

CHAPTER 15

PROTECTING CIVIL RIGHTS

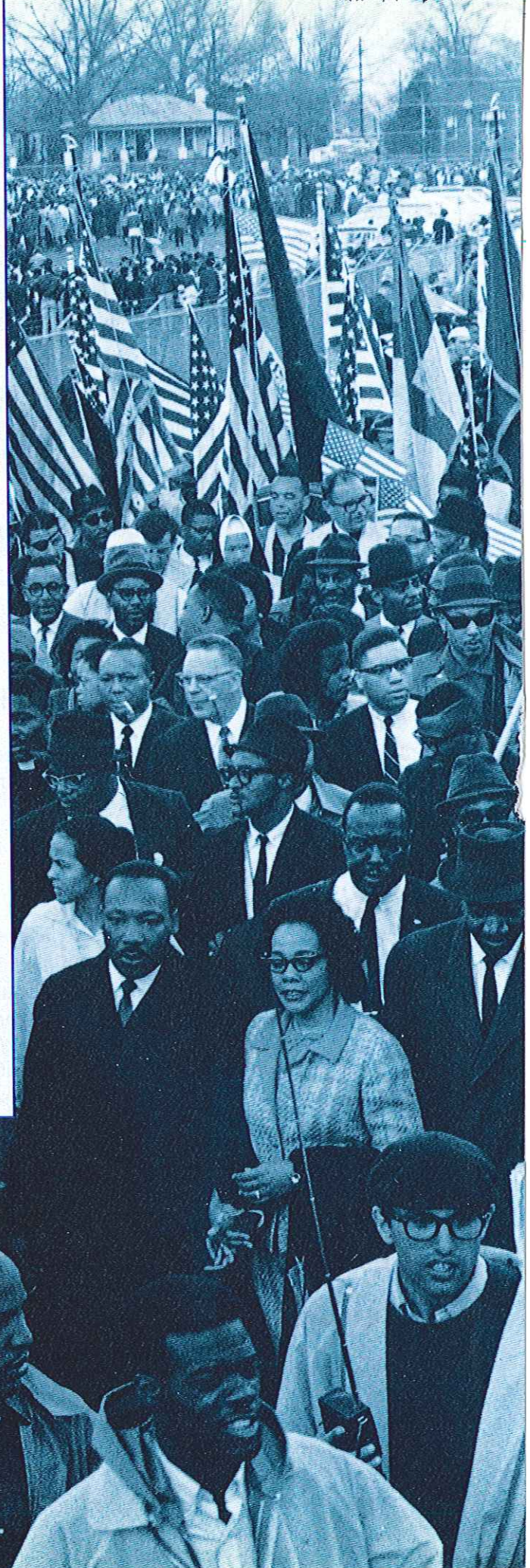
Most Americans or their ancestors came to this country from other lands. Many came in search of freedom and opportunity. Others, for whom freedom and opportunity remained distant dreams, were enslaved and then brought to these shores by force. No matter how they or their ancestors came, all have made invaluable contributions to U.S. society. The result is a country with a rich diversity of cultures and talents.

Unfortunately, however, not all Americans have enjoyed equal opportunity or experienced equal justice. In fact, many of the diverse groups of people in the United States have experienced significant challenges. For many, the struggle to win equality is highlighted by the civil rights movement of the 1950s and 1960s. Efforts continue today to fulfill the promise of equal opportunity for everyone in the United States. These efforts are necessary because securing the rights and freedoms guaranteed to everyone by the Constitution is vital to promoting the public good.



Government Notebook

How should government work to prevent discrimination in the United States? Record your answer in your Government Notebook.



SECTION 1

CITIZENSHIP AND IMMIGRATION

Political Dictionary



jus sanguinis

jus soli

naturalization

denaturalization

expatriation

Objectives

- ★ In what two ways may a person become a U.S. citizen by birth?
- ★ How does an immigrant become a U.S. citizen?
- ★ How can a person lose U.S. citizenship?

As noted in Chapter 13, the Constitution guarantees certain fundamental freedoms to all people in this country. Becoming a full participant in the U.S. democratic system, however, requires citizenship. Only citizens, for example, may vote, hold elected office, and serve on juries. The Constitution and Congress have established the ways people may become U.S. citizens and the ways their citizenship may be lost.

Becoming a U.S. Citizen

The framers did not define citizenship in the Constitution. Rather, they assumed that each state would establish rules for becoming state citizens and that those people would be considered U.S. citizens.

Today, however, a person can become a U.S. citizen in only three ways. In two of these, citizenship is determined by birth. The third involves a legal process that is overseen by the U.S. Department of Justice.

By Birth Most Americans become citizens by birth. People can become citizens by birth in two

ways: by being born to U.S. citizens or by being born in the United States or in a U.S. territory.

Congress has long allowed a person born in a foreign country to become a U.S. citizen if at least one of his or her parents is a U.S. citizen. This principle of citizenship by parentage is known as ***jus sanguinis*** (YOOS SAHNG-gwuh-nuhs), a Latin phrase meaning “law of the blood.”

A child born in a foreign country whose parents are both U.S. citizens gains citizenship only if one of the parents has resided at some point in the United States or in a U.S. territory. A child who has one parent who is a U.S. citizen and one who is a citizen of another country becomes a citizen only if the parent who is a U.S. citizen has lived in the United States or in a U.S. territory for at least five years. Two of the five must have been after the parent was 14 years old. In addition, the child can only maintain citizenship by living in the United States for two continuous years sometime between his or her fourteenth and twenty-eighth birthdays.

A second way a person can become a citizen is by being born in the United States or in a U.S. territory. This principle of citizenship by birthplace is called ***jus soli*** (YOOS soh-LEE), a Latin phrase meaning “law of the soil.” The principle was set into law by the Fourteenth Amendment, which was ratified in 1868 and made freed slaves U.S. citizens. The Fourteenth Amendment states that “all persons born . . . in the United States . . . are citizens of the United States and of the State wherein they reside.”

What about children born in this country whose parents are citizens of a foreign country? Are they



CITIZENSHIP People can become citizens by being born in the United States or in a U.S. territory. In what other way may people become citizens by birth?

U.S. citizens? In most cases they are, but only if their parents were under the authority of the United States at the time the children were born. A child born in the United States to parents officially representing a foreign country, for example, is not given citizenship.

Through Naturalization The third way to gain citizenship is through **naturalization**, a legal process by which immigrants become citizens. The naturalization method of becoming a citizen is authorized by the Fourteenth Amendment. Congress, however, passes the laws that outline the naturalization process.

The first part of the naturalization process usually involves entering the United States legally. To do so, foreigners must prove that they can support themselves financially and that they can read and write. They also must prove they do not have certain diseases, mental illnesses, a drug addiction, or a criminal past. Several other restrictions also bar people from entering the United States. One, for example, bars the entry of anarchists, or people who favor the violent overthrow of the government.

Generally, only aliens admitted as permanent residents may become U.S. citizens. Thus foreign visitors, people studying here from abroad, and others who do not plan to live out their lives in the United States do not receive citizenship. Although they are not required to do so, aliens may file a citizenship application and a “declaration of intention.” A declaration of intention states that the applicant is over 18 years of age, is planning to give up citizenship in another country, and plans to become a U.S. citizen. Children under 16 automatically become citizens when both of their parents’ naturalization has been officially completed. When only one parent has been naturalized, a petition may be filed for citizenship of the child as long as he or she is under 18 and lives with the naturalized parent.

After entering the country legally, an alien can complete the naturalization process only if he or she

- ★ has been a lawful resident of this country continuously for at least five years (three years if married to a U.S. citizen) and has been physically present in the country for at least half of this period;
- ★ is at least 18 years old;
- ★ completes a citizenship application;
- ★ is able to speak, read, and write English;

- ★ demonstrates good moral character, belief in the principles of the Constitution, and knowledge of U.S. history and government;
- ★ supports the order and happiness of the United States; and
- ★ takes an oath of allegiance to the United States at a swearing-in ceremony.

The U.S. government has occasionally given citizenship to a group of people all at once in a process called collective naturalization. The

How an Alien Becomes a Citizen

PETITION FOR NATURALIZATION

After an alien has lived in the United States at least five years (or three years if married to a U.S. citizen), he or she files an application called a petition for naturalization.

EXAMINATION

A naturalization examiner conducts an examination in which the applicant must show that he or she is a person of good moral character who believes in the principles of the Constitution and supports the order and happiness of the United States. The applicant also must prove that he or she can read, write, and speak English and is knowledgeable about the history and government of the United States. Examinations may be given at a private, designated testing center or at the interview by the immigration examiner.

FINAL HEARING

If the applicant meets all of the qualifications, he or she is granted citizenship at a final hearing. There, the alien swears an oath of allegiance and is given a certificate of naturalization.

Someone who plans to become a U.S. citizen must go through a lengthy naturalization process. How many years must someone reside in the United States before he or she can petition for naturalization?

Constitution's Fourteenth Amendment, for example, collectively naturalized freed slaves and other African Americans. The most common reason for collective naturalization, however, is the acquisition of new territory. When Texas joined the nation in 1845, for example, Congress declared Texas residents naturalized U.S. citizens.

Losing Citizenship

The involuntary loss of U.S. citizenship has occurred only rarely. States may not take away someone's citizenship, though they may restrict some of the rights of a person convicted of a serious crime, usually a felony. A state may, for example, take away a felon's right to vote.

