

# ACTIONS THAT CHANGED THE LAW

A Lesson by Linda Weber

## SUMMARY

In 1998 when Lilly Ledbetter filed her complaint of wage discrimination against the Goodyear Tire and Rubber Co. with the EEOC, her goal was to get equal pay for equal work because that was the law. She had no idea that her decision would eventually involve all three branches of government and result in a law with her name on it—the Lilly Ledbetter Fair Pay Act of 2009.

In our constitutional democracy, laws are not permanent. As society changes, new laws are passed and old ones may be amended or repealed by the people through their representatives in Congress. The Constitution gives this authority and power to U.S. citizens.

Even when the Supreme Court makes an unpopular ruling on a statutory question, as it did in *Ledbetter v. Goodyear Tire and Rubber Co.* (2007), the legislative process can be activated by the people through their congressional representatives to make a new law. This is what happened when Lilly Ledbetter decided to speak up and get involved. She wanted to make a difference, and she did. Today, because of Ledbetter, the process employees must follow to recover discriminatory pay is more fair.

This lesson is based on a video that tells the law-changing story behind the Lilly Ledbetter Fair Pay Act of 2009. Students gain insight into the lawmaking process, consider how statutory decisions made by the Supreme Court can prompt better laws, and learn about the rights and responsibilities they will have when they enter the workforce.

## NOTES AND CONSIDERATIONS

- This lesson presumes that students are familiar with Supreme Court cases, the judicial process, and the legislative process.
- Technology is relied on to facilitate learning and instruction.
- This is a self-contained lesson with resources and activities that can be adapted to different teaching styles, length of classes, and levels of students.

## Snapshot of Lesson

**Grades:** Middle School; High School (Focus)

**Subject Focus:** Civics/Government

**Estimated Time:** 4 days

**Alignment to National Standards for Civics and Government:**

Grades 5-8; Grades 9-12

**Materials/Equipment Needed:**

- Video: *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.*
- Computer lab with Internet connections and projector for class viewing

**Materials Included:**

Readings and Resources

- Bench Opinion: *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)
- Slip Opinion: *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)
- Lilly Ledbetter Fair Pay Act of 2009 (S. 181 enrolled version)
- Public Law 111-2
- *Citizen; Citizenship; Civic Education; Participation; Rule of Law* from *Understanding Democracy, A Hip Pocket Guide*—John J. Patrick
- Transcript for video

Student Materials

- Class-Prep Assignment
- Self-Assessment Part 1: “What Do I Know about Making and Changing Federal Laws?”
- Self-Assessment Part 2: “Check and Correct”
- Self-Assessment KEY
- Student’s Video Guide
- Research: “Making and Changing Laws: A Puzzle and a Process”
- Activity: “Real-World Connections”

Teacher Materials

- Teacher’s Video Guide
- Keys for student activities

**National Standards for Civics and Government**  
Standards level detail: grades 5-8; grades 9-12

## TOPICS

- citizenship
- civic responsibilities and dispositions
- employment discrimination
- federal court system
- legislative process
- rule of law
- structure and function of government
- Supreme Court

## NATIONAL STANDARDS

Document: National Standards for Civics and Government (1994) Center for Civic Education  
<http://www.civiced.org/index.php?page=stds>

### Grades 5-8 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
  - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
  - B. What are the essential characteristics of limited and unlimited government?
  - C. What are the nature and purposes of constitutions?
  - D. What are alternative ways of organizing constitutional governments?
- II. What are the foundations of the American political system?
  - A. What is the American idea of constitutional government?
  - C. What is American political culture?
  - D. What values and principles are basic to American constitutional democracy?
- III. How does the government established by the Constitution embody the purposes, values, and principles of American democracy?
  - A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?
  - E. What is the place of law in the American constitutional system?
  - F. How does the American political system provide for choice and opportunities for participation?
- V. What are the roles of the citizen in American democracy?
  - B. What are the rights of citizens?
  - C. What are the responsibilities of citizens?
  - D. What dispositions or traits of character are important to the preservation and improvement of American constitutional democracy?
  - E. How can citizens take part in civic life?

## Grades 9-12 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
  - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
  - B. What are the essential characteristics of limited and unlimited government?
  - C. What are the nature and purposes of constitutions?
  - D. What are alternative ways of organizing constitutional governments?
  
- II. What are the foundations of the American political system?
  - A. What is the American idea of constitutional government?
  - C. What is American political culture?
  - D. What values and principles are basic to American constitutional democracy?
  
- III. How does the government established by the Constitution embody the purposes, values, and principles of American democracy?
  - A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?
  - B. How is the national government organized, and what does it do?
  - D. What is the place of law in the American constitutional system?
  - E. How does the American political system provide for choice and opportunities for participation?
  
- V. What are the roles of the citizen in American democracy?
  - B. What are the rights of citizens?
  - C. What are the responsibilities of citizens?
  - D. What civic dispositions or traits of private and public character are important to the preservation and improvement of American constitutional democracy?
  - E. How can citizens take part in civic life?

Note: A more detailed standards-level alignment related to these questions can be found in the “Standards” section at end of this lesson plan.

# STUDENT OUTCOMES

## Knowledge, skills, and dispositions

Students will . . .

- Assess their level of civic knowledge related to the making and changing of laws.
- Reconstruct the chronology of events and decisions that resulted in a change to the law.
- Gain insight into the way the three branches of government function.
- Relate political activism and engagement to the quality of laws in the U.S.
- Gain appreciation for the power that one politically active and engaged citizen can have in a constitutional democracy.
- Become informed about their rights and responsibilities as young applicants and employees with respect to employment discrimination.
- Make real-world connections.

## Integrated Skills

### 1. Information literacy skills

Students will . . .

- Extract, organize and analyze information from primary and secondary sources.
- Use skimming and research skills.
- Make informed decisions.
- Use prior and background knowledge to support new learning.
- Use technology as a tool for learning.

### 2. Media literacy skills

Students will . . .

- Read, view, and listen to information delivered via different media formats in order to make inferences and gather meaning.

### 3. Communication skills

Students will . . .

- Write and speak clearly to contribute ideas, information, and express own point of view.
- Write in response to questions.
- Respect diverse opinions and points of view.
- Develop and interpret visual models.
- Collaborate with others to deepen understanding.

### 4. Study skills

- Take notes
- Manage time and materials

### 5. Thinking skills

Students will . . .

- Describe and recall information.
- Make personal connections.
- Explain ideas or concepts.
- Draw conclusions.
- Analyze and evaluate issues.
- Use sound reasoning and logic.

### 6. Problem-solving skills

Students will . . .

- Identify steps in a process.
- Explain the interconnections within a process that are needed to achieve a goal.
- Practice systems thinking.
- Examine reasoning used in making decisions.
- Ask meaningful questions.

