

3.13: Affirmative Action

Explain how the Court has at times allowed the restriction of the rights of minority groups and at other times has protected those rights.

1. This “civil rights policy premised on the concept of group rather than individual rights, which seeks equality of results rather than equality of opportunity.”

- a. Eminent domain
- b. Affirmative action
- c. Devolution
- d. Plea bargain

2. This landmark Court case stated that race conscious policies adopted as a remedy for proven discrimination were permissible under the Civil Rights Act and the Constitution.

- a. Brown v. Board of Education II (1955)
- b. Mapp v. Ohio (1961)
- c. Regents of California v. Bakke (1978)
- d. Obergefell v. Hodges (2015)

3. Which of the following best describes recent trends in the Court’s interpretation of affirmative action precedent?

- a. The Court seems to be weakening previous affirmative action precedent
- b. The Court seems to be strengthening previous affirmative action precedent
- c. The Court no longer hears affirmative action cases due to “settled law”
- d. The Court has deferred affirmative action policy to state and local governments

4. An obvious lesson learned when comparing the Bowers v. Hardwick (1986) and Obergefell v. Hodges (2015) precedent is that

- a. Court interpretations tend to avoid controversial issues
- b. Court interpretations show consistency even when deciding complicated cases
- c. Court interpretations never take in to consideration changing cultural norms
- d. Court interpretations of the same issue can often quickly change

5. Affirmative Action is typically supported by

- a. Liberal Democrats
- b. Conservative Republicans
- c. Libertarians
- d. Affirmative Action has little opposition

6. This government policy aims at achieving racial and gender balance.

- a. Head Start
- b. NAFTA
- c. Federal Pell grants
- d. Affirmative Action

7. Those who oppose affirmative action claim that constitutional equality means a government policy of

- a. Indifference
- b. Colorblindness
- c. Economic independence
- d. Majoritarianism

8. Affirmative action programs were put in place to offer racial minorities a chance to catch up for past discrimination. Which of the following would be an example of a constitutionally protected affirmative action program?

- a. Racial quotas on university campuses
- b. Reserved seats on the United States Supreme Court for black judges
- c. Congressional districts drawn to assure African-American representatives
- d. Race used as one factor in determining promotion in police and fire departments

9. Though affirmative action programs have been around since the late 1960s the Supreme Court in recent years has shown a willingness to step back from programs that move beyond forbidding racial classifications. "Strict scrutiny" tests, according to this case, are now essential when applying race sensitive admission policies

- a. *Milkin v. Bradley* (1974)
- b. *Johnson v. Santa Clara* (1987)
- c. *Fisher v. Texas* (2013)
- d. *Obergefell v. Hodges* (2015)

10. Civil rights protections have proven to be a dynamic force throughout American history. At times they have been restrictive and at other times more permissive. *Bowers v. Hardwick* (1986) upheld state laws that prohibited same sex activities. More recently, in this case state laws banning same sex marriage were overturned

- a. *Johnson v. Santa Clara* (1987)
- b. *Fisher v. Texas* (2013)
- c. *Gratz v. Bollinger* (2003)
- d. *Obergefell v. Hodges* (2015)