The Supreme Court has ruled that in most cases, the federal government also may not take away someone's citizenship. One Court decision, for example, declared that the federal government may not take away the citizenship of someone who deserts from the military in wartime. The removal of someone's citizenship for desertion, stated the Court, breaks the Constitution's prohibition against cruel and unusual punishment.

The Supreme Court also has limited the federal government's ability to take away citizenship in other situations. Citizens cannot lose their citizenship just by illegally avoiding military service during wartime, nor can naturalized citizens do so simply by returning to their original countries for a few years. Even voting in foreign elections does not automatically cause a loss of citizenship.



PRINCIPLES OF DEMOCRACY *U.S. citizens may vote in elections in a foreign country, such as Nigeria, without endangering their U.S. citizenship. What is it called when an individual voluntarily gives up his or her citizenship?*

A court may, however, take away the citizenship of a naturalized citizen who can be shown to have become a U.S. citizen by fraud. A person who lies, for example, about his or her background or provides other false information during the naturalization process may undergo **denaturalization**, or loss of citizenship.

Every citizen has the right to renounce, or give up voluntarily, his or her citizenship, an act known as **expatriation**. A person may give up his or her citizenship in several ways, such as by being naturalized as a citizen of or by pledging allegiance to another country.

SECTION 1

REVIEW

1. Define the following terms: *jus sanguinis*, *jus soli*, naturalization, denaturalization, expatriation.
2. Are children born to foreign officials in the United States automatically U.S. citizens? How may people become citizens by birth?
3. Why does the Supreme Court severely limit the federal government's ability to take away a person's citizenship?
4. What are some of the ways a person may give up citizenship voluntarily? When may

the courts take away the citizenship of a naturalized citizen?

5. Thinking and Writing Critically

What are the requirements for naturalization? Why do you think the U.S. government has such requirements? *regular immigration*

6. Applying CITIZENSHIP



Conduct an Internet search for information on the Immigration and Naturalization Service. Make a list of the information you find.

SECTION 2

DIVERSITY AND EQUAL PROTECTION

Political Dictionary



illegal alien
deportation
amnesty
ethnic group
prejudice
discrimination

Objectives

- ★ How has U.S. immigration policy changed over time?
- ★ In what ways is the United States an ethnically diverse nation?
- ★ What are the benefits and challenges of diversity in the United States?

At various times, concern over the number of newcomers arriving in this country has led to efforts to restrict immigration. The diversity brought by immigration has benefited U.S. society in numerous ways. On the other hand, diversity has presented significant challenges, including prejudice and discrimination.

Immigration Policies

You or your ancestors probably immigrated to this country under certain rules. These rules have changed greatly over time, however, with varying limits on the number of foreigners who may come to the United States to live.

Unrestricted Immigration For much of colonial and early U.S. history, there were few immigration rules. Indeed, before the late 1800s anyone who wanted to come to the United States could do so with few or no restrictions.

Why did people come? Throughout the 1800s many came for the land available in the country's vast interior and for jobs in rapidly growing U.S. industries. In fact, so many immigrants arrived during this period that by 1890 they made up nearly 15 percent of the U.S. population.

Over time, tensions developed between immigrants and people already living in the United States. These tensions were caused partly by competition for jobs between immigrant and native-born workers. Differences in cultural traditions, beliefs, and ways of life often caused conflict as well.

Irish immigrants, for example, faced hostility from native-born citizens as well as from other immigrants. The majority of Irish immigrants were Roman Catholics, while most other people in the United States were Protestants. In addition, Irish communities often kept themselves apart by operating their own hospitals, orphanages, and schools. As a result, some native-born citizens feared that Irish immigrants would not become part of U.S. society. Others feared that immigrants might lack respect for the rule of law and threaten the U.S. political system.

Immigration Restrictions Hostility toward immigrants led Congress over time to restrict



CITIZENSHIP *During the 1800s, people from around the world could come to the United States with few immigration restrictions. When did the government first start placing restrictions on immigration from certain countries?*

Careers in Government

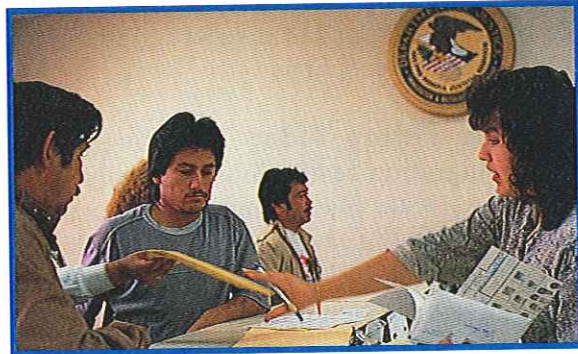


Immigration Officer

It is estimated that around 5 million foreign citizens currently live in the United States illegally. In addition, hundreds of thousands of other immigrants legally enter the country each year. One government agency—the Immigration and Naturalization Service (INS)—is responsible for sorting out these groups, enforcing immigration laws, and naturalizing new citizens. The INS, part of the U.S. Department of Justice, employs more than 20,000 people in about 40 field offices in the United States and abroad.

To meet the many demands facing the agency, INS immigration officers work in a wide variety of fields. Some of the agency's many job titles include border patrol agent, investigations agent, immigration inspector, deportation officer, and computer specialist.

Tasks for each of these jobs may vary a great deal. Border patrol agents, for example, guard about 8,000 miles of international borders to prevent foreigners from entering the country illegally. Plainclothes special agents track down illegal immigrants involved in criminal activity in the United States. Other INS tasks involve serving the many legal immigrants who enter the United States each year. Immigration officers review citizenship applications, administer citizenship tests, process residency applications, and conduct naturalization interviews. In 1995 alone the United States admitted more than 700,000



Each year, immigration officers help thousands of people file applications for citizenship. The INS is also responsible for enforcing immigration laws.

immigrants and naturalized 500,000 others as new citizens.

One difficulty with handling so many requests is that the system often gets backed up, causing applicants to feel lost or ignored. In response to paperwork problems, INS directors, such as Detroit District director Carol Jenifer, have worked to speed up the naturalization process and improve communication with immigrant organizations.

Along with communication skills, technical training is very helpful for immigration officers. The INS employs college graduates with a wide variety of degrees, but computer science and criminal justice majors are particularly valued. Fluency in Spanish is also useful. INS commissioner Doris Meissner notes that the INS is "working smarter and applying technology" to help meet the challenges of the future.

immigration. In 1882 Congress passed an act that imposed a tax on those who entered the country and denied entry for convicted criminals, paupers, and people with mental illnesses. Some 20 years later, Congress also banned anarchists from entering the United States.

Also in 1882, Congress for the first time banned all immigration from a particular country—in this case, China. Congress was moved to action partly by native-born workers in California who claimed that the low wages paid to Chinese workers lowered wages for everyone else. For similar

reasons, Japan, because of pressure from the U.S. government, agreed to restrict emigration to the United States beginning in 1900.

Continuing pressures to restrict immigration led Congress to pass laws in 1921 and 1924 setting specific ceilings on the number of immigrants allowed from each European country. The ceilings were based on the national origins of the U.S. population as established in censuses from 1890 and 1910. The largest group of U.S. citizens at that time—around 47 percent—had western and northern European ancestors. Correspondingly,

Congress allowed more immigration from northern and western Europe than from eastern and southern Europe. In addition, the new laws effectively banned immigration from Asia and Africa. Latin Americans were allowed to immigrate to the United States, but they faced strict requirements for coming into the country.

Immigration Policy Today Following World War II, immigration restrictions generally were eased. In the 1950s small numbers of Asians—around 100 per country annually—were allowed to immigrate to the United States. Then in 1965 Congress passed the Immigration and Nationality Act. The new law allowed 290,000 immigrants annually, with 120,000 from the Western Hemisphere and 170,000 from the Eastern Hemisphere. The law was partly designed to reunite U.S. citizens and legal residents with their relatives in foreign countries.

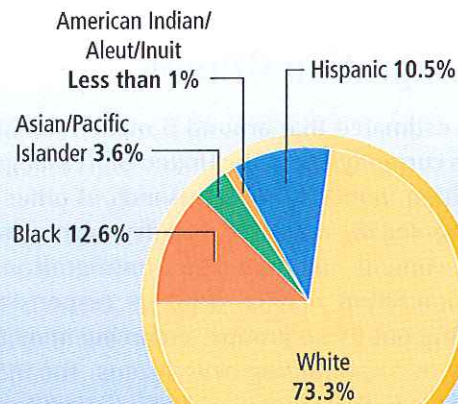
The eased restrictions contributed to dramatic increases in immigration from Asia during the 1970s and 1980s. For example, Asian countries accounted for around 38 percent of all legal immigration to the United States in the 1980s. Many of these immigrants were Filipino. Others were Vietnamese, who began coming to the United States in large numbers during and after the Vietnam War in the 1970s.

Immigration from Latin America also has soared since 1965. By the 1970s more than 40 percent of the legal immigrants to the United States were coming from Latin America. Cuban immigration was highest during the 1960s and 1970s. Today, immigration from Latin America remains at around 50 percent of the total.