### 7. Participation skills

Students will . . .

- Contribute to small and large group discussion.
- Work responsibly both individually and with diverse people.
- Express own beliefs, feelings, and convictions.
- Show initiative and self-direction.

## ASSESSMENT

Evidence of understanding may be gathered from student performance related to the following:

- Class-Prep Assignment
- Self-Assessment, Part 1 and Part 2
- Responses to questions and activities in the video discussion guide.
- Research: “Making and Changing Laws: A Puzzle and a Process”
- Activity: “Real-World Connections”

## VOCABULARY

citizenship	constitutional case	legislation
Court of Appeals	dissenting opinion	repeal
District Court	EEOC	representative government
amend	employment discrimination	Senate
amendment	executive branch	separation of powers
appellate courts	House of Representatives	statute
bill	judicial branch	statute of limitations
bipartisan	jury verdict	statutory case
branches of government	law	Supreme Court
Congress	legislative branch	Title VII of Civil Rights Act
constituents	legislature	wage discrimination

### Resources for Definitions

**FindLaw—Law Dictionary**

<http://dictionary.lp.findlaw.com/>

**American Bar Association**

<http://www.abanet.org/publiced/glossary.html>

**Understanding Democracy, A Hip Pocket Guide—John J. Patrick**

<http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>

## LESSON OVERVIEW

### Goal

Students gain understanding and appreciation for the way the federal government works and depends on the political activism and engagement of individual citizens to change the law.

### Class-Prep

#### Self-Assessment: What Do I Know About Making and Changing Federal Laws?

Students complete an assignment to build civic understanding, then take and correct a self-assessment test based on the bank of civics questions used for the updated naturalization test for citizenship.

### DAY 1-2

#### Success Doesn't Come Easily

Students watch and listen to the video *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.*, then discuss follow-up questions and complete activities in the video study guide.

### DAY 3

#### A Puzzle and a Process

Students complete a puzzle activity based on the video in which they research to identify “puzzle pieces” of information, then organize the pieces into a flow chart that shows the chronology and the process that led to the Lilly Ledbetter Fair Pay Act of 2009.

### DAY 4

#### Real-World Connections

Students relate what they learned about Lilly Ledbetter’s experience with employment discrimination to information gathered from the EEOC’s website for youth in the workforce.

*“Citizenship is every person’s highest calling.”*

— Ambassador Walter H. Annenberg

## TEACHING ACTIVITIES: Day by Day

### Class-Prep Assignment

Because our democracy relies on knowledgeable citizens for the development of good laws, students complete an assignment to build civic understanding, then take and correct a self-assessment based on the bank of civics questions used for the updated naturalization test for citizenship.

Note: This assignment builds important background information and should be completed as an independent activity before the first in-class session.

#### Student Materials (Included)

- “Class-Prep Assignment Sheet”
- Self-Assessment: Part 1 “What Do I Know About Making and Changing Laws?” (Assessment only)
- Self-Assessment: Part 2 “Check and Correct” (Instructions for checking, correcting, and evaluating)
- Self-Assessment KEY

#### Procedure:

1. Distribute and review the Class-Prep Assignment and the Self-Assessment: Part 1. Students may complete both at home in advance of the first in-class session, or you may choose to have students take the assessment in class, then correct it at home.
2. After a student verifies that the self-assessment is completed, provide Part 2, which contains instructions for checking answers, resources for correcting answers, and guidelines for scoring and evaluation.
3. Remind students to bring their completed work to class.

Note: Twenty-two questions in the self-assessment, the ones followed by an asterisk (\*), are from the updated bank of civics questions used by the U.S. Citizenship and Immigration Services (USCIS). All applicants seeking U.S. citizenship must pass a civics test. Here is the full set of civics questions used by the USCIS:

Civics (History and Government) Questions for the Naturalization Test (rev. 10/09)

<http://www.uscis.gov/USCIS/Office%20of%20Citizenship/Citizenship%20Resource%20Center%20Site/Publications/100q.pdf>

## DAY 1-2: Success Doesn't Come Easily

**Overview:** Students watch and listen to the video *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.*, then discuss follow-up questions and complete activities in the video study guide.

**Goal:** Analyze the impact that politically active and engaged citizens can have on the development of laws in the U.S.

### Materials/Equipment Needed:

#### Technology

- Computer lab with Internet connection
- Video—*A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.* (Time: 23 min)  
Available from <http://www.annenbergclassroom.org/page/call-to-act-ledbetter>

#### Student Materials (Included)

Student's Video Guide: *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.* (1 copy per student)

#### Teacher Materials (Included)

Teacher's Video Guide: *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.*

### Procedure:

1. Briefly discuss the Class-Prep Assignment and review the self-assessment.
2. Distribute the student materials and discuss the bulleted topics under Background Knowledge.
3. After viewing the video, divide students into study groups to complete the questions and activities in the guide.

## DAY 3: A Puzzle and a Process

**Overview:** Students complete a puzzle activity based on the video in which they research to identify “puzzle pieces” of information, then organize the pieces into a flow chart that shows the chronology and the process that led to the Lilly Ledbetter Fair Pay Act of 2009.

**Goal:** Analyze the law-changing process to identify the parts and understand how they worked together to change the law.

### Materials/Equipment Needed:

#### Technology

- Computer lab with Internet connection and projector for class viewing
- Video—*A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.* (Time: 23 min)  
Available from <http://www.annenbergclassroom.org/page/call-to-act-ledbetter>

#### Resources (Included)

- Bench Opinion: *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)
- Slip Opinion: *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)
- Lilly Ledbetter Fair Pay Act of 2009 (S. 181 enrolled version)
- Public Law 111-2
- Video Transcript: *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.*

#### Student Materials (Included)

Research: “A Puzzle and a Process” (1 copy per student)

#### Teacher Materials (Included)

Research KEY “A Puzzle and a Process”

1. Briefly discuss the Class-Prep Assignment and review the self-assessment.
2. Distribute the student materials and discuss the bulleted topics under Background Knowledge.
3. After viewing the video, divide students into study groups to complete the questions and activities in the guide.

### Procedure:

Note: This activity is designed to help students develop and use their systems-thinking abilities. Systems thinking involves understanding how parts interact with each other to function as a whole.

1. Distribute the student materials and review the instructions.
  - Page 1: Students identify pieces of information (the parts).
  - Page 2: Students research by working backward through two systems: federal court, legislative process
  - Page 3: Students put the parts together and organize them into 1 system in a flow chart.
2. It may be helpful to demonstrate the research process to the students first so they have a visual reference before tackling the work themselves.
3. Students may work individually or in study groups to complete the assignment.

