ‘better’ the education of law students aside from ensuring that the student body contains a ‘critical mass’ of underrepresented minority students.”

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- C) The Constitution only forbids racial classifications when they are designed to harm minorities, not help them
- D) **The Constitution is colorblind and any racial classifications, even when used to help minorities, are harmful to society**

Practice #3

To Overcome Past Discrimination, Do You Favor Affirmative Action Programs...

<i>To help blacks get better jobs/education?</i>	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
Favor	60	52	89	77
Oppose	30	37	6	17
Don't know	10	11	5	6
	100	100	100	100
N=	1541	767	498	198

<i>Which give special preferences to qualified blacks in hiring/education?</i>	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
Favor	46	39	78	61
Oppose	40	47	13	26
Don't know	14	14	9	13
	100	100	100	100
N=	1545	769	509	190

Pew Social & Demographic Trends Sept. 5-Oct. 6, 2007

The data in the table best supports which of the following statements?

- A) White respondents were more likely to favor programs giving special preferences to black candidates than programs aimed to help them more generally
- B) Hispanic respondents were less likely to favor programs helping black candidates than programs helping Hispanic candidates
- C) Respondents of all races were less likely to support programs giving special preferences to black candidates than programs aimed to help them more generally
- D) Black respondents were more likely to oppose programs giving special preferences to black candidates than Hispanic respondents

Practice #3

To Overcome Past Discrimination, Do You Favor Affirmative Action Programs...

<i>To help blacks get better jobs/education?</i>	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
Favor	60	52	89	77
Oppose	30	37	6	17
Don't know	10	11	5	6
	100	100	100	100
N=	1541	767	498	198

<i>Which give special preferences to qualified blacks in hiring/education?</i>	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	%	%	%	%
Favor	46	39	78	61
Oppose	40	47	13	26
Don't know	14	14	9	13
	100	100	100	100
N=	1545	769	509	190

Pew Social & Demographic Trends Sept. 5-Oct. 6, 2007

The data in the table best supports which of the following statements?

- A) White respondents were more likely to favor programs giving special preferences to black candidates than programs aimed to help them more generally
- B) Hispanic respondents were less likely to favor programs helping black candidates than programs helping Hispanic candidates
- C) Respondents of all races were less likely to support programs giving special preferences to black candidates than programs aimed to help them more generally
- D) Black respondents were more likely to oppose programs giving special preferences to black candidates than Hispanic respondents

Practice #4

Which of the following scenarios would be considered a violation of the equal protection clause of the Fourteenth Amendment?

- A) The state refuses to provide a lawyer to someone who cannot afford one
- B) A university establishes race-based quotas in their admission policy
- C) A college uses race as a factor in their admission policy
- D) The police inspects the contents of a backpack without a warrant

Practice #4

Which of the following scenarios would be considered a violation of the equal protection clause of the Fourteenth Amendment?

- A) The state refuses to provide a lawyer to someone who cannot afford one
- B) A university establishes race-based quotas in their admission policy**
- C) A college uses race as a factor in their admission policy
- D) The police inspects the contents of a backpack without a warrant

Reflection Questions

Click on video

In the clip, these powerful college and organization directors are debating the question:

Does Affirmative Action on Campus Violate the Constitution?

What do you think?

