

American Government Chapter 5

Civil Rights

- Civil rights- guarantees by the government that it will treat people equally, particularly people belonging to groups that have been historically discriminated against
- The due process clause of the 5th amendment reinforces that "all men are created equal"
- Equal protection clause (14th amendment)- no state shall deny any person within its jurisdiction the equal protection of the laws
 - All people similarly circumstanced shall be treated equal
- Liberties are protected freedoms, rights are equal treatment
- There are cases of legal discrimination, like alcohol and nicotine age
 - Legal discrimination must have purpose
- Rational basis test- as long as there's a reason for treating some people differently that is rationally legitimate, the discriminatory act or law is acceptable
 - Courts apply more strict rules on race, ethnicity, gender, religion and origin based discriminatory laws because of U.S.'s history
- Intermediate scrutiny- requires the government to demonstrate that treating men and women differently is substantially related to a governmental objective
 - Craig v Boren (1976) and Clark v Jeter (1988)
- Strict scrutiny- burden of proof is on the government to demonstrate that there is a compelling governmental interest in treating one group differently
 - For racial, ethnic or religious discrimination
- Affirmative action- government programs and policies designed to benefit members of groups historically subject to discrimination
- Black codes- laws designed to reduce formerly enslaved people to the status of serfs or indentured servants post civil war
- How to identify discrimination
 - Which group is being discriminated against?
 - Which rights are threatened?
 - What do we do?

African American Rights

- Dred Scott v. Sanford (1857)
 - Determined that if african americans free or enslaved could not become U.S citizens

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