## DAY 4: Real-World Connections

**Overview:** Students relate what they learned about Lilly Ledbetter’s experience with employment discrimination to information gathered from the EEOC’s website for youth in the workforce.

**Goal:** Inform students of their rights and responsibilities as applicants and employees and where to go for help should they experience employment discrimination.

### Materials/Equipment Needed:

#### Technology

- Computer lab
- Video—*A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.* (Time: 23 min)  
Available from <http://www.annenbergclassroom.org/page/call-to-act-ledbetter>

#### Resources (Included)

- Slip Opinion: *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)
- Lilly Ledbetter Fair Pay Act of 2009 (S. 181 enrolled version)
- Video Transcript: *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.*

#### Student Materials (Included)

Activity: “Real-World Connections” (1 copy per student)

### Procedure:

1. Ask students to define wage discrimination.
2. Briefly review the facts of the wage discrimination complaint made by Lilly Ledbetter and described in the video. List the details on the board.
3. Distribute the activity and review the instructions.
4. Encourage students to watch the video again as needed.
5. After the activity is completed, hold a class discussion.
6. Conclude by discussing the relationship between knowledge, action and power. Ask students to respond to the following statements.
  - Knowledge is power.
  - Knowledge is not power, it is potential power.
  - The application of knowledge is power.
  - Knowledge is not power, but it’s a start.

## EXTENSION ACTIVITIES

### Have more time to teach?

1. Compare and contrast the Supreme Court opinion written by Justice Samuel Alito and the dissenting opinion written by Justice Ruth Bader Ginsburg.
2. Select one of the videos produced by the Leonore Annenberg Institute for Civics.  
<http://www.annenbergclassroom.org/page/all-videos>  
Video: How a Bill Becomes a Federal Law (19 min.)  
Video: Making of a Law (20 min.)  
Video: Separation of Powers (10 min.)
3. Encourage civic engagement related to an issue of concern.  
For ideas, check out the Student Voices Project, an initiative of the Annenberg Public Policy Center.  
<http://www.annenbergclassroom.org/speakouts>
4. Learn more about the role of the courts from short videos produced by the Leonore Annenberg Institute for Civics.  
<http://www.annenbergclassroom.org/page/the-role-of-the-courts>
5. Learn about civics through games related to specific topics:  
<http://www.annenbergclassroom.org/page/all-games-and-interactives>  
Select Executive Command, LawCraft or Court Quest

## RESOURCES

### Ledbetter v. Goodyear Tire and Rubber Company (2007)

- United States Reports  
<http://ftp.resource.org/courts.gov/c/US/>
- Supreme Court: (Slip Opinion)  
<http://www.supremecourt.gov/opinions/06pdf/05-1074.pdf>
- Justia (Bench Opinion)  
<http://supreme.justia.com/us/550/05-1074/index.html>
- The Oyez Project: Case Summary  
[http://www.oyez.org/cases/2000-2009/2006/2006\\_05\\_1074](http://www.oyez.org/cases/2000-2009/2006/2006_05_1074)
- Cornell University Law School  
Syllabus, Opinion, Dissent  
<http://www.law.cornell.edu/supct/html/05-1074.ZS.html>
- Eleventh Circuit Court of Appeals  
<http://caselaw.findlaw.com/us-11th-circuit/1148399.html>

## **Legislation: Lilly Ledbetter Fair Pay Act of 2009**

- Lilly Ledbetter Fair Pay Act of 2009

[www.gpoaccess.gov](http://www.gpoaccess.gov)

- Public Law 111–2

[www.gpoaccess.gov](http://www.gpoaccess.gov)

- THOMAS

<http://thomas.loc.gov/>

## **Legislative Process**

- Annenberg Classroom: Life of a Law

<http://www.annenbergclassroom.org/page/life-of-a-law>

- National Constitution Center, Civic Action Center

“The Legislative Process”

<http://capwiz.com/constitutioncenter/issues/basics/?style=legis>

- How Our Laws Are Made, U.S. House of Representatives

<http://www.senate.gov/reference/resources/pdf/howourlawsaremade.pdf>

- The Center on Congress at Indiana University

“The Dynamic Legislative Process” (An interactive learning module)

<http://congress.indiana.edu/e-learning-module-the-dynamic-legislative-process>

- U.S. Senate: “Enactment of a Law”

By Robert B. Dove, Parliamentarian, United States Senate, Updated February 1997

<http://thomas.loc.gov/home/enactment/enactlawtoc.html>

- U.S. House of Representatives: “How Our Laws Are Made”

Revised and Updated by Charles W. Johnson, Parliamentarian, U.S. House of Representatives, U.S. Government Printing House, 2003

<http://thomas.loc.gov/home/lawsmade.toc.html>

- Office of the Clerk, U.S. House of Representatives

“The Legislative Process”

<http://clerk.house.gov/legislative/legprocess.html>

- U.S. Senate

“Legislative Process: How a Senate Bill Becomes a Law”

<http://www.senate.gov/reference/resources/pdf/legprocessflowchart.pdf>

## Teaching Strategies

- iCivics  
Interactive curriculum on the Judicial Branch  
<http://www.icivics.org/subject/judicial-branch>

## Federal Courts

- Annenberg Classroom  
The Role of the Courts  
<http://www.annenbergclassroom.org/page/the-role-of-the-courts>
- Supreme Court of the United States  
<http://www.supremecourtus.gov>
- United States Courts  
<http://www.uscourts.gov>

## Understanding Democracy

- Understanding Democracy, A Hip Pocket Guide—John J. Patrick  
<http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>

*“Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.”*

— Margaret Mead

# Readings & Resources

- Bench Opinion: *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)
- Slip Opinion: *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)
- Lilly Ledbetter Fair Pay Act of 2009 (enrolled version of S. 181)
- Public Law 111-2
- Topics from Understanding Democracy, a Hip Pocket Guide
  - Citizen
  - Citizenship
  - Civic Education
  - Participation
  - Rule of Law
- Video transcript: A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.*

(Bench Opinion)

OCTOBER TERM, 2006

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Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

Syllabus

**LEDBETTER v. GOODYEAR TIRE & RUBBER CO., INC.**

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE ELEVENTH CIRCUIT

No. 05–1074. Argued November 27, 2006—Decided May 29, 2007

During most of the time that petitioner Ledbetter was employed by respondent Goodyear, salaried employees at the plant where she worked were given or denied raises based on performance evaluations. Ledbetter submitted a questionnaire to the Equal Employment Opportunity Commission (EEOC) in March 1998 and a formal EEOC charge in July 1998. After her November 1998 retirement, she filed suit, asserting, among other things, a sex discrimination claim under Title VII of the Civil Rights Act of 1964. The District Court allowed her Title VII pay discrimination claim to proceed to trial. There, Ledbetter alleged that several supervisors had in the past given her poor evaluations because of her sex; that as a result, her pay had not increased as much as it would have if she had been evaluated fairly; that those past pay decisions affected the amount of her pay throughout her employment; and that by the end of her employment, she was earning significantly less than her male colleagues. Goodyear maintained that the evaluations had been nondiscriminatory, but the jury found for Ledbetter, awarding backpay and damages. On appeal, Goodyear contended that the pay discrimination claim was time barred with regard to all pay decisions made before September 26, 1997—180 days before Ledbetter filed her EEOC questionnaire—and that no discriminatory act relating to her pay occurred after that date. The Eleventh Circuit reversed, holding that a Title VII pay discrimination claim cannot be based on allegedly discriminatory events that occurred before the last pay decision that affected the employee’s pay during the EEOC charging period, and concluding that there was insufficient evidence to prove that Goodyear had acted with discriminatory intent in making the only two pay decisions during that period, denials of raises in 1997 and 1998.

