

## CIVIL RIGHTS NOTES

## I. African American Civil Rights Movement

A. **Jim Crow Laws:**

1. *de jure* segregation (by law) and *de facto* segregation (in reality),
2. *Plessey v Ferguson* (1896) - "separate but equal" doctrine

B. **14th Amendment** - Incorporation Doctrine a.k.a. "selective incorporation" applying the Bill of Rights to the States; Bill of Rights constrains the states as well as the federal government (*Gitlow v. NY*)

1. *Citizenship Clause* - "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States of the State wherein they reside"
2. *Due Process Clause* - "No State shall. . . deprive any person of life, liberty or property, without due process of law."
3. *Equal Protection Clause* - "No state shall deny Equal protection of the law"

C. **15th Amendment** - prohibits each government in the United States from denying a citizen the right to vote based on that citizen's "race, color previous condition of servitude" (slavery); grants suffrage to black menD. ***Brown v. Board of Education of Topeka*** (1954) - NAACP (1909) - attack *de jure* segregation in court >>>30s-50s require separate black schools to be equal

1. Issue: Is segregation of children in public schools solely on the basis of race, even though the physical facilities may be similar fervently unequal?
2. SCOTUS overturned *Plessey v. Ferguson*( 1896) using the 14th amendment. "equal protection of the laws"
3. Virginia in 1958 - Gov. Almond closed schools in Norfolk, Charlottesville to prevent integration

E. **Congress & LBJ "step to the plate"**

1. **Civil Rights Act of 1964** - banned discrimination in public facilities and voter registration
2. **Voting Rights Act of 1965** - outlawed literacy tests, federal officials register new voters

F. **Courts** - Regarding race, *strict scrutiny* (highest standard of proof that the state must prove to discriminate)G. **Reverse Discrimination & Affirmative Action**

1. *Bakke v Univ. of Calf* (1978). - reverse discrimination; no quotas
2. *Gratz v. Bollinger* (2003) - point system for minorities unconstitutional; can consider race for educational diversity on individual basis

## II. Women and Equal Rights

A. **14th Amendment and "protective paternalism"** - before 1970s, Supreme Court interpreted Equal Protection Clause >>> protect women by treating them differently EX: 1908 SC upheld Oregon law limiting women but not men to 10 hr. workday due to biological differencesB. **19th amendment** - granted women's suffrageC. **1970s different treatment of sexes under the law questioned** - "reasonableness standard" to "suspect standard"

1. ***Equal Rights Amendment*** (ERA) - 35 ratified by 1978, 3 states short); Title IX, *Roe v Wade*, gender discrimination current: military draft, child custody, single sex public schools, abortion rights, equality in the workplace
2. **Title IX (1972)** - Federal Law stating: "*No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance*"
  - Gender equity (females and males have an equal chance to participate in and benefit from sports and other programs
  - Applies to athletics, discrimination in financial aid, access to course offerings, employment, health care, counseling, admission due to sex (VMI and the Citadel), and bars discrimination due to pregnancy and parental status.
3. ***Roe v. Wade* (1973)** - Supreme Court legalized abortion and a woman's right to choose based on a right to privacy
4. ***Rostker v. Goldberg* (1981)** - allows Congress to require men but not women to register for draft
5. ***United States v. Virginia* (1996)** - Supreme Court struck down VMI's all-male admissions policy