

3.10 Amendments: Social Movements and Equal Protection



**ESSENTIALS**

1. Civil rights protect individuals from discrimination based on characteristics such as race, national origin, religion, and sex; these rights are guaranteed to all citizens under the due process and equal protection clauses of the U.S. Constitution, as well as acts of Congress
2. The leadership and events associated with civil, women’s, and LGBT rights are evidence of how the equal protection clause can motivate social movements, as represented by: Dr. Martin Luther King’s “Letter from a Birmingham jail” and the civil rights movement of the 1960s/National Organization for Women and the women’s rights movement/Pro-life (Anti-abortion) movement

1. What is the underlying idea of this cartoon (HINT: check date and “O” on bag)?
2. Are we now living in a “post-racial” America? Explain.

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- Investigate “the equal protection clause” language of the Fourteenth Amendment. What did the authors of the amendment have in mind? How would you define “equality” today? How should the government protect your brand of equality?
- Define “discrimination.” What is meant by “discrimination based on characteristics such as race, national origin, religion, and sex”? What do each of these characteristics mean? Should we add more? How do other countries protect their citizens from discrimination? Find examples.
- Unpack the context and ruling in the Supreme Court case, *Heart of Atlanta Motel, Inc. v. U.S.* (1964). What constitutional clause was used to justify the elimination of de jure segregation?

The Reverend Martin Luther King, Jr. at a critical turning point in time wrote "**Letter from a Birmingham Jail.**" The American civil rights movement was facing a serious challenge. King and other civil rights leaders were arrested and incarcerated for being agitators of disorder. Eight liberal Alabama ministers, open to bringing about racial justice, had written "An Appeal for Law and Order and Common Sense." King's strategy for bringing about change was untimely and impatient. King's letter was his response. If the civil rights movement was going to win broad support King would need to address their criticism. "Letter from a Birmingham Jail" was his response. It became King's Manifesto. The letter "soon became the most widely-read, widely-reprinted and oft quoted document of the civil rights movement." King's message was clear and forthright. The letter legitimized the civil rights movement. The time for action was now. King wrote, "For years now I have heard the word 'wait!'...This 'wait' has almost always meant 'never.'" Patience cannot endure forever. King's manifesto, his "Letter from a Birmingham Jail," proclaimed that this was the "precious time," the decisive hour. The civil rights movement could no longer wait. King's letter is as important today as it was back in 1963.

Find three (3) quotes/passages from King's *Letter from a Birmingham Jail* and discuss their meaning. List adjectives that describe the character of a leader like King.

## SCOTUS COMPARISON

"Lake Nixon Club is an amusement place owned by respondent and his wife, located 12 miles from Little Rock, Ark. It has recreation facilities, including swimming, boating, and dancing, and a snack bar serving four food items, at least three of which contain ingredients coming from outside the State. The Club leases 15 paddle boats on a royalty basis from an Oklahoma company (from which it purchased one boat) and operates a juke box which, along with records it plays, is manufactured outside Arkansas. The Club is advertised in a monthly magazine distributed at Little Rock hotels, motels, and restaurants, in a monthly newspaper published at a nearby Air Force base, and over two area radio stations. Approximately 100,000 whites patronize the establishment each season and are routinely furnished "membership" cards in the "club," on payment of a 25-cent fee. [African-Americans] are denied admission.

Mr. Justice Brennan delivered the opinion of the Court:

*Petitioners, [African-American] residents of Little Rock, Arkansas, brought this class action in the District Court for the Eastern District of Arkansas to enjoin respondent from denying them admission to a recreational facility called Lake Nixon Club, owned and operated by respondent, Euell Paul, and his wife. The complaint alleged that Lake Nixon Club was a 'public accommodation' subject to the provisions of Title II of the Civil Rights Act of 1964, and that respondent violated the Act in refusing petitioners admission solely on racial grounds. After trial, the District Court, although finding that respondent had refused petitioners admission solely because they were [African-Americans], dismissed the complaint on the ground that Lake Nixon Club was not within any of the categories of 'public accommodations' covered by the 1964 Act. The Court of Appeals for the Eighth Circuit affirmed, one judge dissenting. We granted certiorari. We reverse."*

Source: Daniel v. Paul, 395 U.S. 298 (1969) JUSTIA

Based on the information above, respond to the following questions.

- A. Identify a common constitutional principle used to make a ruling in both U.S. v. Lopez (1995) and Daniel v. Paul (1969).
- B. Based on the constitutional principle identified in part A, explain why the facts of U.S. v. Lopez (1995) led to a different holding than the holding in Daniel v. Paul (1969).
- C. Describe an action that the people of Arkansas could take to respond to the Daniel v. Paul decision if it disagreed with the decision.