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## Syllabus

*Held:* Because the later effects of past discrimination do not restart the clock for filing an EEOC charge, Ledbetter’s claim is untimely. Pp. 4–24.

(a) An individual wishing to bring a Title VII lawsuit must first file an EEOC charge within, as relevant here, 180 days “after the alleged unlawful employment practice occurred.” 42 U. S. C. §2000e–2(a)(1). In addressing the issue of an EEOC charge’s timeliness, this Court has stressed the need to identify with care the specific employment practice at issue. Ledbetter’s arguments—that the paychecks that she received during the charging period and the 1998 raise denial each violated Title VII and triggered a new EEOC charging period—fail because they would require the Court in effect to jettison the defining element of the disparate-treatment claim on which her Title VII recovery was based, discriminatory intent. *United Air Lines, Inc. v. Evans*, 431 U. S. 553, *Delaware State College v. Ricks*, 449 U. S. 250, *Lorance v. AT&T Technologies, Inc.*, 490 U. S. 900, and *National Railroad Passenger Corporation v. Morgan*, 536 U. S. 101, clearly instruct that the EEOC charging period is triggered when a discrete unlawful practice takes place. A new violation does not occur, and a new charging period does not commence, upon the occurrence of subsequent nondiscriminatory acts that entail adverse effects resulting from the past discrimination. But if an employer engages in a series of separately actionable intentionally discriminatory acts, then a fresh violation takes place when each act is committed. Ledbetter makes no claim that intentionally discriminatory conduct occurred during the charging period or that discriminatory decisions occurring before that period were not communicated to her. She argues simply that Goodyear’s nondiscriminatory conduct during the charging period gave present effect to discriminatory conduct outside of that period. But current effects alone cannot breathe life into prior, uncharged discrimination. Ledbetter should have filed an EEOC charge within 180 days after each allegedly discriminatory employment decision was made and communicated to her. Her attempt to shift forward the intent associated with prior discriminatory acts to the 1998 pay decision is unsound, for it would shift intent away from the act that consummated the discriminatory employment practice to a later act not performed with bias or discriminatory motive, imposing liability in the absence of the requisite intent. Her argument would also distort Title VII’s “integrated, multistep enforcement procedure.” *Occidental Life Ins. Co. of Cal. v. EEOC*, 432 U. S. 355, 359. The short EEOC filing deadline reflects Congress’ strong preference for the prompt resolution of employment discrimination allegations through voluntary conciliation and cooperation. *Id.*, at 367–368. Nothing in Title VII supports treating the intent element of Ledbetter’s dispa-

Cite as: 550 U. S. \_\_\_\_ (2007)

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Syllabus

rate-treatment claim any differently from the employment practice element of the claim. Pp. 4–13.

(b) *Bazemore v. Friday*, 478 U. S. 385 (*per curiam*), which concerned a disparate-treatment pay claim, is entirely consistent with *Evans*, *Ricks*, *Lorance*, and *Morgan*. *Bazemore*'s rule is that an employer violates Title VII and triggers a new EEOC charging period whenever the employer issues paychecks using a discriminatory pay structure. It is not, as *Ledbetter* contends, a “paycheck accrual rule” under which each paycheck, even if not accompanied by discriminatory intent, triggers a new EEOC charging period during which the complainant may properly challenge any prior discriminatory conduct that impacted that paycheck’s amount, no matter how long ago the discrimination occurred. Because *Ledbetter* has not adduced evidence that Goodyear initially adopted its performance-based pay system in order to discriminate based on sex or that it later applied this system to her within the charging period with discriminatory animus, *Bazemore* is of no help to her. Pp. 13–21.

(c) *Ledbetter*'s “paycheck accrual rule” is also not supported by either analogies to the statutory regimes of the Equal Pay Act of 1963, the Fair Labor Standards Act of 1938, or the National Labor Relations Act, or policy arguments for giving special treatment to pay claims. Pp. 21–24.

421 F. 3d 1169, affirmed.

ALITO, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, and THOMAS, JJ., joined. GINSBURG, J., filed a dissenting opinion, in which STEVENS, SOUTER, and BREYER, JJ., joined.

Cite as: 550 U. S. \_\_\_\_ (2007)

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Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

**SUPREME COURT OF THE UNITED STATES**

No. 05–1074

LILLY M. LEDBETTER, PETITIONER *v.* THE GOOD-  
YEAR TIRE & RUBBER COMPANY, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE ELEVENTH CIRCUIT

[May 29, 2007]

JUSTICE ALITO delivered the opinion of the Court.

This case calls upon us to apply established precedent in a slightly different context. We have previously held that the time for filing a charge of employment discrimination with the Equal Employment Opportunity Commission (EEOC) begins when the discriminatory act occurs. We have explained that this rule applies to any “[d]iscrete ac[t]” of discrimination, including discrimination in “termination, failure to promote, denial of transfer, [and] refusal to hire.” *National Railroad Passenger Corporation v. Morgan*, 536 U. S. 101, 114 (2002). Because a pay-setting decision is a “discrete act,” it follows that the period for filing an EEOC charge begins when the act occurs. Petitioner, having abandoned her claim under the Equal Pay Act, asks us to deviate from our prior decisions in order to permit her to assert her claim under Title VII. Petitioner also contends that discrimination in pay is different from other types of employment discrimination and thus should be governed by a different rule. But because a pay-setting decision is a discrete act that occurs at a particular point in time, these arguments must be

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Opinion of the Court

rejected. We therefore affirm the judgment of the Court of Appeals.

