Objectives

1. Understand what it means to live in a heterogeneous society.
2. Summarize the history of race-based discrimination in the United States.
3. Examine discrimination against women in the past and present.
Key Terms

• **heterogeneous**: a mixture made up of different parts that are unrelated to each other

• **immigrant**: aliens legally admitted as permanent residents of a country

• **reservation**: public lands set aside by government for use by Native American tribes

• **refugee**: one who seeks protection from war, persecution, or some other danger

• **assimilation**: the process by which people of one culture merge into and become part of another culture
Introduction

• How have various minority groups in American society been discriminated against?
  
  – African Americans were once enslaved and along with Native Americans, Hispanic Americans, and Asian Americans, have been denied equal political, social, and economic rights for many years.

  – Women have also been denied equal representation in politics and the workforce, and have received unequal pay.
A Heterogeneous Society

- The population of the United States is predominantly white and has been throughout its history.

- Due largely to recent trends in immigration, the United States is more heterogeneous and diverse today.
  - The minority population exceeds the white population in California, Hawaii, New Mexico, and Texas.

- There are also more women than men in the U.S. population today.
• Since the 1960s, the African American, Asian American, and Hispanic American populations have grown faster than the white population.

• White Americans have often been reluctant to yield full rights to nonwhite Americans.
African Americans

- African Americans have faced persistent unjust treatment since colonial days, when many thousands of Africans were brought to America as slaves.

- Today, African Americans are a large minority group of over 40 million, more than 13% of the U.S. population.

- African Americans led the civil rights movement that has expanded equality and rights for Americans of all backgrounds.
• The early Native American population was devastated by disease and warfare brought by European colonists and the westward expansion of the United States.

• Today about 3 million Native Americans live in the United States, most on or near reservations set aside by the government.

• Over the years, Native Americans have faced severe discrimination.
• Poverty, alcoholism, and unemployment are problems on many reservations.

• Life expectancy is far below the national average.

• The Indian Education Act of 1972 has funded Native American educational programs aimed at improving reservation economies.
Hispanic Americans

- Hispanic Americans, or Latinos, have a Spanish-speaking background. They may belong to any race.

- Today, America’s 45 million Hispanic Americans make up the nation’s largest and fastest growing minority group, having passed African Americans in 2000.
Hispanic Americans, cont.

- Hispanic Americans can be divided into four main subgroups.
  - More than half the Hispanics in the United States are *Mexican Americans* who were born in Mexico or trace their ancestry there.
  - *Puerto Ricans* are another large group, most living in the Northeast.
  - *Cuban Americans* live mainly in Florida.
  - Many *Central and South Americans* have come to the United States as refugees from conflicts in those regions.
Diversity in the U.S.

- The U.S. Census Bureau divides the American population into groups based on race and Hispanic origin.
  - Which of these groups were not counted in the 1790 census? What percentage of the population today has Hispanic origins?

**Population by Race and Hispanic Origin**

- **1790**
  - White alone: 19.3%
  - African American alone: 80.7%
  - All other races:

- **2010**
  - Hispanic (of any race): 15.5%
  - White alone: 4.6%
  - African American alone: 13.1%
  - Asian alone: 3.0%
  - All other races:

*Note: The table and graph show the percentage distribution of the population by race and Hispanic origin for the years 1790 and 2010.*
Diversity in the U.S., cont.

- Although the population of the United States remains predominantly white, minority populations are growing at a faster rate than the majority population.

  - What is the rate of growth for Asian Americans? What are the benefits of diversity in a community?
Asian Americans

• Chinese laborers came to the United States in the mid-1800s to work in mines and to build railroads.
  – The Chinese Exclusion Act of 1882 and other laws allowed very few Asians to enter the United States until the 1960s.

• Japanese Americans were unjustly placed in relocation camps during World War II.
Asian Americans, cont.

• Congress changed U.S. immigration policies in 1965. This led to the arrival of many immigrants from China, Korea, Vietnam, India, and the Philippines.