The level of legal immigration today is determined by the Immigration Act of 1990, which increased the legal immigration limit to 675,000 a year, not counting refugees. Adjusting this legal limit remains a subject of debate in Congress.

Illegal Immigration One of the most difficult immigration problems in recent years has involved keeping people from entering the United States illegally. In the mid-1990s, for example, about 4 million illegal immigrants were estimated to be living in the United States. Counts of the illegal immigrant population are unreliable, however, because these people must avoid being discovered if they are to remain in the country. These **illegal aliens** came to the United States without legal

Racial/Ethnic Population of the United States in 1996



Source: *The World Almanac and Book of Facts: 1997*

CITIZENSHIP *The United States contains a rich diversity of peoples and cultures. What are the largest and second-largest nonwhite ethnic groups in the United States?*

immigration papers and by law may not remain here. Any who are caught may be **deported**, or forcibly returned to their countries of origin.

In an attempt to control illegal immigration, Congress passed the Immigration Reform and Control Act of 1986. The law gave illegal aliens a one-time **amnesty**, or general pardon that government gives to people who have broken a law. The 1986 act allowed illegal aliens who could prove they had lived continuously in the United States since before 1982 to apply to stay in the United States as legal residents. The act also outlawed the practice of hiring illegal aliens, a step designed to decrease the flow of illegal aliens by reducing job opportunities for them. In 1994, California voters approved a law that denied state benefits, including public education and medical benefits, to illegal aliens and their children. The measure, however, has been challenged in court.

In 1996 Congress passed additional measures designed to further restrict illegal immigration. This Illegal Immigration Reform and Immigrant Responsibility Act of 1996 increased border controls and provided stronger penalties for creating and using false identification papers. The act also placed additional restrictions on the use of

public benefits by aliens, as well as stricter penalties for those who employ illegal aliens.

A Nation of Diversity

Immigration has led to a diverse U.S. population. People and cultures from around the world can be found in many places in the United States, particularly in large urban areas such as Los Angeles and New York City. This great diversity has brought many benefits, as well as some difficult challenges.

Benefits of Diversity The United States contains a rich mixture of peoples, cultures, and traditions from around the world. This diversity provides several advantages. First, the diversity of cultures makes many people's lives richer. Such diversity gives us the chance to enjoy the foods, music, literature, and celebrations of other cultures. Second, the mixture of different ideas and values in a diverse society encourages creativity in many areas, from literature and the arts to business.

The blending of these many cultures and traditions has resulted in a unique U.S. culture. Within this tapestry, however, many distinct cultural traditions survive and flourish. Neighborhoods such as Chinatown in San Francisco, Polish Hamtramck near Detroit, and Little Italy in New York City are examples of the rich diversity that exists in much of the United States.

Each of these neighborhoods is populated largely by one **ethnic group**—a group of people within a nation who share common characteristics such

as race, nationality, religion, language, or cultural heritage. U.S. ethnic groups include American Indians, Irish Americans, Italian Americans, Korean Americans, and Jewish Americans. The largest non-white ethnic group in the United States is made up of African Americans. More than 33 million African Americans lived in the United States in 1996. More than 27 million Hispanics lived in the United States in the same year. (See the chart on the opposite page.)

Challenges of Diversity Such significant diversity of peoples and cultures has presented challenges as well as benefits. Among these challenges are prejudice and discrimination. **Prejudice** is an opinion formed without careful and reasonable investigation of the facts. Suppose, for example, that a white business owner refuses to hire African Americans because he or she dislikes them. The owner's hiring decisions are not based on a reasonable judgment of each job candidate's skills. Instead, the owner partly bases the decisions on his or her personal prejudice against African Americans. Acts of prejudice like this are called **discrimination**.

Unfortunately, some people do harbor prejudices against people who are different from them, and discrimination too often is the result. In the past, government sometimes was used by powerful majorities to discriminate against people in the minority. Over time, however, various groups have struggled to overcome this discrimination. Particularly in this century, as you will see, much progress has been made in ending discrimination.

SECTION 2

REVIEW

1. Define the following terms: illegal alien, deportation, amnesty, ethnic group, prejudice, discrimination.
2. What were some of the reasons for the rise in immigration in the 1800s? Why did the federal government restrict immigration during the 1800s?
3. Identify the benefits of diversity in the United States.
4. What are some of the challenges posed by diversity?

5. Thinking and Writing Critically

What are the national origins of some of your ancestors? What are some contributions immigrants from those places of origin have made to the United States? Do you carry on any of the traditions your ancestors brought to the United States?

6. Applying **CITIZENSHIP**



Conduct an Internet search for the population of your state. In addition, record any information you can find about the ethnic makeup of your state.

SECTION 3

STRUGGLE FOR CIVIL RIGHTS

Political Dictionary



civil rights
suspect classification
civil rights movement
segregation
Jim Crow law
de jure segregation
separate-but-equal doctrine
de facto segregation

Objectives

- ★ What two tests do federal courts use to determine whether laws respect the Equal Protection Clause?
- ★ How did the Equal Protection Clause help the civil rights movement fight government discrimination?

Much of the progress against discrimination has been made in the courts. Judges have used the Fourteenth Amendment's Equal Protection Clause to prevent discrimination by federal and state governments. This clause has been key in securing all citizens' civil rights, particularly those of African Americans. **Civil rights** are those powers or privileges that governments grant to individuals to guarantee their equal treatment under the law.

Equal Protection of the Law

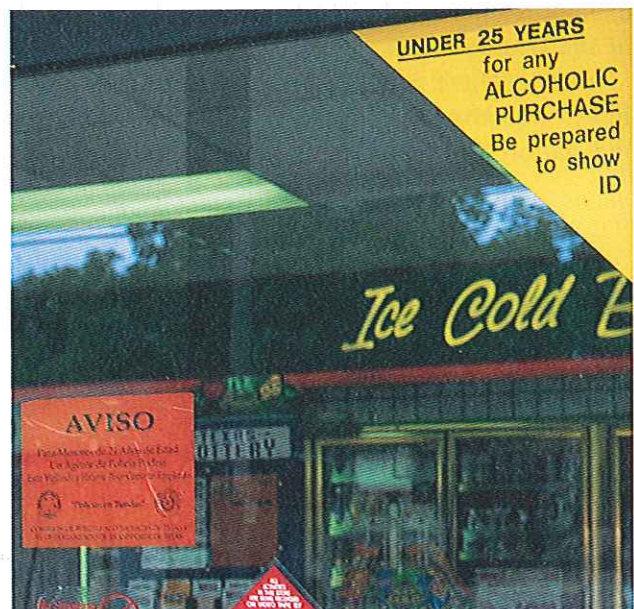
As you have learned, the Equal Protection Clause is part of the Fourteenth Amendment, which was added to the Constitution after the Civil War to protect the rights of the newly freed slaves. The amendment says that a state government may not "deny to any person within its jurisdiction the equal protection of the laws." In short, the Equal Protection Clause keeps state governments from classifying people *unfairly* and from making

unreasonable distinctions between groups of people. Such classifications imply that government considers it acceptable to treat some people differently from others.

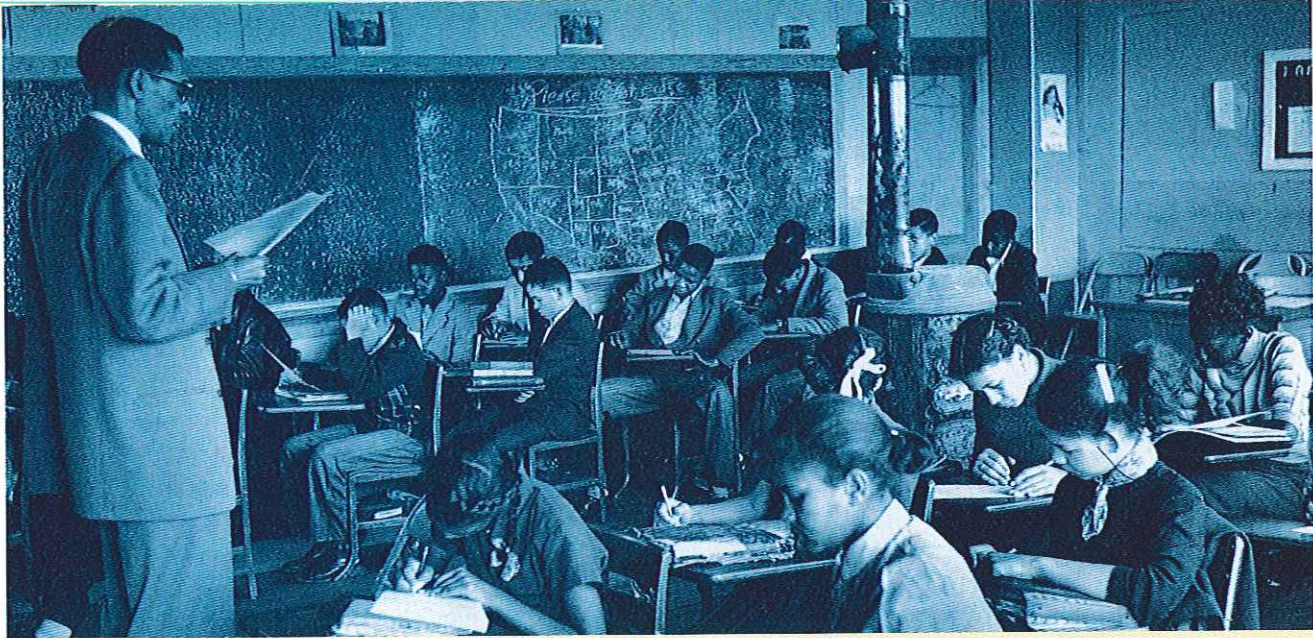
Reasonable Distinction Making sure that people are guaranteed equal protection under the law does not prohibit government from making some distinctions between classes of people. For example, many state governments charge state park visitor fees to pay for the maintenance of the parks. People who do not visit parks do not pay the fees. Thus, in this situation the government has reasonably discriminated, or distinguished, between two groups of people—park visitors and nonpark visitors.

