

LESSON FIVE: STUDENT WORKSHEET

LESSON FACTS/TERMS/CONCEPTS:

Equal Protection Clause of the 14th Amendment to the U.S. Constitution; Jim Crow/Black Codes; *Plessy v. Ferguson*; Separate but Equal; *Brown v. Bd. of Education*; Separate but Equal is Inherently Unequal; *Korematsu v. U.S.*; Japanese-American Internment; Affirmative Action; Quota; *Univ. of Calif. v. Bakke*; Rational Basis; Compelling Government Interest; Burden of Proof; De Facto; De Jure.

EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT:

“No state shall ... deny any person within its jurisdiction the equal protection of the laws.”

SMALL GROUP CASE/YOU DECIDE:

Alan Bakke, an engineer with high grades, applied to several medical schools with the hope of one day becoming a doctor. Bakke was rejected by all of the schools he applied to, but the University of California at Davis encouraged him to apply again. The next year Bakke reapplied and was again rejected. Bakke then discovered that the university's affirmative action program reserved 17 places for minority candidates regardless of qualifications. Bakke sued the university, claiming that he was the victim of “reverse discrimination” and that the university's admission policy was a violation of the 14th Amendment's Equal Protection Clause. The university argued that the creation of quotas (the 17 places set aside) for minorities was needed to ensure such students were admitted to the university under its affirmative action program.

How would you rule and why?

Majority Opinion:

Minority Opinion:

LESSON FIVE: OPTIONAL STUDENT ACTIVITIES

EQUAL PROTECTION ESSAYS:

Write an essay setting forth your view of whether laws that classify based on race should ever be permitted to help promote integration/diversity. Why or why not? If they should be permitted, what limits would you place on them? If not, how should the government help promote integration/diversity instead?

Write an essay setting forth your view on how you would rule on the following hypothetical situation and why (whether it was a violation of the 14th Amendment's Equal Protection Clause). Consider the varying interests and rights at stake here, including prison officials, guards, prisoners, and the government. Would the prison be able to prove a "compelling government interest" (the law's goal is extremely important and that there is no other way to accomplish that goal)?

There is a weeklong series of race riots at a prison. In order to calm things down and avoid further bloodshed, the prison reassigns housing at the prison based on race until it determines that things have calmed down sufficiently to permit a return to integrated housing.