• Today there are more than 15 million Asian Americans. A large population lives in Hawaii, California, and New York City.
Women

• Checkpoint: What was the significance of the Declaration of Sentiments?

  – On July 19, 1848, women’s rights activists met in Seneca Falls, New York and issued the Declaration of Sentiments, demanding equal political, economic, and social rights for women.

  – In spite of many gains in all of these areas, today women are still under heavily underrepresented in government and corporate management.
Women, cont.

- The Equal Pay Act makes it illegal to pay women less than men for the same work, yet on average women earn 80 cents for every dollar earned by men.

  - What does this cartoon say about equality in the workplace?
• Women often work in lower-paying job fields and are less well-educated than male workers. These differences can often be traced to discrimination.
• Women are also more likely than men to put their careers on hold to raise children.
Review

• Now that you have learned about how various minority groups in American society have been discriminated against, go back and answer the Chapter Essential Question.
  – Why are there ongoing struggles for civil rights?
Objectives

1. Explain the importance of the Equal Protection Clause.
2. Describe the history of segregation in America.
3. Examine how classification by gender relates to discrimination.
Key Terms

- **rational basis test**: a test used to decide if a government classification is discriminatory or not.
- **strict scrutiny test**: a stricter test than a rational basis test in which officials must show that they have a strong governmental interest in classifying people.
- **segregation**: the separation of one group from another on the basis of race.
• **Jim Crow**: discriminatory laws aimed at African Americans

• **separate-but-equal doctrine**: the idea that separate but equal facilities are legal

• **integration**: the process of bringing a segregated group into mainstream society

• **de jure**: by law

• **de facto**: by fact
Introduction

• How has the interpretation of the guarantee of equal rights changed over time?

  – The Supreme Court once upheld the constitutionality of racial segregation and laws that discriminated against women.

  – Thanks to many legal challenges, racial segregation is illegal today and many sex-based distinctions are considered unconstitutional.
The Equal Protection Clause of the 14th Amendment bans the states from drawing unfair distinctions between classes of people.

The bronze statue *Freedom* stands atop the Capitol, symbolizing equal rights for all.
Equal Protection Clause, cont.

• Government has the power to draw distinctions between groups, but cannot make *unreasonable* distinctions.

• The Supreme Court applies the rational basis test to most equal protection cases.
  – This test asks if the classification in question bears a reasonable relationship to the achievement of some proper governmental purpose.
In some cases the Supreme Court applies the **strict scrutiny test**.

- This test is used when a case deals with either fundamental rights such as the right to vote, or with “suspect classifications” such as race or sex.

- In such cases a state must be able to show that compelling governmental interest justifies the distinctions drawn between people.
Beginning in the 1800s, nearly half the states passed segregation laws separating one race from another.

These laws enforced segregation in public and private facilities, such as schools, hotels, restaurants, and railroads.
Separate-But-Equal

• In 1896, the Supreme Court upheld segregation by ruling in *Plessy v. Ferguson* that separate coaches for African Americans were legal because they were equal in quality to the ones used by whites.

• African American university students won several Court cases by proving that the separate college facilities provided for them were not equal.

• However, the basic separate-but-equal doctrine remained the law.
• Checkpoint: What was the result of the *Brown v. Board of Education* ruling?

– In 1954, the Supreme Court overturned separate-but-equal and declared that racial segregation in public education was unconstitutional.

– The process of desegregating public schools was slow. In 1969 the Court called for faster progress.
De Jure & De Facto Segregation

• **Segregation de jure**—by law—was abolished by 1970.

• Yet **de facto segregation**—segregation that exists even without laws—remains.
  
  – Housing patterns may create schools with mainly African American students.
  
  – A common desegregation method involves busing students to different districts.
  
  – Some school systems now base their integration efforts on trying to create an economically diverse student body.
De Jure Segregation

- The Supreme Court held separate-but-equal facilities to be constitutional in 1896.
  - Jim Crow laws limited voting rights and required separate facilities for African Americans.
  - Similar laws legalized Mexican American segregation in Texas and throughout the Southwest.
Other Forms of Segregation

• The Supreme Court has held that racial segregation is unconstitutional in many areas, including:
  – Public swimming pools
  – Public recreational areas
  – Local transportation
  – State prisons and local jails

• All laws banning interracial marriages have also been struck down.
Classification by Gender

• The Constitution does not specifically grant rights to either men or women, only to “persons” and “people.”

