**Civil Rights**

1. The question with civil rights is not whether the govt. has the power to treat people differently, but whether those differences in treatment are **reasonable**
2. We do make distinctions between people – rich people paying more in income taxes, women not being subject to military draft, etc.
3. The Court is, more and more, arguing that any distinctions based on race or ethnicity is unreasonable – these are called **suspect classifications** and are not always unconstitutional but are always measured with **strict scrutiny**  
     
     
     
   **Gaining Equal Rights**
4. There is a very common formula for a group to attempt to force the federal government to treat them like everyone else. It is most easily seen through the struggle for civil rights by the African-American community
5. Describe the situation faced by African-Americans until, well, about the 1970's.
6. Because of the lack of either government or public support the fight for civil rights has to begin in the Courts. Explain
7. This begins with the NAACP(?) being formed in 1909 in response to a Supreme Court decision – which one?
8. The NAACP devises a strategy to first challenge those situations in which there was no separate facility so the all-white facility would be forced to admit them. Next they fought cases in which students were admitted to all-white schools, but were placed in roped off sections away from the other students and faculty. The strategy culminates with which court case?
9. The Supreme Court actually bases their decision in Brown on social science studies outlining the importance of socialization between different races to break through stereotypes, etc.
10. Now that the government is imposing equality students will be forced to go to different schools – school busing.
11. Much of what will happen with the school is based on whether or not **dejure** or **defacto** segregation took place in that local government.
12. Dejure segregation – segregation exists because of what the government did. The government justifies the segregation
13. Defacto segregation – segregation exists because that is what people have chosen on their own. You can't punish a community because they chose to get out of the city and move to the suburbs with a bunch of other white people (or Asian people in CA)
14. The important case surrounding busing is Charlotte v Mecklenburg Board of Education. It established the following guidelines concerning segregation: to violate the Constitution an **intent** to discriminate by the school system must be proved, a district with any history of segregation will be assumed to be intending to segregate if any all-white or all-black schools exist, fixing past problems will not just be based on freedom of choice (it can include quotas, redrawing district lines and forced busing) and not every school has to reflect the entire school district as a whole.
15. Court ordered busing is usually not met with happiness by anyone – explain
16. It is all about INTENT – explain  
      
       
      
    Getting Represented
17. After a successful campaign in the Court African-Americans now needed to make a push to get Congress to pass civil rights laws (doing this through the Court takes decades and decades), however, with very few African-American representatives this would be difficult
18. The primary function of a legislator in the US government is to represent their constituents – explain
19. The movement for civil rights, therefore, needed to change the opinion/mind of the public and have them put pressure on Congressmen
20. This is accomplished through civil disobedience – explain
21. These actions and their subsequent effect on the public (and, mostly, the death of JFK and RFK) lead to passage of significant legislation in 1964, 1965 and 1968  
      
       
      
       
      
    Women and Equal Rights
22. There was a time when the feminist movement pushed hard for an Equal Rights Amendment for women to be treated exactly the same – you really don't want that ladies (that really does sound condescending)
23. What is the difference between how African-Americans and how women have been treated by the government?
24. Where did the women's rights movement begin?
25. The early focus was on the right to vote which was granted through ratification of 19th amendment in 1920
26. The real change in how women were perceived by male society, however, took place during WWII – explain
27. Congress responds by passing numerous laws requiring equal pay for equal work, prohibiting sex discrimination in employment and school admittance and banned discrimination against pregnant workers  
      
       
      
    \*\* A law treating men and women differently “must be reasonable, not arbitrary, and must rest on some ground of difference having a fair and substantial relation to the object of legislation so that all persons similarly circumstanced shall be treated alike. \*\*
28. **Can't get away with**: different ages to become adults, different ages to buy beer, can't keep women out of a job with arbitrary height and weight requirements, forcing women on pregnancy leave, barring girls from Little League, paying women less in retirement benefits than men and paying girls coaches less than boys coaches in high school.
29. **Can get away with**: punishing males but not females for statutory rape, all-boy and all-girl schools (voluntary) and property tax exemptions for widows but not widowers
30. Rostker v Goldberg? Roe v Wade?  
      
       
      
       
      
    Affirmative Action
31. There are two different opinions concerning how a group of people can be pulled out of certain situations – **equality of results** and **equality of opportunity**.
32. Equality of results – you must take race and sex into account when trying to fix the problems associated with racism and sexism. This is most commonly referred to as
33. Equality of opportunity – it is wrong to discriminate, however, preferential treatment to fix these wrongs is just as wrong. This is most commonly referred to as ?
34. Most significant court case surrounding affirmative action is UC Regents v Bakke – a white student that was not admitted to UC Davis medical school gets mad because black students with lower scores were admitted due to a quota policy devised by the UC schools to increase the diversity of their student population – is this OK or does the court rule the policy unconstitutional?
35. The basic rule today is that you can not create a quota system that simply saves spots for a number of people regardless of merit, however, you can create a plus system whereby you can give extra points to people based on their race, poor upbringing, sex, etc.
36. The struggle for gay rights is following the same pattern as the African-American struggle fighting various laws through the courts as the public begins to change it's views.

Two significant cases with gay rights (so far) – Lawrence v Texas and Boy Scouts of America v Dale. Exp