I

Petitioner Lilly Ledbetter (Ledbetter) worked for respondent Goodyear Tire and Rubber Company (Goodyear) at its Gadsden, Alabama, plant from 1979 until 1998. During much of this time, salaried employees at the plant were given or denied raises based on their supervisors' evaluation of their performance. In March 1998, Ledbetter submitted a questionnaire to the EEOC alleging certain acts of sex discrimination, and in July of that year she filed a formal EEOC charge. After taking early retirement in November 1998, Ledbetter commenced this action, in which she asserted, among other claims, a Title VII pay discrimination claim and a claim under the Equal Pay Act of 1963 (EPA), 29 U. S. C. §206(d).

The District Court granted summary judgment in favor of Goodyear on several of Ledbetter's claims, including her Equal Pay Act claim, but allowed others, including her Title VII pay discrimination claim, to proceed to trial. In support of this latter claim, Ledbetter introduced evidence that during the course of her employment several supervisors had given her poor evaluations because of her sex, that as a result of these evaluations her pay was not increased as much as it would have been if she had been evaluated fairly, and that these past pay decisions continued to affect the amount of her pay throughout her employment. Toward the end of her time with Goodyear, she was being paid significantly less than any of her male colleagues. Goodyear maintained that the evaluations had been nondiscriminatory, but the jury found for Ledbetter and awarded her backpay and damages.

On appeal, Goodyear contended that Ledbetter's pay discrimination claim was time barred with respect to all pay decisions made prior to September 26, 1997—that is,

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180 days before the filing of her EEOC questionnaire.<sup>1</sup> And Goodyear argued that no discriminatory act relating to Ledbetter’s pay occurred after that date.

The Court of Appeals for the Eleventh Circuit reversed, holding that a Title VII pay discrimination claim cannot be based on any pay decision that occurred prior to the last pay decision that affected the employee’s pay during the EEOC charging period. 421 F. 3d 1169, 1182–1183 (2005). The Court of Appeals then concluded that there was insufficient evidence to prove that Goodyear had acted with discriminatory intent in making the only two pay decisions that occurred within that time span, namely, a decision made in 1997 to deny Ledbetter a raise and a similar decision made in 1998. *Id.*, at 1186–1187.

Ledbetter filed a petition for a writ of certiorari but did not seek review of the Court of Appeals’ holdings regarding the sufficiency of the evidence in relation to the 1997 and 1998 pay decisions. Rather, she sought review of the following question:

“Whether and under what circumstances a plaintiff may bring an action under Title VII of the Civil Rights Act of 1964 alleging illegal pay discrimination when the disparate pay is received during the statutory limitations period, but is the result of intentionally discriminatory pay decisions that occurred outside the limitations period.” Pet. for Cert. i.

In light of disagreement among the Courts of Appeals as to the proper application of the limitations period in Title VII disparate-treatment pay cases, compare 421 F. 3d

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<sup>1</sup>The parties assume that the EEOC charging period runs backwards from the date of the questionnaire, even though Ledbetter’s discriminatory pay claim was not added until the July 1998 formal charge. 421 F. 3d 1169, 1178 (CA11 2005). We likewise assume for the sake of argument that the filing of the questionnaire, rather than the formal charge, is the appropriate date.

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1169, with *Forsyth v. Federation Employment & Guidance Serv.*, 409 F. 3d 565 (CA2 2005); *Shea v. Rice*, 409 F. 3d 448 (CADDC 2005), we granted certiorari, 548 U. S. \_\_\_ (2006).

II

Title VII of the Civil Rights Act of 1964 makes it an “unlawful employment practice” to discriminate “against any individual with respect to his compensation . . . because of such individual’s . . . sex.” 42 U. S. C. §2000e–2(a)(1). An individual wishing to challenge an employment practice under this provision must first file a charge with the EEOC. §2000e–5(e)(1). Such a charge must be filed within a specified period (either 180 or 300 days, depending on the State) “after the alleged unlawful employment practice occurred,” *ibid.*, and if the employee does not submit a timely EEOC charge, the employee may not challenge that practice in court, §2000e–5(f)(1).

In addressing the issue whether an EEOC charge was filed on time, we have stressed the need to identify with care the specific employment practice that is at issue. *Morgan*, 536 U. S., at 110–111. Ledbetter points to two different employment practices as possible candidates. Primarily, she urges us to focus on the paychecks that were issued to her during the EEOC charging period (the 180-day period preceding the filing of her EEOC questionnaire), each of which, she contends, was a separate act of discrimination. Alternatively, Ledbetter directs us to the 1998 decision denying her a raise, and she argues that this decision was “unlawful because it carried forward intentionally discriminatory disparities from prior years.” Reply Brief for Petitioner 20. Both of these arguments fail because they would require us in effect to jettison the defining element of the legal claim on which her Title VII recovery was based.

Ledbetter asserted disparate treatment, the central

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element of which is discriminatory intent. See *Chardon v. Fernandez*, 454 U. S. 6, 8 (1981) (*per curiam*); *Teamsters v. United States*, 431 U. S. 324, 335, n. 15 (1977); *Watson v. Fort Worth Bank & Trust*, 487 U. S. 977, 1002 (1998) (Blackmun, J., joined by Brennan, and Marshall, JJ., concurring in part and concurring in judgment) (“[A] disparate-treatment challenge focuses exclusively on the intent of the employer”). However, Ledbetter does not assert that the relevant Goodyear decisionmakers acted with actual discriminatory intent either when they issued her checks during the EEOC charging period or when they denied her a raise in 1998. Rather, she argues that the paychecks were unlawful because they would have been larger if she had been evaluated in a nondiscriminatory manner *prior to* the EEOC charging period. Brief for Petitioner 22. Similarly, she maintains that the 1998 decision was unlawful because it “carried forward” the effects of prior, uncharged discrimination decisions. Reply Brief for Petitioner 20. In essence, she suggests that it is sufficient that discriminatory acts that occurred prior to the charging period had continuing effects during that period. Brief for Petitioner 13 (“[E]ach paycheck that offers a woman less pay than a similarly situated man because of her sex is a separate violation of Title VII with its own limitations period, regardless of whether the paycheck simply implements a prior discriminatory decision made outside the limitations period”); see also Reply Brief for Petitioner 20. This argument is squarely foreclosed by our precedents.

In *United Air Lines, Inc. v. Evans*, 431 U. S. 553 (1977), we rejected an argument that is basically the same as Ledbetter’s. Evans was forced to resign because the airline refused to employ married flight attendants, but she did not file an EEOC charge regarding her termination. Some years later, the airline rehired her but treated her as a new employee for seniority purposes. *Id.*, at 554–555.

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Evans then sued, arguing that, while any suit based on the original discrimination was time barred, the airline's refusal to give her credit for her prior service gave "present effect to [its] past illegal act and thereby perpetuate[d] the consequences of forbidden discrimination." *Id.*, at 557.