• Many laws that discriminated against women were intended to protect them due to their supposed weaknesses.
  – Early on, the Supreme Court upheld laws that banned women from practicing law and laws that did not require them to serve on juries.
Classification by Gender, cont.

- The Court has now found many sex-based distinctions to be unconstitutional.
  - In 1975, the Court ruled that women cannot be excluded from jury service.
  - In 1996, the Court ruled that women can attend the Virginia Military Institute.
Classification by gender is not always unconstitutional.

- For example, the Court has ruled that women do not have to register for the draft.

But laws that treat men and women differently will be overturned unless:

- They are intended to serve an important governmental objective
- They are substantially related to achieving that objective
Review

• Now that you have learned about how the interpretation of the guarantee of equal rights has changed over time, go back and answer the Chapter Essential Question.
  – Why are there ongoing struggles for civil rights?
Early Efforts

• Between the end of Reconstruction and the late 1950s, Congress passed no key civil rights legislation.
  
  – Southern white Democrats who opposed such legislation held many key offices in Congress.

  – The majority white population was generally unaware or unconcerned about discrimination against nonwhite minorities.
• The civil rights movement led by Dr. Martin Luther King, Jr. helped push through key civil rights legislation.

• An early breakthrough was the 1957 case Brown v. Board of Education, which required public school desegregation.
• The Civil Rights Act of 1964 protected the voting rights of African Americans.

• This Act also outlawed discrimination in other areas.
  – It prohibits discrimination based on race, color, religion, national origin, sex, or physical disability in any program that receives federal funding.
  – It bans discrimination based on those same categories on the part of employers and labor unions.
Civil Rights Act of 1964, cont.

- This law also states that no person can be denied access to or refused service in public places such as hotels, motels, theaters, and restaurants due to their race, color, religion, national origin, or physical disability.
• **Checkpoint: What is the Civil Rights Act of 1968?**

  – Also called the **Open Housing Act**, this law states that no one can refuse to sell or rent a dwelling to any person on the grounds of race, color, religion, national origin, sex, or disability.

  – In 1988, Congress strengthened the law to let the Justice Department bring charges against those who violated it.
Title IX

• Title IX of the *Education Amendments of 1972* forbids discrimination on the basis of gender in any educational program or activity receiving federal financial assistance.

• A major effect has been requiring equal funding for women’s and men’s athletic programs.
The ERA

• The Equal Rights Amendment would have added the words show at right to the Constitution.

• Why do you think the ERA was not ratified?
Affirmative Action

- Affirmative action is an effort to correct the effects of past discrimination by addressing current inequalities.
  
  - Common measures include preferential hiring or admissions policies aimed at making a workforce or student body reflect the general makeup of the local population.
  
  - Affirmative action policies are used by all agencies of the federal, state, and local governments, as well as private employers who contract with the federal government.
Reverse Discrimination

• Critics of affirmative action argue that it leads to reverse discrimination against members of the majority.

• They say that the Constitution requires all public policies to be “color blind.”

• Such arguments helped convince voters in California, Michigan, and Washington to approve measures that eliminate nearly all affirmative action programs in state agencies.
The Bakke Case

• In 1978, *Regents of the University of California v. Bakke* became the first major affirmative action case.
  
  – The Court ruled that the *Equal Protection Clause* had been violated when a white student was denied admission to a medical school due only to a racial quota.
  
  – However, the Court also ruled that race could be used as one factor in the admissions process.
Later Cases

- In 1987, the Court ruled that women can also benefit from affirmative action hiring policies.

- In 1995, the Court ruled in *Adarand Constructors v. Pena* that affirmative action programs are legal only if they serve some “compelling government interest.”