When is discrimination considered reasonable? Today, federal courts generally use two guidelines to decide if government has made fair distinctions between classes of people in specific circumstances. These guidelines are the rational basis test and the strict scrutiny test.

Rational Basis Test The courts recognize that government sometimes has good reasons, or a rational basis, for treating some classes of people differently from others. Differences in treatment are considered valid under the rational basis test



PRINCIPLES OF DEMOCRACY When the legal drinking age was set at 21, the rational basis test was used to determine that in this case discrimination was reasonable. What other guideline is used in determining if discrimination is reasonable?



CONSTITUTIONAL GOVERNMENT *Some southern schools, such as the Moton School in Virginia, remained legally segregated into the mid-1950s despite the addition of the Thirteenth, Fourteenth, and Fifteenth Amendments. What term means segregation by law?*

if they are part of a law that establishes reasonable methods of accomplishing a legitimate goal of government.

The rational basis test can be used to judge many current laws with which you might be familiar. Think about the minimum legal age for drinking alcoholic beverages, for example. This law treats people under 21 differently by prohibiting them from drinking alcohol. Is this discrimination reasonable? Legislators believe that people under 21 have not gained enough life experience to make wise decisions about drinking alcohol. The courts have agreed, stating that these laws pursue a legitimate goal of discouraging irresponsible consumption of alcohol.

Strict Scrutiny Test In cases where government makes distinctions between people based on race or national origin, federal courts have adopted a much stricter standard than that used in the rational basis test. Because such distinctions often reflect prejudice, federal courts automatically presume that they are of suspect, or doubtful, legality. Called **suspect classifications**, these distinctions are immediately considered by the courts to be possible violations of the Equal Protection Clause. In such cases, the courts scrutinize the law strictly.

When courts apply the strict scrutiny test, government must show that a classification is more than just a reasonable method of achieving a legitimate goal. Instead, government must show

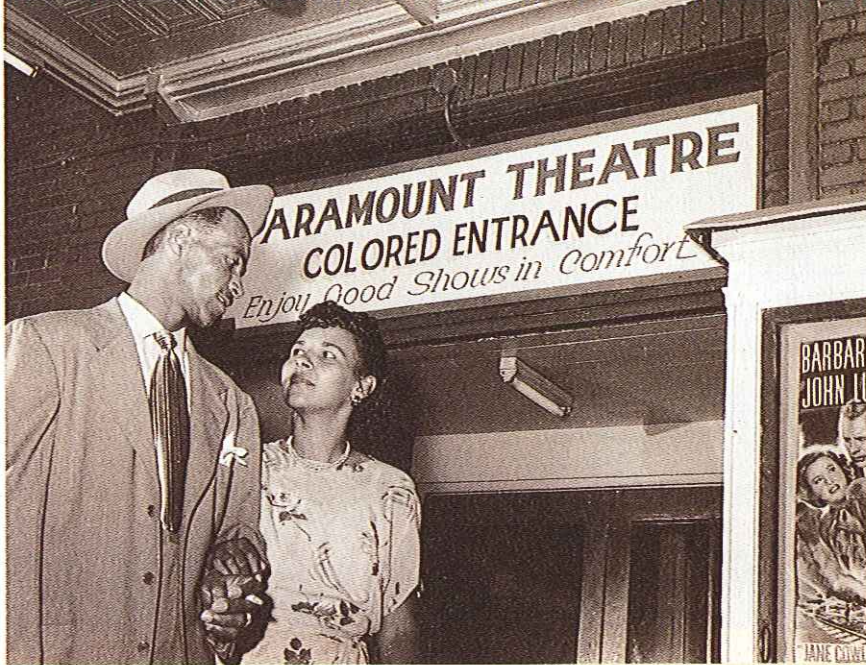
that there are compelling reasons that make such a law important to the public interest. The higher standard applied by the strict scrutiny test is much harder for government to meet than the standard under the rational basis test.

To understand the strict scrutiny test, suppose that a city government passed a law requiring a local high school to set up one cafeteria for white students and one for African American students. City officials might argue that such a law was a reasonable effort to minimize disagreements among students of different races. Under the strict scrutiny test, however, the government would have to show that keeping students separated by race served some compelling public interest. The courts in fact have ruled that no compelling reason exists in such a case and have struck down similar laws.

Civil Rights and Equal Protection

The Equal Protection Clause has played a key role in the **civil rights movement**—the struggle by minorities and women to gain in practice the rights guaranteed to all citizens by the Constitution. The movement has a long history and an enduring legacy.

De Jure Segregation Among the most visible examples of government discrimination against



CONSTITUTIONAL GOVERNMENT During the late 1800s many southern states enacted laws that segregated numerous public places. Which amendments passed after the Civil War freed slaves and gave constitutional liberties to African Americans?

African Americans was **segregation**, or mandatory separation of the races. Southern states began enacting segregation policies under the so-called **Jim Crow laws** of the late 1800s.

Jim Crow laws covered nearly all areas of life, particularly in the South. The laws required, for example, separate schools for white students and African American students. Public transportation, public rest rooms, hotels, restaurants, places of entertainment, and other public places also were segregated by law. Even public drinking fountains carried signs reserving some of them for “Whites Only” and others for “Colored,” or African Americans.

De jure (DEE joohr-ee) **segregation**, or segregation by law, became policy in the South despite the existence of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. These three amendments had been passed after the Civil War to free the slaves and to give constitutional liberties to African Americans. For many decades, however, federal courts refused to rule that segregation policies violated constitutional civil rights protections.

One landmark segregation case was *Plessy v. Ferguson* in 1896. In that case the Supreme Court upheld a Louisiana law requiring separate railway coaches for white and African American passengers. The *Plessy* decision enshrined the **separate-but-equal doctrine** in U.S. law for

decades afterward. This doctrine held that segregation laws did not violate the Equal Protection Clause so long as the facilities reserved for each race were equal to those for the other.

In reality, however, separate facilities often were anything but equal. African American students frequently had access only to older, broken-down schools that were far inferior to those reserved for whites. Efforts to show that the separate-but-equal doctrine was not, in fact, permitted by the Equal Protection Clause became the main goal in the struggle to secure African Americans’ civil rights.

Rolling Back Segregation The fight against the separate-but-equal doctrine continued for many years. Eventually, the Supreme Court turned against Jim Crow laws. In *Sweatt v. Painter* in 1948, for example, the Court ruled that a segregated law school for African American students at the University of Texas could not provide students with equal educational opportunities and therefore violated the Equal Protection Clause.

In 1954, civil rights supporters won a major victory. That year, the Supreme Court ruled in *Brown v. Board of Education of Topeka* that the segregation of public schools necessarily made for unequal education. A racially segregated school, the Court said, “generates a feeling of inferiority” among African American students “that may affect their hearts and minds in a way unlikely ever to be undone.” Therefore, the Court said, “separate educational facilities are inherently [by their very nature] unequal.”

In 1955 the Supreme Court ordered states to act “with all deliberate speed” to integrate, or desegregate, their schools. The resistance of pro-segregation whites, mostly in southern states, slowed the pace of integration, however. Federal law enforcement officials and federal troops occasionally were used to protect African American students enrolling in formerly all-white schools. Finally, in the 1971 case *Swann v. Charlotte-Mecklenburg* the Supreme Court upheld a lower

federal court's power to impose busing plans and set racial admission levels to speed desegregation.

Over time the Supreme Court also ruled against legally segregated public transportation, prisons, and other facilities. In fact, it extended its rulings to overturn every state law segregating a public place. In addition, in 1967 the Court ruled in *Loving v. Virginia* that state laws banning interracial marriages violated the Equal Protection Clause.



CONSTITUTIONAL GOVERNMENT To help eliminate de facto segregation the government used busing programs in the nation's schools. How did people react to many of these efforts?

De Facto Segregation Even though *de jure* segregation ended by the early 1970s, the separation of the races has continued. Even today **de facto segregation** (literally “segregation in fact”) exists in school systems around the country. In neighborhoods with mainly African American populations, for example, enrollment in local schools often is largely black. Similarly, communities with largely white populations often have local schools in which enrollment is mainly white.

Efforts to eliminate *de facto* segregation often have been bitterly opposed. In the 1970s, for

example, many whites reacted with hostility when courts ordered white students bused into black neighborhoods to integrate public schools. African Americans also were bused to schools in white neighborhoods. Some of the strongest reactions occurred in northern cities such as Boston, where violence broke out between black and white high school students. Busing and other means to eliminate *de facto* segregation remain controversial.