We agreed with Evans that the airline's "seniority system [did] indeed have a continuing impact on her pay and fringe benefits," *id.*, at 558, but we noted that "the critical question [was] whether any present *violation* exist[ed]." *Ibid.* (emphasis in original). We concluded that the continuing effects of the precharging period discrimination did not make out a present violation. As JUSTICE STEVENS wrote for the Court:

"United was entitled to treat [Evans' termination] as lawful after respondent failed to file a charge of discrimination within the 90 days then allowed by §706(d). A discriminatory act which is not made the basis for a timely charge . . . is merely an unfortunate event in history which has no present legal consequences." *Ibid.*

It would be difficult to speak to the point more directly.

Equally instructive is *Delaware State College v. Ricks*, 449 U. S. 250 (1980), which concerned a college librarian, Ricks, who alleged that he had been discharged because of race. In March 1974, Ricks was denied tenure, but he was given a final, nonrenewable one-year contract that expired on June 30, 1975. *Id.*, at 252–253. Ricks delayed filing a charge with the EEOC until April 1975, *id.*, at 254, but he argued that the EEOC charging period ran from the date of his actual termination rather than from the date when tenure was denied. In rejecting this argument, we recognized that "one of the *effects* of the denial of tenure," namely, his ultimate termination, "did not occur until later." *Id.*, at 258 (emphasis in original). But because

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Ricks failed to identify any specific discriminatory act “that continued until, or occurred at the time of, the actual termination of his employment,” *id.*, at 257, we held that the EEOC charging period ran from “the time the tenure decision was made and communicated to Ricks,” *id.*, at 258.

This same approach dictated the outcome in *Lorance v. AT&T Technologies, Inc.*, 490 U. S. 900 (1989), which grew out of a change in the way in which seniority was calculated under a collective-bargaining agreement. Before 1979, all employees at the plant in question accrued seniority based simply on years of employment at the plant. In 1979, a new agreement made seniority for workers in the more highly paid (and traditionally male) position of “tester” depend on time spent in that position alone and not in other positions in the plant. Several years later, when female testers were laid off due to low seniority as calculated under the new provision, they filed an EEOC charge alleging that the 1979 scheme had been adopted with discriminatory intent, namely, to protect incumbent male testers when women with substantial plant seniority began to move into the traditionally male tester positions. *Id.*, at 902–903.

We held that the plaintiffs’ EEOC charge was not timely because it was not filed within the specified period after the adoption in 1979 of the new seniority rule. We noted that the plaintiffs had not alleged that the new seniority rule treated men and women differently or that the rule had been applied in a discriminatory manner. Rather, their complaint was that the rule was adopted originally with discriminatory intent. *Id.*, at 905. And as in *Evans* and *Ricks*, we held that the EEOC charging period ran from the time when the discrete act of alleged intentional discrimination occurred, not from the date when the effects of this practice were felt. 490 U. S., at 907–908. We stated:

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“Because the claimed invalidity of the facially nondiscriminatory and neutrally applied tester seniority system is wholly dependent on the alleged illegality of signing the underlying agreement, it is the date of that signing which governs the limitations period.” *Id.*, at 911.<sup>2</sup>

Our most recent decision in this area confirms this understanding. In *Morgan*, we explained that the statutory term “employment practice” generally refers to “a discrete act or single ‘occurrence’” that takes place at a particular point in time. 536 U. S., at 110–111. We pointed to “termination, failure to promote, denial of transfer, [and] refusal to hire” as examples of such “discrete” acts, and we held that a Title VII plaintiff “can only file a charge to cover discrete acts that ‘occurred’ within the appropriate time period.” *Id.*, at 114.

The instruction provided by *Evans*, *Ricks*, *Lorance*, and *Morgan* is clear. The EEOC charging period is triggered when a discrete unlawful practice takes place. A new violation does not occur, and a new charging period does

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<sup>2</sup>After *Lorance*, Congress amended Title VII to cover the specific situation involved in that case. See 42 U. S. C. §2000e–5(e)(2) (allowing for Title VII liability arising from an intentionally discriminatory seniority system both at the time of its adoption and at the time of its application). The dissent attaches great significance to this amendment, suggesting that it shows that *Lorance* was wrongly reasoned as an initial matter. *Post*, at 10–12 (opinion of GINSBURG, J.). However, the very legislative history cited by the dissent explains that this amendment and the other 1991 Title VII amendments “*expand[ed]* the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination.” *Post*, at 11 (emphasis added). For present purposes, what is most important about the amendment in question is that it applied only to the adoption of a discriminatory seniority system, not to other types of employment discrimination. *Evans* and *Ricks*, upon which *Lorance* relied, 490 U. S., at 906–908, and which employed identical reasoning, were left in place, and these decisions are more than sufficient to support our holding today.

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not commence, upon the occurrence of subsequent non-discriminatory acts that entail adverse effects resulting from the past discrimination. But of course, if an employer engages in a series of acts each of which is intentionally discriminatory, then a fresh violation takes place when each act is committed. See *Morgan, supra*, at 113.

Ledbetter's arguments here—that the paychecks that she received during the charging period and the 1998 raise denial each violated Title VII and triggered a new EEOC charging period—cannot be reconciled with *Evans, Ricks, Lorance*, and *Morgan*. Ledbetter, as noted, makes no claim that intentionally discriminatory conduct occurred during the charging period or that discriminatory decisions that occurred prior to that period were not communicated to her. Instead, she argues simply that Goodyear's conduct during the charging period gave present effect to discriminatory conduct outside of that period. Brief for Petitioner 13. But current effects alone cannot breathe life into prior, uncharged discrimination; as we held in *Evans*, such effects in themselves have “no present legal consequences.” 431 U. S., at 558. Ledbetter should have filed an EEOC charge within 180 days after each allegedly discriminatory pay decision was made and communicated to her. She did not do so, and the paychecks that were issued to her during the 180 days prior to the filing of her EEOC charge do not provide a basis for overcoming that prior failure.

In an effort to circumvent the need to prove discriminatory intent during the charging period, Ledbetter relies on the intent associated with other decisions made by other persons at other times. Reply Brief for Petitioner 6 (“Intentional discrimination . . . occurs when . . . differential treatment takes place, even if the intent to engage in that conduct for a discriminatory purpose was made previously”).

Ledbetter's attempt to take the intent associated with the prior pay decisions and shift it to the 1998 pay deci-

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sion is unsound. It would shift intent from one act (the act that consummates the discriminatory employment practice) to a later act that was not performed with bias or discriminatory motive. The effect of this shift would be to impose liability in the absence of the requisite intent.