- The current Court has indicated that all future affirmative action cases will be reviewed according to the same strict standards.
• In 2003, the Court ruled in *Grutter v. Bollinger* that a state university can take race into account for admissions.

• But the Court said in *Gratz v. Bollinger* that it may not blindly give extra weight to race in that process.

• The Court also stated that limited affirmative action was acceptable in pursuit of diversity.
Seattle and Louisville Cases

• In 2007, the Court decided two cases that centered on the question, “To what extent can public schools use race as a factor when trying to integrate schools”?

• In *Parents Involved v. Seattle School District* and *Meredith v. Jefferson County Board of Education*, the Court narrowly overturned school integration policies that relied too heavily on race.
Citizenship in the Constitution

• The Constitution does not clearly define citizenship.

• The 14th Amendment specifies that all persons born or naturalized in the United States are citizens.

• Nearly 90 percent of all Americans are citizens because they were born in this country.

• Hundreds of thousands of aliens become U.S. citizens each year through the naturalization process.
Citizenship by Birth

• According to **jus soli**, a person born on U.S. soil is a U.S. citizen.
  – This applies to people born in all U.S. territories and embassies, as well as to people born in the United States whose parents are not citizens.

• According to **jus sanguinis**, a child born to an American citizen on foreign soil can also become an American citizen.
Congress has the sole power to set the terms by which a person can become a U.S. citizen.

Most legal immigrants may become naturalized citizens after applying, being investigated, being approved by a judge, and taking the oath of citizenship.
• Everyone in a newly acquired territory may also be naturalized at once by Congress or by treaty.

• According to the chart on the right, in what year were the most people naturalized? The fewest?
Loss of Citizenship

• Every American citizen has the right to voluntarily abandon his or her citizenship through expatriation.

• Congress cannot take away someone’s citizenship for a crime.
  – But a person who became a U.S. citizen by deception can have their citizenship taken away.
Regulation of Immigration

• Only Congress has the power to regulate who may enter or leave the country.

• Congress did little to regulate immigration until the 1880s.

• Once the frontier closed, labor was no longer in short supply, and more immigrants began coming from southern and eastern Europe, Congress passed new laws denying admission to many groups of people.
• **Checkpoint:** What happened to the country-based quota system?

  – In 1921, 1924, and 1929, Congress set limits on the number of immigrants who could come from each European country.

  – Immigration from Asia, Africa, and elsewhere was also banned or restricted.

  – The Immigration Act of 1965 eliminated the country quota system and set a total limit of 270,000 immigrants per year.
• The **Immigration Act of 1990** governs the admission of aliens to the United States.

  – It sets a limit of 675,000 immigrants each year.

  – Immigrants who are close relatives of American citizens or resident aliens, or who have valued occupational skills, receive special preference.

  – Many types of potential immigrants are excluded under the law, such as criminals and drug addicts.
Immigrants in the U.S.
Deportation

• Checkpoint: For what reasons may a person be deported?
  
  – The Supreme Court allows the U.S. government to deport aliens for a wide variety of reasons.
  
  – Most aliens are deported for entering the United States illegally or being convicted of a serious crime.
  
  – Because deportation is a civil matter, it does not require a criminal trial or bail.
Undocumented Aliens

• No one knows how many illegal aliens are in the United States.
  – Estimates place the number at 12 million, with more than half coming from Mexico seeking seasonal work.
  – At least 4 million undocumented aliens work in the United States.
  – These numbers have strained public school and social welfare systems, particularly in major border states.
Current Laws

- In 1986, Congress allowed more than 2 million illegal aliens to become legal residents and made it a crime to hire illegal aliens.

- The **Illegal Immigration Reform and Immigrant Responsibility Act of 1996**:  
  - Increased the size of the Border Patrol  
  - Made it easier to deport illegal aliens  
  - Toughened the penalties for smuggling aliens into the country  
  - Blocked illegal aliens from collecting Social Security or welfare benefits
Current Laws, cont.

- The immigration debate continues.
- Some want stricter measures to stop illegal immigration, while others want to let more illegal aliens become legal residents.
- What is the cartoonist’s view about the illegal immigration issue?