SECTION 3

REVIEW

1. Define the following terms: civil rights, suspect classification, civil rights movement, segregation, Jim Crow law, *de jure* segregation, separate-but-equal doctrine, *de facto* segregation.
2. How do the rational basis and strict scrutiny tests affect cases involving the Equal Protection Clause?
3. How does legal segregation violate the Equal Protection Clause? In what way did the Supreme Court interpret the Equal Protection Clause differently in *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka*?

4. Thinking and Writing Critically

Think about the places you go for fun outside of home and school—movie theaters, public parks, shopping malls, etc. How would you feel if government laws suddenly barred anyone from your high school from entering these places? How could you use the Constitution to support overturning these laws? Give historical examples to support your case.

5. Applying CONSTITUTIONAL GOVERNMENT

Would a law that forbids only blue-eyed people from purchasing goods in a local supermarket or shopping mall be reasonable? Why or why not?

CIVIL RIGHTS LAWS

Political Dictionary



affirmative action
quota

Objectives

- ★ How have civil rights laws protected the rights of African Americans?
- ★ How have civil rights protections been extended to other minority groups?

The struggle for civil rights did not end with court victories against segregation. Through marches, protests, and close work with lawmakers, civil rights supporters have gained the passage of key legislation protecting the civil rights of African Americans and other minority groups.

Civil Rights Laws

The first civil rights laws, which were passed in the late 1800s, were not strictly enforced by the courts and did little to protect against discrimination. The growing strength of the civil rights movement in the 1950s and 1960s, however, produced several effective civil rights laws.

Early Laws The first civil rights laws were passed in the 10 years following the Civil War. The Civil Rights Act of 1866 sought to protect African Americans' constitutional rights, such as the right to vote. In addition, an 1875 act outlawed racial discrimination in public places, such as theaters and hotels.

In general, however, these early civil rights laws made little progress in preventing racial discrimination. This failing resulted in large part from court rulings that not only weakened the effects of such laws but also declared many of their provisions unconstitutional.

Failure of Early Laws The federal and state governments' failure to protect African Americans' civil rights was clear by the late 1800s. African Americans accused of crimes, for example, often did not receive fair trials. In addition, many African Americans were lynched, or murdered by mobs acting outside the law. Such lynchings often went unpunished.

The severe discrimination experienced by African Americans gradually persuaded many people that the federal government needed to take a stronger role in protecting individual rights. In response, Congress passed civil rights laws in 1957 and 1960. However, these laws were of limited scope. The failure to pass strong civil rights laws led civil rights supporters to intensify their efforts. Through marches, demonstrations, and boycotts, civil rights supporters pressed Congress for stronger legislation.

Nonviolent Protests One of the earliest boycotts began in December 1955 when Rosa Parks—an African American seamstress in Montgomery, Alabama—was arrested for refusing to give up her seat to a white person on a public bus—as required by city segregation laws. Alabama civil rights leaders responded to the arrest by asking African



PRINCIPLES OF DEMOCRACY “Sit-ins” such as the one pictured here were used as a nonviolent method of protesting segregation. What were some other forms of nonviolent civil rights protest?



PRINCIPLES OF DEMOCRACY *Martin Luther King, Jr., waves to a crowd of some 250,000 Americans who had gathered in Washington, D.C., to express their support for the civil rights movement. In what year did the March on Washington occur?*

American citizens to boycott the city buses until the city changed the laws. The bus company lost 65 percent of its normal income as a result. The boycott did not end until almost a year later, when the Supreme Court ruled that the segregation of buses was unconstitutional.

Most civil rights supporters conveyed their message through nonviolent protest. In February 1960 in Greensboro, North Carolina, for example, four African American college students staged a “sit-in” at a Woolworth store’s lunch counter, which refused to serve black customers. The students entered the store, sat down at the lunch counter, and were refused service. They stayed for a few hours and then left. The next day, they returned to the store and sat for a few more hours. By the fourth day, some whites began participating. During the first six months of the protest, police arrested more than 1,600 participants. The sit-ins, which were almost always led by high school or college students, spread to other southern cities.

Despite their use of nonviolent methods, the protesters often were the victims of violence from others. During 1961, for example, members of the Congress of Racial Equality organized the Freedom Rides—bus trips that both black and white civil rights supporters took to various southern cities to challenge the segregation practices in bus terminals. The Freedom Riders rode throughout the South, intentionally ignoring the segregation signs

in terminals along the way. In Alabama, when buses and their riders were attacked by angry mobs, the local authorities offered little or no protection. In Mississippi, riders were arrested and jailed. In spite of these incidents, the Freedom Riders continued their efforts.

In August 1963 around 250,000 Americans gathered in Washington, D.C., to express their support for the civil rights movement. This March on Washington was led in part by Martin Luther King, Jr.—a dynamic civil rights activist, Baptist minister, and president of the Southern Christian Leadership Conference—who was one of the guiding forces behind the principle of nonviolent protest. It was at this event that King made his famous “I Have a Dream” speech, in which he declared, “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.”

Change Takes Hold Such pressures finally led to the passage of the most important civil rights laws in a century. The 1964 Civil Rights Act forbade segregation of public places, such as restaurants, lunch counters, movie theaters, and hotels. The act also extended civil rights protections to minority groups other than just African Americans. It prohibited employers and administrators of any program receiving federal funding from discriminating based on race, national origin, religion, or sex.

In contrast to court decisions on civil rights laws in the 1800s, the Supreme Court ruled that the 1964 Civil Rights Act was constitutional. The Court decided that congressional authority to prevent discrimination in public places came from its constitutional power to regulate commerce among the states. Motels, for example, are considered part of interstate commerce partly because they receive many out-of-state customers. Similarly, restaurants serving out-of-state food are said to be involved in interstate commerce as well.

As a result of the 1964 law, facilities that had once been closed to African Americans opened their doors. Many public schools that had been slow to integrate were pushed into action, fearing that their state's attorney general would file lawsuits against them otherwise. Similarly, agencies that received federal grants for local projects, such as youth programs and public facilities, also were affected by the new law.

Another key civil rights law, the Voting Rights Act of 1965, helped African Americans secure equal opportunity at the ballot box. Among other things, the law prohibited the use of literacy and other tests to decide if a person could vote. These tests had been used to prevent many African Americans in the South from voting. The law also allowed federal agents to help African Americans register to vote in states where they faced discrimination. As a result, between 1964 and 1968 the percentage of registered African American voters in several states rose significantly—from 7 to 59 percent in Mississippi, for example. (Voting is more fully explained in Chapter 19.)

Congress has since passed other civil rights laws as well, including the Civil Rights Acts of 1968 and 1991. The 1968 act prohibited discrimination based on race, national origin, and religion in the advertising, financing, sale, and rental of housing. The 1991 law strengthened protections against discrimination in the workplace.

Extending Civil Rights

The progress made by African Americans has encouraged other groups that are working to end discrimination. These groups include Hispanic Americans, American Indians, Asian Americans, people with disabilities, and women.

Hispanic Americans Hispanic Americans compose a rapidly growing ethnic group in

Comparing

↑▶ Governments

Nonviolent Protests in Burma

As in the United States, nonviolent protest has been used by people around the world who demand fair treatment and civil rights. In 1988, for example, prodemocracy supporters in Burma (now called Myanmar) participated in nonviolent demonstrations against General Ne Win, who had ruled the South Asian country for more than 25 years. The military reacted by crushing the demonstrations and killing thousands of people, while military leaders took over the government.

In response, protester Daw Aung San Suu Kyi (daw awng suhn soo chee) cofounded a prodemocracy opposition party, the National League for Democracy. Suu Kyi bravely spoke out against the military government. As a result of her actions, she was placed under house arrest for six years, and the army arrested hundreds of her supporters. Suu Kyi's efforts drew world attention, however, and she received the Nobel Peace Prize in 1991 in recognition of her nonviolent campaign. Political pressure eventually forced the military government to release her. "We must have the courage to face the bully's challenge," Suu Kyi said, as she vowed to continue her party's nonviolent struggle for democracy. The Burmese military, however, continues to exercise significant political and economic power.

the United States. Hispanic Americans are U.S. citizens or residents who are of Latin American or Spanish descent.

Hispanic Americans have faced discrimination in several areas, such as employment and housing. Progress has been made, however, in extending civil rights to Hispanic Americans. By 1994, Hispanics held nearly 5,500 public offices in the United States, and 17 Hispanic Americans were congresspersons in 1995.

American Indians American Indians today make up around 1 percent of the U.S. population.

For most of U.S. history, the federal government considered American Indians to be conquered peoples with their own separate governments. As a result, they were long denied many civil rights. For example, some American Indians could not vote until 1924, when they were granted U.S. citizenship.

Since the 1960s American Indians have used protests, court cases, and lobbying efforts to secure their civil rights. In 1975, for example, Congress expanded protections of the Voting Rights Act to require that ballots be printed in American Indian languages in communities with large American Indian populations. (The same law required that ballots be printed in Spanish and other languages of large non-English-speaking minority populations where appropriate.)

Asian Americans Like Hispanic Americans, Asian Americans are a rapidly growing ethnic group in the United States. Increasing immigration from Asia, particularly since the 1970s, has fueled this growth.

At different points in U.S. history, racial prejudice has been a source of discrimination against Asian Americans. For example, Japanese Americans on the West Coast, many of them U.S. citizens, were held in detention centers while the United States and Japan were at war with each other during World War II. Like other ethnic minorities, however, Asian Americans today are protected by the civil rights acts of the 1950s and 1960s.