Our cases recognize this point. In *Evans*, for example, we did not take the airline's discriminatory intent in 1968, when it discharged the plaintiff because of her sex, and attach that intent to its later act of neutrally applying its seniority rules. Similarly, in *Ricks*, we did not take the discriminatory intent that the college allegedly possessed when it denied Ricks tenure and attach that intent to its subsequent act of terminating his employment when his nonrenewable contract ran out. On the contrary, we held that "the only alleged discrimination occurred—and the filing limitations periods therefore commenced—at the time the tenure decision was made and communicated to Ricks." 449 U. S., at 258.

Not only would Ledbetter's argument effectively eliminate the defining element of her disparate-treatment claim, but it would distort Title VII's "integrated, multistep enforcement procedure." *Occidental Life Ins. Co. of Cal. v. EEOC*, 432 U. S. 355, 359 (1977). We have previously noted the legislative compromises that preceded the enactment of Title VII, *Mohasco Corp. v. Silver*, 447 U. S. 807, 819–821 (1980); *EEOC v. Commercial Office Products Co.*, 486 U. S. 107, 126 (1988) (STEVENS, J., joined by Rehnquist, C. J., and SCALIA, J., dissenting). Respectful of the legislative process that crafted this scheme, we must "give effect to the statute as enacted," *Mohasco, supra*, at 819, and we have repeatedly rejected suggestions that we extend or truncate Congress' deadlines. See, e.g., *Electrical Workers v. Robbins & Myers, Inc.*, 429 U. S. 229, 236–240 (1976) (union grievance procedures do not toll EEOC filing deadline); *Alexander v. Gardner-Denver Co.*, 415 U. S. 36, 47–49 (1974) (arbitral

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decisions do not foreclose access to court following a timely filed EEOC complaint).

Statutes of limitations serve a policy of repose. *American Pipe & Constr. Co. v. Utah*, 414 U. S. 538, 554–555 (1974). They

“represent a pervasive legislative judgment that it is unjust to fail to put the adversary on notice to defend within a specified period of time and that ‘the right to be free of stale claims in time comes to prevail over the right to prosecute them.’” *United States v. Kubrick*, 444 U. S. 111, 117 (1979) (quoting *Railroad Telegraphers v. Railway Express Agency, Inc.*, 321 U. S. 342, 349 (1944)).

The EEOC filing deadline “protect[s] employers from the burden of defending claims arising from employment decisions that are long past.” *Ricks, supra*, at 256–257. Certainly, the 180-day EEOC charging deadline, 42 U. S. C. §2000e–5(e)(1), is short by any measure, but “[b]y choosing what are obviously quite short deadlines, Congress clearly intended to encourage the prompt processing of all charges of employment discrimination.” *Mohasco, supra*, at 825. This short deadline reflects Congress’ strong preference for the prompt resolution of employment discrimination allegations through voluntary conciliation and cooperation. *Occidental Life Ins., supra*, at 367–368; *Alexander, supra*, at 44.

A disparate-treatment claim comprises two elements: an employment practice, and discriminatory intent. Nothing in Title VII supports treating the intent element of Ledbetter’s claim any differently from the employment practice element.<sup>3</sup> If anything, concerns regarding stale

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<sup>3</sup>Of course, there may be instances where the elements forming a cause of action span more than 180 days. Say, for instance, an employer forms an illegal discriminatory intent towards an employee but does not act on it until 181 days later. The charging period would not

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claims weigh more heavily with respect to proof of the intent associated with employment practices than with the practices themselves. For example, in a case such as this in which the plaintiff's claim concerns the denial of raises, the employer's challenged acts (the decisions not to increase the employee's pay at the times in question) will almost always be documented and will typically not even be in dispute. By contrast, the employer's intent is almost always disputed, and evidence relating to intent may fade quickly with time. In most disparate-treatment cases, much if not all of the evidence of intent is circumstantial. Thus, the critical issue in a case involving a long-past performance evaluation will often be whether the evaluation was so far off the mark that a sufficient inference of discriminatory intent can be drawn. See *Watson*, 487 U. S., at 1004 (Blackmun, J., joined by Brennan and Marshall, JJ., concurring in part and concurring in judgment) (noting that in a disparate-treatment claim, the *McDonnell Douglas* factors establish discrimination by inference). See also, e.g., *Zhuang v. Datacard Corp.*, 414 F. 3d 849 (CA8 2005) (rejecting inference of discrimination from performance evaluations); *Cooper v. Southern Co.*, 390 F. 3d 695, 732–733 (CA11 2004) (same). This can be a subtle determination, and the passage of time may seriously diminish the ability of the parties and the factfinder to reconstruct what actually happened.<sup>4</sup>

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begin to run until the employment practice was executed on day 181 because until that point the employee had no cause of action. The act and intent had not yet been joined. Here, by contrast, Ledbetter's cause of action was fully formed and present at the time that the discriminatory employment actions were taken against her, at which point she could have, and should have, sued.

<sup>4</sup>The dissent dismisses this concern, *post*, at 15–16, but this case illustrates the problems created by tardy lawsuits. Ledbetter's claims of sex discrimination turned principally on the misconduct of a single Goodyear supervisor, who, Ledbetter testified, retaliated against her when she rejected his sexual advances during the early 1980's, and did

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Ledbetter contends that employers would be protected by the equitable doctrine of laches, but Congress plainly did not think that laches was sufficient in this context. Indeed, Congress took a diametrically different approach, including in Title VII a provision allowing only a few months in most cases to file a charge with the EEOC. 42 U. S. C. §2000e–5(e)(1).

Ultimately, “experience teaches that strict adherence to the procedural requirements specified by the legislature is the best guarantee of evenhanded administration of the law.” *Mohasco*, 447 U. S., at 826. By operation of §§2000e–5(e)(1) and 2000e–5(f)(1), a Title VII “claim is time barred if it is not filed within these time limits.” *Morgan*, 536 U. S., at 109; *Electrical Workers*, 429 U. S., at 236. We therefore reject the suggestion that an employment practice committed with no improper purpose and no discriminatory intent is rendered unlawful nonetheless because it gives some effect to an intentional discriminatory act that occurred outside the charging period. Ledbetter’s claim is, for this reason, untimely.

## III

## A

In advancing her two theories Ledbetter does not seriously contest the logic of *Evans*, *Ricks*, *Lorance*, and *Morgan* as set out above, but rather argues that our decision in *Bazemore v. Friday*, 478 U. S. 385 (1986) (*per curiam*), requires different treatment of her claim because it relates to pay. Ledbetter focuses specifically on our statement

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so again in the mid-1990’s when he falsified deficiency reports about her work. His misconduct, Ledbetter argues, was “a principal basis for [her] performance evaluation in 1997.” Brief for Petitioner 6; see also *id.*, at 5–6, 8, 11 (stressing the same supervisor’s misconduct). Yet, by the time of trial, this supervisor had died and therefore could not testify. A timely charge might have permitted his evidence to be weighed contemporaneously.

