

APGovPol

Chapter 5: Civil Rights and Public Policy

Key Words and Terms

Adarand Constructors v. Peña: a 1995 Supreme Court decision holding that federal programs that classify people by race, even for an ostensibly benign purpose such as expanding opportunities for minorities, should be presumed to be unconstitutional; such programs must be subject to the most searching judicial inquiry and can survive only if they are "narrowly tailored" to accomplish a "compelling government interest"

affirmative action: a policy designed to give special attention to or compensatory treatment of members of some previously disadvantaged group

Americans with Disabilities Act of 1990: a federal law passed in 1990 that requires employers and public facilities to make "reasonable accommodations" for people with disabilities and prohibits discrimination against these individuals in employment

Brown v. Board of Education: the 1954 Supreme Court decision holding that school segregation in Topeka, Kansas, was inherently unconstitutional because it violated the Fourteenth Amendment's guarantee of equal protection under the law; this case marked the end of legal segregation in public schools in the U.S.

civil rights: policies designed to protect people against arbitrary or discriminatory treatment by government officials or individuals

Civil Rights Act of 1964: the law that made racial discrimination against any group in hotels, motels and restaurants illegal and forbade many forms of job discrimination (see also civil rights movement and civil rights policies)

civil rights movement: a movement that began in the 1950s and organized both African Americans and whites to end the policies of segregation; it sought to establish equal opportunities in the political and economic sectors of society and to end policies that erected barriers between people because of race

comparable worth: the issue raised when women who hold traditionally female jobs are paid less than men for working at jobs requiring comparable skill

Craig v. Boren: in this 1976 Supreme Court decision, the Court determined that gender classification would have a "heightened" or "middle level of scrutiny; in other words, the in deciding cases that involved allegations of discrimination, the courts were to show less deference to gender classification than to more routine classifications, but more deference than to racial classifications; a gender-based differential in the sale of alcoholic beverages constitutes a denial to males 18-20 years of age of the equal protection of the laws in violation of the Fourteenth Amendment

Dred Scott v. Sanford: the 1857 Supreme Court decision ruling that a slave who had traveled through a free state enjoyed no rights as a citizen and that Congress had no authority to ban slavery in the western territories

equal opportunity: a policy statement about equality holding that the rules of the game of life should be the same for everyone; most of our civil rights policies over the past three decades have presumed that equality of opportunity is a public policy goal

equal protection of the laws: part of the Fourteenth Amendment emphasizing that the laws must provide equivalent "protection" to all people; as one member of Congress said during debate on the amendment, it should provide "equal protection of life, liberty and property" to all a state's citizens

equal results: a policy statement about equality holding that government has a duty to help break down barriers to equal opportunity; affirmative action is an example of a policy justified as promoting equal results rather than merely equal opportunities

Equal Rights Amendment: a proposed amendment to the United States Constitution that would guarantee equal rights under law for both sexes; passed by Congress in the late 1970s, not ratified by three-fourths of the states

Fifteenth Amendment: the constitutional amendment adopted in 1870 to extend suffrage to (male) African Americans

Fourteenth Amendment: an amendment to the Constitution of the United States adopted in 1868; extends the guarantees of the Bill of Rights to the states as well as to the federal government; defines citizen of the U.S. as anyone born or naturalized in the United States; the basis of most of the civil rights guaranteed to U.S. citizens; guarantees the privileges and immunities of citizenship, due process of law, equal protection of the law, and equal opportunity to all

grandfather clause: one of the methods used by Southern states to deny African Americans the right to vote; in order to exempt illiterate whites from taking a literacy test before voting, the clause exempted people whose grandfathers were eligible to vote in 1860, thereby disenfranchising the children of slaves; declared unconstitutional by the Supreme Court in 1913 (see also poll taxes and white primary)

Korematsu v. United States: a 1944 Supreme Court decision that upheld as constitutional the forced internment of more than 100,000 American citizens of Japanese descent in encampments during World War II

Nineteenth Amendment: the constitutional amendment, adopted in 1920, that guarantees women the right to vote

Plessy v. Ferguson: an 1896 Supreme Court decision that provided a constitutional justification for segregation by ruling a Louisiana law requiring "separate but equal accommodations for the white and colored races" was not unconstitutional

poll taxes: small taxes, levied on the right to vote, that often fell due at a time of year when poor African American sharecroppers had the least cash on hand; this method was used by most Southern states to exclude African Americans from voting registers; poll taxes were declared void by the Twenty-fourth Amendment in 1964 (see also grandfather clause and white primary)

Reed v. Reed: the landmark case in 1971 in which the Supreme Court for the first time upheld a claim of gender discrimination

Regents of the University of California v. Bakke: a 1978 Supreme Court decision that a state university could not admit less qualified individuals solely because of their race; the Court did not, however, rule that such affirmative action policies and the use of race as a criterion for admission were unconstitutional, only that such policies had to be formulated differently; the Court stated that basing admission solely on "racial quotas" was unconstitutional

suffrage: the legal right to vote, extended to African Americans by the Fifteenth Amendment, to women by the Nineteenth Amendment, and to people over the age of 18 by the Twenty-sixth Amendment

Thirteenth Amendment: the constitutional amendment passed after the Civil War that forbade slavery and involuntary servitude (except in the case of punishment for conviction of a crime)

Twenty-Fourth Amendment: the constitutional amendment passed in 1964 that declared poll taxes void

Voting Rights Act of 1965: a law designed to help end formal and informal barriers to African American suffrage; under the law, federal registrars were sent to Southern states and counties that had long histories of discrimination; as a result, hundreds of thousands of African Americans were registered to vote, and the number of African American elected officials increased dramatically

white primary: one of the means used to discourage African American voting that permitted political parties in the heavily Democratic South to exclude African Americans from primary elections, thus depriving them of a voice in the real contests; declared unconstitutional by the Supreme Court in 1914 (see also grandfather clause and poll taxes)