

American Government and Civic Engagement

Chapter 5

Defining Civil Rights

Civil Rights: Guarantees by the government that it will treat people equally

- Particularly people belonging to groups that have historically been denied the same rights and opportunities

Laws that treat one group of people differently from others are not always unconstitutional

- The government engages in legal discrimination quite often
- How can the federal, state, and local governments

Equal Protection Clause of the 14th Amendment does not require perfect equality

- State and Federal laws often create classifications

Rational basis test: legitimate government interest

- Fundamental rights and suspect classifications not at issue.

Intermediate scrutiny: must serve important government interest

- Applies to issues of gender

Strict scrutiny: must serve compelling government interest

- Fundamental rights and suspect classifications at issue

Identifying Discrimination

Rational basis test

As long as there's a reason for treating some people differently that is "rationally related to a legitimate government interest," the discriminatory act or law or policy is acceptable.

- Ex. laws forbidding blind people from operating cars

The government has to demonstrate only that it has a good reason for engaging in it.

Unless the person or group challenging the law can prove otherwise, the courts will generally decide the discriminatory practice is allowed.

Intermediate scrutiny

Used for discrimination based on gender or sex

- First applied in **Craig v. Boren (1976)**
 - Oklahoma law prohibited the sale of "nonintoxicating" 3.2 percent beer to males under the age of 21 and to females under the age of 18.

American Government Chapter Outlines

Tamra Orr



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Table of Contents American Government Chapter Outlines

1. Understanding the eBook American Government Chapter Outlines
 - The Rise of Digital Reading American Government Chapter Outlines
 - Advantages of eBooks Over Traditional Books
2. Identifying American Government Chapter Outlines
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an American Government Chapter Outlines
 - User-Friendly Interface
4. Exploring eBook Recommendations from American Government Chapter Outlines
 - Personalized Recommendations
 - American Government Chapter Outlines User Reviews and Ratings
 - American Government Chapter Outlines and Bestseller Lists
5. Accessing American Government Chapter Outlines Free and Paid eBooks

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- American Government Chapter Outlines eBook Subscription Services
- American Government Chapter Outlines Budget-Friendly Options
- 6. Navigating American Government Chapter Outlines eBook Formats
 - ePub, PDF, MOBI, and More
 - American Government Chapter Outlines Compatibility with Devices
 - American Government Chapter Outlines Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of American Government Chapter Outlines
 - Highlighting and Note-Taking American Government Chapter Outlines
 - Interactive Elements American Government Chapter Outlines
- 8. Staying Engaged with American Government Chapter Outlines
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers American Government Chapter Outlines
- 9. Balancing eBooks and Physical Books American Government Chapter Outlines
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection American Government Chapter Outlines
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine American Government Chapter Outlines
 - Setting Reading Goals American Government Chapter Outlines
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of American Government Chapter Outlines
 - Fact-Checking eBook Content of American Government Chapter Outlines
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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




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