

3.12 Balancing Minority and Majority Rights

Explain how the Court has at times allowed the restriction of the civil rights of minority groups and at other times has protected those rights.

1. The arc of civil rights in American history is an inconsistent story. This can best be explained by all of the following reasons EXCEPT

- a. Constitutional protections are vague and imprecise
- b. Court precedents have been uneven and shifting.
- c. Institutionalized racism and discrimination is deeply rooted in American culture
- d. Often discriminatory practices, found primarily in rural America, go unnoticed

2. In a unanimous Court opinion Chief Justice Warren wrote:

Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does...

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the [black] group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of [black] children and to deprive them of some of the benefits they would receive in a racially integrated school system...

What was the name of this case?

- a. *Barron v. Baltimore* (1833)
- b. *Plessy v. Ferguson* (1896)
- c. *Gibbons v. Ogden* (1824)
- d. *Brown v. Board of Education* (1954)

3. Dissenting in *Plessy v. Ferguson* (1896) Justice Harlan wrote:

Our Constitution is color-blind and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved....

What founding document best matches the sentiments of Justice Harlan?

- a. Mayflower Compact
- b. Declaration of Independence
- c. Federalist Papers
- d. Constitution of the United States

4. Following the Civil War these laws institutionalized racism and discrimination in the South.
- a. Jim Crow laws
 - b. Ex Post Facto laws
 - c. Sunset laws
 - d. Blue laws
5. The “separate but equal” precedent was established in this landmark civil rights case
- a. *Barron v. Baltimore* (1833)
 - b. *Plessy v. Ferguson* (1896)
 - c. *Gibbons v. Ogden* (1824)
 - d. *Brown v. Board of Education* (1954)
6. The “separate but equal” precedent was overturned in this landmark civil rights case
- a. *Barron v. Baltimore* (1833)
 - b. *Plessy v. Ferguson* (1896)
 - c. *Gibbons v. Ogden* (1824)
 - d. *Brown v. Board of Education* (1954)
7. What has been the role of the NAACP in the fight for civil rights?
- a. The NAACP is an interest group that fights for equality
 - b. The NAACP is an interest group that fights for states’ rights
 - c. The NAACP is a political party that works for the election African-Americans
 - d. The NAACP is a political party that works to make voting more difficult
8. What constitutional clause has the Supreme Court used to justify the extension of civil rights to all citizens in every state?
- a. Due Process clause of the Fifth Amendment
 - b. Due Process clause of the Fourteenth Amendment
 - c. Equal Protection clause of the Fourteenth Amendment
 - d. Necessary and Proper Clause
9. The civil rights movement is rooted in this critical root principle of American republican government
- a. Check and Balances
 - b. Majority rights
 - c. Minority rights
 - d. Federalism
10. In *Miliken v. Bradley* (1974) the Supreme Court acknowledged that segregation is not always the result of racially based discrimination. In this case the court recognized that government has little authority to remedy de facto segregation. What does de facto segregation essentially mean?
- a. Personal choices rather than government policy
 - b. Local government policy rather than national government policy
 - c. Rooted in tradition; no one can remember it being any different
 - d. Civil liberties are more important than civil rights