People with Disabilities Civil rights protections were extended again in 1990 with the passage of the Americans with Disabilities Act (ADA). The ADA forbids employers and the owners of public accommodations to discriminate against people with disabilities.

You can see the effects of the ADA in many places. Businesses have installed ramps, widened doors, and made other changes to provide access to people with disabilities. The ADA also mandated establishment of the Telecommunications Relay Service (TRS), which enables people with hearing and speech impairments to communicate by telephone with anyone in the nation.

Women From early in the nation's history, women did not have the same rights as men. Except for the Nineteenth Amendment, which



CONSTITUTIONAL GOVERNMENT *The Americans with Disabilities Act prohibits discrimination against people with disabilities. What effects of the ADA can you see in your school?*

gave women the right to vote in 1920, the Constitution contains no references to people's sex. Because of this lack of clearly stated constitutional protections, courts once regularly ruled against claims of sex discrimination in employment and other areas. Courts also refused to rule against the practice of excluding women from juries. In a 1961 case, for example, the Supreme Court ruled that such exclusions were proper in light of the place of women at "the center of home and family life."

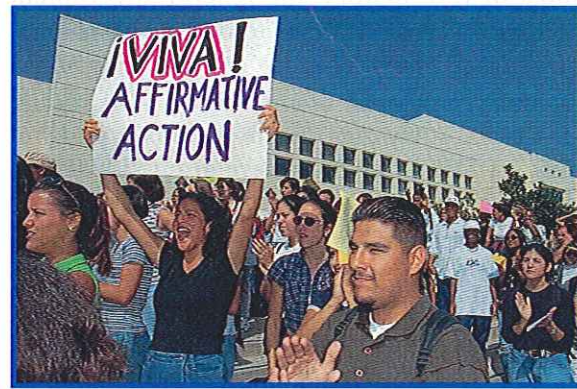
Efforts to win equal rights for women have made significant progress, however. The civil rights acts of the 1960s, for example, included protections against sex discrimination. In addition, in the 1971 case *Reed v. Reed* the Supreme Court for the first time ruled against a law that discriminated against women. The case involved an Idaho law that gave fathers preference over mothers in deciding who should administer the estates of children who had died. In later cases the Court ruled that government must have strong reasons for making legal distinctions between men and women.

Progress toward equal rights for women has brought many changes to U.S. society. Since 1979,

Citizenship in



Action



Many students from the University of California at Los Angeles protested the end of affirmative action in the state university system.

Speaking Out on Affirmative Action

Affirmative action programs at businesses and universities seek to provide special consideration for minority applicants during the making of hiring, admissions, or scholarship decisions. Supporters of affirmative action argue that these programs create a more diverse environment at school or in the workplace and help to compensate for social inequalities that have hindered minorities. Opponents, however, believe that such programs have served their purpose and are no longer necessary. As a result, many of these programs have recently been challenged as unfair or unconstitutional.

College students across the country have joined this heated debate. The 1995 decision by the University of California board of regents to end affirmative action in the state university system created an uproar. Thousands of students from the Los Angeles campus (UCLA) protested, demanding that the decision be repealed. Other students, such as African Student Union member Shauna Robinson, organized a public forum designed to educate students about the need for affirmative action.

Protests then spread to other California college campuses, where student organizations worked to influence opinion on affirmative action. Despite these efforts, the ban on affirmative action remains in effect.

California students also formed groups supporting the regents' decision. One such group was Students Against Affirmative Action and for Equality, which argued that admissions criteria involving race were unnecessary. This group suggested that alternative criteria such as financial hardship would be more impartial and would still help many minority students.

The controversy in California spurred many groups around the country to action. After attending a protest by UCLA students, civil rights leader Jesse Jackson urged young African Americans throughout the country to defend affirmative action policies. He accused young people of having become "much too comfortable" and called on them to protect hard-won civil rights.

High school students around the nation also joined the debate. *United Youth of Boston*, an independent high school student newspaper, published articles discussing affirmative action. Inspired by the reports, students at Boston's Madison Park High School organized forums on racism, poverty, and education.

The status of affirmative action is still uncertain. A 1997 poll taken by the Joint Center for Political and Economic Studies suggested that African Americans age 18 to 25 were more likely to support affirmative action than older African Americans or whites. More than 80 percent of the whites polled and about half of the African Americans and Hispanics were against preferential treatment for minorities. No matter what decisions local, state, and federal government make on affirmative action, the debate over the subject has encouraged many students to explore and discuss their rights and responsibilities as U.S. citizens.

What Do You Think?



1. What is your opinion of affirmative action programs at universities?
2. What were some of the ways in which college students worked to educate the public about affirmative action?



PRINCIPLES OF DEMOCRACY Protesters march by the New York Public Library during a parade for women's suffrage in the early 1900s. In what year were women guaranteed the right to vote?

for example, women have outnumbered men on college campuses. In addition, women now work in occupations that once were closed to them, including medicine, law, and engineering.

CASE STUDY

Affirmative Action

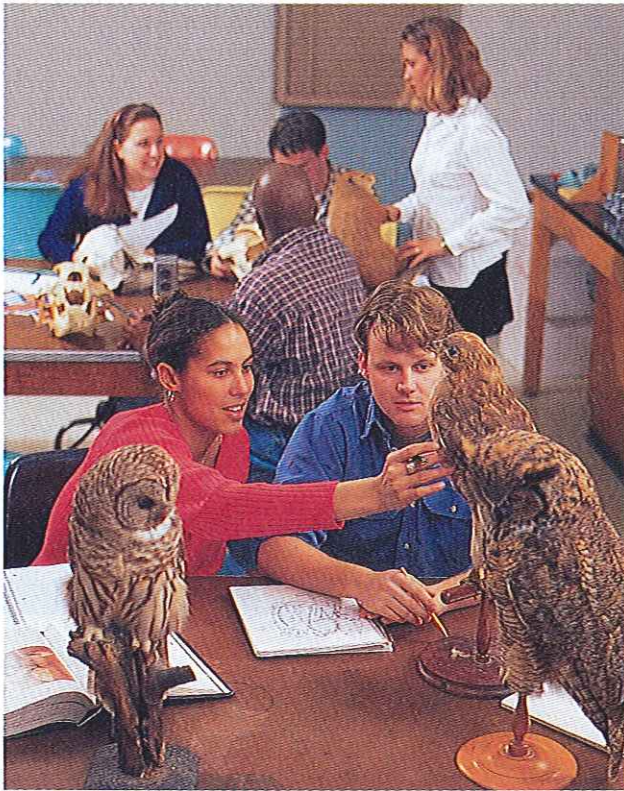
CONSTITUTIONAL GOVERNMENT Some people have argued that discrimination cannot be ended unless government and private industry adopt affirmative action programs. **Affirmative action** refers to policies that are used to help end the effects of both historical and continuing discrimination, particularly in jobs and education. A business, for example, may take affirmative action by making special efforts to hire and to promote ethnic minorities and women to help make up for their having been denied equal employment opportunities in the past.

Supporters argue that such measures are one of the best ways to ensure that minorities and women have the same opportunities that others have. Without such efforts, they argue, minorities

and women would continue to earn less money, as well as hold fewer high-level jobs in top companies and fewer positions in certain fields. For example, although women have made great strides in recent years, they hold only 10 percent of the positions on the directing boards—the highest decision-making bodies—of the 500 top-performing companies in the United States.

Affirmative action policies sometimes include numerical goals and timetables for hiring women and minorities and for granting them admission to colleges and universities. Opponents argue that establishing numerical goals—or **quotas**—based on race or sex is unfair. They state that reserving a share of jobs or places in universities based on overall representation in the population contradicts the principle that choices for such positions should be based on merit.

As a result, the setting of quotas has been particularly controversial. Opponents point out that a white male who is the most qualified person for a particular job might not be hired if the employer must fill the slot with someone of a different ethnic background or sex. Some people believe that in



CONSTITUTIONAL GOVERNMENT *People disagree about affirmative action policies. What issue has been particularly controversial in policies surrounding affirmative action?*

doing so, the employer discriminates against white males and thus engages in reverse discrimination.

The Supreme Court has agreed with some of these arguments. In 1978 the Court ruled in *Regents of the University of California v. Bakke* that

a California medical school could not reserve for minority applicants a certain number of seats in an entering class. Such a quota, the Court said, violated the Equal Protection Clause and the 1964 Civil Rights Act because it treated people differently based on their race. The Court did rule, however, that race could be one of the factors schools can use in admitting students.

Supporters and opponents of affirmative action continue to argue over how much consideration race and sex should be given in making employment and admissions decisions. The Supreme Court has added to the confusion at times by allowing quotas in some cases but not in others.

Affirmative action supporters have recently seen setbacks in the courts and in the political arena. In 1996 the Supreme Court refused to overturn a ruling by a lower federal court that backed away from the *Bakke* standard by ruling in *Hopwood v. University of Texas* that a law school could not use race as a factor in deciding which students to admit. Later that year, California voters approved a constitutional amendment that forbids race and sex preferences in all public agencies, including universities. (See *Citizenship in Action*, page 354.) As a result of these and other events, the future of affirmative action is unclear.

