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.
• **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
• 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.
Equal Protection Clause

- 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.
• 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.
Equal Protection Clause, cont.

- 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.
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.

NOTE TO TEACHERS: The three cases were Missouri ex rel. Gaines v. Canada (1938), and *Sweatt v. Painter* and *McLaurin v. Oklahoma*, both in 1950.
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.

Checkpoint Answer: The Brown ruling overturned Plessy v Ferguson and officially banned racial segregation in public education, but the actual process of desegregating the public schools was slow.
• **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.
• 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.
• 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.

NOTE TO TEACHERS: The image above depicts students at William 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
• 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?