

# MR. LIPMAN'S AP GOVERNMENT POWERPOINT

## CHAPTER 6-CIVIL RIGHTS

## 14<sup>th</sup> Amendment

- Empowers the government to protect the rights of its citizens
- Intended to protect freed slaves, it has now been interpreted to protect many more
- Out growth of Civil Rights Act of 1866 which was first time a veto was overridden
- Needed because Bill of Rights did not apply to states according to Barron v. Baltimore

# Protections of the 14th

- Due Process –opportunity to be heard fairly
- Equal Protection – everyone treated the same
- Privileges and Immunities-All citizens of all states have same rights

{Don't Eat Peas}

# Substantive Due Process vs. Procedural Due Process

- Substantive= Rights you have when you wake up in the morning
- Procedural= Rights you have when you enter the legal system or a legal situation



# Early History

- 1883 Civil Rights Cases:
  - Congress can only prohibit **government** discrimination based on race, not private individuals even if it concerned public accommodations (ex: Jim Crow)
- Plessy v. Ferguson (1896)
  - Separate but Equal is Constitutional

- Brown v. Board of Ed (1954) – how effective has it been? – see debate question on p. 210
- Brown v. Board of Ed II (1955)- “all deliberate speed”
- Little Rock and 1957
- Civil Rights Act of 1964 (Johnson’s legacy to JFK)...changes gov’t approach to issue of equality
- Voting Rights Act of 1965 (giving a true voice)

# Women's Rights Movement

- The 1960s see 3 major events:
  - JFK commission on status of women
  - Civil Rights Act included ban on sexual discrimination
  - Betty Friedan's "The Feminine Mystique"

Roe v. Wade expanding rights of women further



# Court Rules on 14<sup>th</sup>-A Refresher

- **Lowest Level of Scrutiny**: Rational Relationship and burden on plaintiff
- **Medium Level of Scrutiny**: Law must serve important gov't objective and be substantially related to that objective {sexual discrimination...ex: Reed v. Reed and parental rights}
- **Strict Scrutiny**: If law involves a “*suspect class*” or a “*fundamental right*” then law will be upheld ONLY if state can show there is a compelling reason and law is necessary to accomplish the goal and is the least restrictive means available

# AFFIRMATIVE ACTION

- Dejure v. Defacto segregation
- Bakke v. California (1978)- no strict quotas
- Grutter v. Bollinger (2003)- 2 cases
  - Race can be a consideration by a college but no use of automatic points because of your race

Louisville and Seattle School District Cases (2007)

# NATIVE AMERICAN ISSUES

- Distinct government under our constitution
- Tribal lands are essentially foreign nations
- To settle land disputes states have resorted to allowing Indians to build casinos in exchange for a portion of the profits.
- Indians do not get the vote until 1924