SECTION 4

REVIEW

1. Define the following terms: affirmative action, quota.
2. Identify the key civil rights laws of the 1960s. How does each one help protect the civil rights of African Americans?
3. What groups other than African Americans have faced discrimination in the United States? In what ways have people in these groups won civil rights protections?

4. Thinking and Writing Critically

Do you think affirmative action is an appropriate tool for overcoming the effects of past discrimination? Why or why not?

5. Applying **CONSTITUTIONAL GOVERNMENT**



Conduct an Internet search using the search words *affirmative action*. Note any Supreme Court cases involving affirmative action that you find mentioned in your search.

SECTION 1 Becoming a full participant in the U.S. democratic system requires citizenship. The Constitution and Congress have established the ways people may become U.S. citizens—by birth or through naturalization.

A court may take away the citizenship of anyone who can be shown to have become a U.S. citizen by fraud. In addition, a citizen may renounce his or her citizenship.

SECTION 2 Immigration has benefited U.S. society in numerous ways. The resulting diversity, however, also has presented significant challenges, including prejudice and discrimination.

During much of colonial and early U.S. history, immigration to America was unrestricted. Over time, tensions developed between immigrants and people already living in the United States. Hostility toward immigrants eventually led Congress to pass various acts restricting immigration. Following World War II, however, some restrictions were eased. Today, immigration is determined by the Immigration Act of 1990.

One of the most difficult immigration problems in recent years has involved keeping people from entering the United States illegally. In an attempt to control illegal immigration, Congress passed the Immigration Reform and Control Act of 1986. It passed additional measures in 1996.

The diversity that arises from immigration brings many benefits to the United States. It makes people's lives richer and encourages creativity in many areas by stimulating a mixture of ideas and values.

SECTION 3 The Fourteenth Amendment's Equal Protection Clause keeps state governments from unfairly classifying people and from making unreasonable distinctions between groups of people. Today, federal courts generally use two guidelines to

decide if government has made fair distinctions between classes of people—the rational basis test and the strict scrutiny test.

The Equal Protection Clause has played a key role in the civil rights movement. Among the most visible examples of government discrimination against African Americans was segregation. The fight against segregation lasted for many years. Even though *de jure* segregation ended in the 1970s, *de facto* segregation still exists in many places around the country. Busing and other efforts to desegregate schools remain controversial today.

SECTION 4 Through marches, protests, and close work with lawmakers, civil rights supporters have gained the passage of key legislation protecting civil rights. Although civil rights laws were initially passed in the late 1800s, they were not strictly enforced. Stronger civil rights laws in the 1950s and 1960s, however, have protected civil rights more effectively. In recent years the progress made by African Americans has encouraged other groups working to end discrimination. These groups include Hispanic Americans, American Indians, Asian Americans, people with disabilities, and women.

Government Notebook

Review what you wrote in your Government Notebook at the beginning of the chapter about the ways government should work to prevent unfair discrimination. Now that you have studied this chapter, would you revise your answer? Do actual government methods match those that you listed? Does government do more or less than you believe it should? Record your answers in your Notebook.

REVIEW

REVIEWING CONCEPTS

1. What guidelines do courts use to determine whether government laws violate the Equal Protection Clause? What role does the Equal Protection Clause play in protecting the civil rights of African Americans?
2. In what three ways may a person become a U.S. citizen? How can a person lose U.S. citizenship?
3. Describe U.S. immigration policy during the United States's first 100 years as a nation. How has immigration policy changed since then?
4. What benefits and challenges does diversity present the United States?
5. Why were civil rights laws of the 1950s and 1960s more successful than earlier civil rights laws? What groups besides African Americans do civil rights laws protect from discrimination?

THINKING AND WRITING CRITICALLY



1. **CONSTITUTIONAL GOVERNMENT** Why must the government show compelling reasons for passing a law that has suspect classifications? Why do you think the courts created the strict scrutiny test?
2. **CITIZENSHIP** How diverse is the community in which you live? In what ways has your state or community been shaped by various cultures?
3. **CONSTITUTIONAL GOVERNMENT** Why do you think that *de facto* segregation is difficult to combat? What efforts has the government made to eliminate this type of segregation? Have these efforts been effective?
4. **PUBLIC GOOD** Imagine that you were a participant in the civil rights movement of the

1950s and 1960s. Write a short newspaper editorial explaining why a law should be passed to forbid segregation in public places.

THE INTERNET: LEARNING ONLINE



Conduct an Internet search for information about civil rights issues today. You might start with search words such as *civil rights*, *Civil Rights Act*, and *affirmative action*. Create a list of the sites that contain information about civil rights. Afterward, include your list in a short library brochure entitled "Civil Rights: An Internet Guide." Your brochure also should include other information, such as names of online news groups and online chat groups that would be helpful to people who want to learn more about civil rights issues today.

CITIZENSHIP IN YOUR COMMUNITY



Working with a group, choose an event of the civil rights movement of the 1950s and 1960s, such as the 1963 March on Washington. Then write a script for a documentary commemorating that event. Be sure to include important details about the event, such as when and where it took place, who the key participants were, and its impact on the civil rights movement. You may want to include photos of the event to illustrate your script.

INDIVIDUAL PORTFOLIO PROJECT



Use the library and other resources to identify important individuals in the struggle for civil

rights—for example, Martin Luther King Jr. Create a biographical sketch of one of these people, including his or her background, accomplishments, and role in the civil rights movement. In addition, include illustrations and a list of resources readers can use to learn more about the person.

PRACTICING SKILLS: CONDUCTING RESEARCH



Statistics, such as those regarding a country's population, often are presented in tables or charts. By reading across the rows and down the columns, you can quickly glean information about the topic at hand.

Statistical tables enable people to analyze numerical data easily, see relationships, and make comparisons. Study the table below and then answer the questions that follow.

Foreign-Born Population in the United States

Country of Origin	Estimated Population	Percentage of U.S. Foreign-Born Population
Mexico	6.7 million	29.1%
The Philippines	1.2 million	5.2%
China/Taiwan/ Hong Kong	816,000	3.5%
Cuba	797,000	3.5%
Canada	695,000	3.0%
El Salvador	650,000	2.8%
Great Britain	617,000	2.7%
Germany	598,000	2.6%
Poland	538,000	2.3%
Jamaica	513,000	2.3%
Dominican Republic	509,000	2.2%

Source: *The World Almanac*: 1997

1. What is the subject of the data in the table?
2. What specific information does the table contain about the foreign-born population of the United States?
3. From which country does the largest percentage of the foreign-born population come?

ANALYZING PRIMARY SOURCES



LETTER FROM BIRMINGHAM JAIL

Martin Luther King, Jr., led the civil rights movement of the 1950s and 1960s. In 1963 King was jailed because he refused to obey a court order to put an end to civil rights demonstrations in Birmingham, Alabama. While in jail, he wrote this letter to several clergy explaining why he could not agree to end the demonstrations. Read the excerpt from the letter and answer the questions that follow.

“We know through painful experience that freedom is never voluntarily given by the oppressor [persecutor]; it must be demanded by the oppressed [people who are persecuted]. Frankly I have never yet engaged in a direct action movement that was ‘well timed,’ according to the timetable of those who have not suffered unduly [excessively] from the disease of segregation. For years now I have heard the word ‘Wait!’ It rings in the ear of every Negro with a piercing familiarity. This ‘wait’ has almost always meant ‘never.’ It has been a tranquilizing *Thalidomide* [sedating drug], relieving the emotional stress for a moment, only to give birth to an ill-formed infant of frustration. We must come to see with the distinguished jurist of yesterday that ‘justice too long delayed is justice denied.’ We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jet-like speed toward the goal of political independence, and we still creep at horse and buggy pace toward the gaining of a cup of coffee at a lunch counter.”

1. Why did King believe that waiting for the right time to protest segregation was not the wisest choice?
2. What is the meaning of the statement “justice too long delayed is justice denied”? Do you agree with this statement? Why or why not?
3. How does King believe waiting for freedom has affected African Americans?

YOUR ASSIGNMENT

Reporting the News

Imagine that you are part of a team of newspaper reporters that has been assigned by your editor to investigate a major story. Together you have uncovered important evidence concerning an upcoming trial that your newspaper will be covering. The story involves charges that a local representative to your state's legislature has broken state law by using campaign funds for personal purposes. In fact, investigators charge that during a recent election the representative diverted more than \$300,000 in campaign funds to his personal bank account.

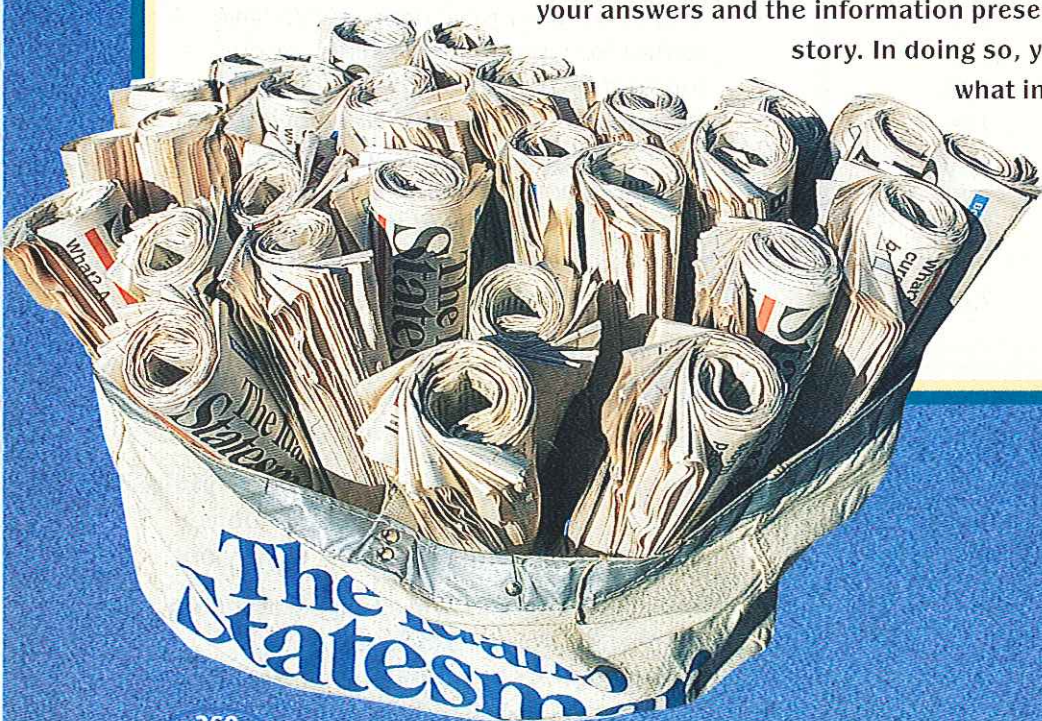
On the following pages you will find various documents and notes that your team has gathered to help you in deciding how to write the story. One of those documents is a newswriting guide that points out the important elements of a news story. A sample newspaper article has been included along with this guide as an example of how to write a news story.

Other information includes a list of facts put together from each reporter's research. In addition, you will find notes that two reporters have taken during interviews with sources. Finally, you will find a letter from the state attorney general, who has concerns about the newspaper's coverage of the case.

After your group has reviewed the information on the following pages, answer the accompanying questions in your Government Notebook. When you have finished, use your answers and the information presented here to write the

story. In doing so, your team must decide what information to use and

then prepare a memo to the editor explaining why you have chosen to use some pieces of information but not others.



ELEMENTS OF A NEWS STORY

A news story is a factual explanation of details surrounding a noteworthy event. Unlike an editorial, a news story does not include the opinion of the reporter. In fact, the reporter must strive to write a balanced story that takes no position on the facts of the case.

A news story contains the following elements:

Headline

Every reporter writing for *The Daily Post* should suggest a headline for his or her story. Headlines are short titles that summarize the story's subject. Headlines should not be complete sentences.

Byline

The byline is the name of the reporter or reporters who have written the story.

Dateline

The dateline is the location of the news story: NEW YORK, ALBUQUERQUE, or our hometown, CHARLESTOWN.

Lead

The lead is the first sentence of a news article. In general, the lead tells the reader not only who did what and where, but also when and how it was done.

Body

The rest of the article, called the body, tells the reader the "why" behind the story. The body is made up of paragraphs and includes quotations from sources and applicable details about the story's subject. Paragraphs should be short—no more than two or three sentences.

Facts of the campaign story:

- Darryl Stevens is serving his second term in the state House of Representatives.
- Stevens raised \$500,000 for his last campaign. He is accused of using \$300,000 of that money to purchase a new lakefront home.
- Stevens's trial is set to start on June 20, which is next week.
- Recent interviews with an anonymous source (code-named "Deep Pockets") and a former police officer (Sherry Tate) indicate that Stevens might be guilty but that police may have acted improperly in the investigation.
- Tate was dismissed from the force for conduct improper for a police officer.
- This state does not have a shield law.

SAMPLE

Large Company to Hire More Workers

By Ruby Chang

CHARLESTOWN—The president of the largest employer in the Charlestown area announced Tuesday that the company will be adding more than 500 jobs over the next year.

Compurama will hire more workers because sales of the company's computers are increasing rapidly, said Juan Vasquez, the company's president. Compurama currently employs 2,000 people.

"It looks like our efforts to improve the design of our products are really paying off," Vasquez said.

The company began to improve its product line last year. Sales of the company's newest product, the CyberRama computer, have increased 50 percent over the last year, Vasquez said.

"Customers really seem to like the faster speed and extra features we have put into the CyberRama computer," Vasquez said.

One source, who asked not to be identified, said that Vasquez still is interested in selling Compurama even though its sales have increased. Vasquez denies that he wants to sell the company.

◀ WHAT DO YOU THINK?

- ★ What new information have you collected from interviews that might interest readers? Why would such information make a good lead for your story?
- ★ The trial is set to start next week. How do you think publicity from your news story might affect potential jurors?
- ★ What is a shield law? Why is it important to know that your state has no such law?

PUBLIC POLICY LAB

June 3 interview w/ "Deep Pockets" (staff member in Stevens's office; can't use name; fears losing job; Stevens won't comment)

Q: Is there evidence that Stevens used campaign money for personal use?

A: Just before last November's election, I saw a check for \$300,000 that was made out to Representative Stevens personally. The check was drawn on his campaign's account.

Q: Do you know what the money was used for?

A: I remember that Stevens had earlier told various staff members that he needed a lot of money to buy a new house at the lake. Shortly after the election, he told the whole staff that he had purchased a lake house and would be moving in after Christmas.

Q: But do you know for sure that the \$300,000 check from his campaign was used to buy the new house?

A: Well, no, I don't. But how else would he be able to come up with \$300,000 so fast? And it's very suspicious that he got the check just a few weeks before buying the house.

June 4 interview with Sherry Tate, former Charlestown police officer (can't confirm this information with other sources; police chief says Tate is wrong)

Q: How did Charlestown police find out that Representative Stevens might have broken the law?

A: The police chief suspected that Stevens might use campaign money for personal purposes. Another police officer told me that the chief ordered him to tap Stevens's phones. In phone conversations with a friend, Stevens mentioned that he had gotten \$300,000 from his campaign to buy a house at the lake.

Q: Did the police get a search warrant to tap Stevens's phones?

A: The officer told me that no search warrant was issued.

Q: The police chief says that he did not order Stevens's phones to be wiretapped.

A: Then the chief is a liar.

Q: Will the recorded telephone conversation be used in court?

A: I doubt it. The recorded conversations helped the police discover other evidence indicating that Stevens had broken the law.

▲ WHAT DO YOU THINK?

- ★ How believable is the anonymous staff member from Stevens's office? Did he or she personally see a check to Stevens from the campaign's account?
- ★ Do you think the staff member's suspicions about how the money was used is newsworthy? Why or why not?
- ★ What has the Supreme Court said about wiretapping telephones? Should the police chief have obtained a search warrant if he wanted to tap Stevens's phones?
- ★ How believable is Sherry Tate? Did she personally witness the police chief order Stevens's phones to be tapped?
- ★ Do you think that printing Tate's charge that the chief is a liar might be libelous? Why or why not?



STATE OFFICE OF THE ATTORNEY GENERAL

Editor
The Daily Post
2254 State Street
Charlestown, Rhode Island 02813

Dear Editor:

It has come to my attention that reporters from your newspaper are preparing to write a story on the upcoming trial of Representative Darryl Stevens. I have a number of concerns about this possible story.

First, there is the possibility that further publicity in your area on this topic will make it difficult for Representative Stevens to get a fair trial. If potential jurors read the story in your newspaper, they might form their own conclusions before the trial even begins. I insist that you withhold the publication of any other stories about the case until after the trial.

Second, I have learned that one source for the upcoming story has requested that he or she not be named. If the anonymous source has applicable information about the case, he or she should testify about it in open court rather than anonymously in your newspaper. Therefore, your reporter must supply the source's name and address to the proper authorities. I remind you that this state currently has no shield law.

Finally, information your reporter has gathered indicating that the police chief acted improperly in any way cannot be confirmed by us or other sources. If that information is used in the story, you probably can expect that the police chief will sue you for libel.

Sincerely,

Dwonna Jones

Dwonna Jones
State Attorney General

WHAT DO YOU THINK?

- ★ What is prior restraint, and what has the Supreme Court ruled on it? Does the attorney general have the right to demand that the newspaper not publish the story?
★ Should you reveal the name of "Deep Pockets" so that he or she can be called to testify in court? What has the Supreme Court said about such cases? Would you be willing to go to jail for refusing to identify an anonymous source?
★ What has the Supreme Court said about libel? Is the police chief a public official? Do you think that publishing the improper wiretapping charge and the charge that he is a liar would show reckless disregard for the truth? Why or why not?

THINGS TO DO

- 1. Review the information from this activity and the answers that you have written in your Government Notebook. Research the Supreme Court's rulings on freedom of the press.
2. Decide what information should be used in the story you will write about the Stevens case. Consider whether you should tell your readers that you have or have not been able to confirm the information given by your sources.
3. Consider what information you should include in the story's lead. Then plan how to use other information and quotations for the body of your story.
4. Write your story about the Stevens case. Make sure to provide a balanced story that does not include your opinion.
5. If you use information from the anonymous source or from the former police officer in your story, explain why such information was necessary. If you include information about the improper wiretapping charge, explain why you believe your story does not libel the police chief.