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that “[e]ach week’s paycheck that delivers less to a black than to a similarly situated white is a wrong actionable under Title VII.” *Id.*, at 395. She argues that in *Bazemore* we adopted a “paycheck accrual rule” under which each paycheck, even if not accompanied by discriminatory intent, triggers a new EEOC charging period during which the complainant may properly challenge any prior discriminatory conduct that impacted the amount of that paycheck, no matter how long ago the discrimination occurred. On this reading, *Bazemore* dispensed with the need to prove actual discriminatory intent in pay cases and, without giving any hint that it was doing so, repudiated the very different approach taken previously in *Evans* and *Ricks*. Ledbetter’s interpretation is unsound.

*Bazemore* concerned a disparate-treatment pay claim brought against the North Carolina Agricultural Extension Service (Service). 478 U. S., at 389–390. Service employees were originally segregated into “a white branch” and “a ‘Negro branch,’” with the latter receiving less pay, but in 1965 the two branches were merged. *Id.*, at 390–391. After Title VII was extended to public employees in 1972, black employees brought suit claiming that pay disparities attributable to the old dual pay scale persisted. *Id.*, at 391. The Court of Appeals rejected this claim, which it interpreted to be that the “discriminatory difference in salaries should have been affirmatively eliminated.” *Id.*, at 395.

This Court reversed in a *per curiam* opinion, 478 U. S., at 386–388, but all of the Members of the Court joined Justice Brennan’s separate opinion, see *id.*, at 388 (opinion concurring in part). Justice Brennan wrote:

“The error of the Court of Appeals with respect to salary disparities created prior to 1972 and perpetuated thereafter is too obvious to warrant extended discussion: that the Extension Service discriminated with

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respect to salaries *prior* to the time it was covered by Title VII does not excuse perpetuating that discrimination *after* the Extension Service became covered by Title VII. To hold otherwise would have the effect of exempting from liability those employers who were historically the greatest offenders of the rights of blacks. A pattern or practice that would have constituted a violation of Title VII, but for the fact that the statute had not yet become effective, became a violation upon Title VII's effective date, and to the extent an employer continued to engage in that act or practice, it is liable under that statute. While recovery may not be permitted for pre-1972 acts of discrimination, to the extent that this discrimination was perpetuated after 1972, liability may be imposed." *Id.*, at 395 (emphasis in original).

Far from adopting the approach that Ledbetter advances here, this passage made a point that was "too obvious to warrant extended discussion," *ibid.*; namely, that when an employer adopts a facially discriminatory pay structure that puts some employees on a lower scale because of race, the employer engages in intentional discrimination whenever it issues a check to one of these disfavored employees. An employer that adopts and intentionally retains such a pay structure can surely be regarded as intending to discriminate on the basis of race as long as the structure is used.

*Bazemore* thus is entirely consistent with our prior precedents, as Justice Brennan's opinion took care to point out. Noting that *Evans* turned on whether "any *present violation* exist[ed]," Justice Brennan stated that the *Bazemore* plaintiffs were alleging that the defendants "ha[d] not from the date of the Act forward made all their employment decisions in a wholly nondiscriminatory way," 478 U. S., at 396–397, n. 6 (emphasis in original; internal

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quotation marks and brackets omitted)—which is to say that they had engaged in fresh discrimination. Justice Brennan added that the Court’s “holding in no sense g[ave] legal effect to the pre-1972 actions, but, consistent with *Evans* . . . focuse[d] on the present salary structure, which is illegal if it *is a mere continuation of the pre-1965 discriminatory pay structure.*” *Id.*, at 397, n. 6 (emphasis added).

The sentence in Justice Brennan’s opinion on which Ledbetter chiefly relies comes directly after the passage quoted above, and makes a similarly obvious point:

“Each week’s paycheck that delivers less to a black than to a similarly situated white is a wrong actionable under Title VII, regardless of the fact that this pattern was begun prior to the effective date of Title VII.” *Id.*, at 395.<sup>5</sup>

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<sup>5</sup>That the focus in *Bazemore* was on a current violation, not the carrying forward of a past act of discrimination, was made clearly by the side opinion in the Court of Appeals:

“[T]he majority holds, in effect, that because the pattern of discriminatory salaries here challenged originated before applicable provisions of the Civil Rights Act made their payment illegal, any ‘lingering effects’ of that earlier pattern cannot (presumably on an indefinitely maintained basis) be considered in assessing a challenge to post-act continuation of that pattern.

“*Hazelwood* and *Evans* indeed made it clear that an employer cannot be found liable, or sanctioned with remedy, for employment decisions made before they were declared illegal or as to which the claimant has lost any right of action by lapse of time. For this reason it is generally true that, as the catch-phrase has it, Title VII imposed ‘no obligation to catch-up,’ i.e., affirmatively to remedy present effects of pre-Act discrimination, whether in composing a work force or otherwise. But those cases cannot be thought to insulate employment decisions that presently are illegal on the basis that at one time *comparable* decisions were legal when made by the particular employer. It is therefore one thing to say that an employer who upon the effective date of Title VII finds itself with a racially unbalanced work-force need not act affirmatively to redress the balance; and quite another to say that it may also

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In other words, a freestanding violation may always be charged within its own charging period regardless of its connection to other violations. We repeated this same point more recently in *Morgan*: “The existence of past acts and the employee’s prior knowledge of their occurrence . . . does not bar employees from filing charges about related discrete acts so long as the acts are independently discriminatory and charges addressing those acts are themselves timely filed.” 536 U. S., at 113.<sup>6</sup> Neither of these opinions stands for the proposition that an action not comprising an employment practice and alleged discriminatory intent is separately chargeable, just because it is related to some past act of discrimination.

Ledbetter attempts to eliminate the obvious inconsistencies between her interpretation of *Bazemore* and the *Evans/Ricks/Lorance/Morgan* line of cases on the ground that none of the latter cases involved pay raises, but the logic of our prior cases is fully applicable to pay cases. To take *Evans* as an example, the employee there was unlawfully terminated; this caused her to lose seniority; and the loss of seniority affected her wages, among other things. 431 U. S., at 555, n. 5 (“[S]eniority determine[s] a flight

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continue to make discriminatory hiring decisions because it was by that means that its present work force was composed. It may not, in short, under the *Hazelwood/Evans* principle continue practices now violative simply because at one time they were not.” *Bazemore v. Friday*, 751 F. 2d 662, 695–696 (CA4 1984) (Phillips, J., concurring in part and dissenting in part) (emphasis in original; footnotes omitted).

<sup>6</sup>The briefs filed with this Court in *Bazemore v. Friday*, 478 U. S. 385 (1986) (*per curiam*), further elucidate the point. The petitioners described the Service’s conduct as “[t]he continued use of a racially explicit base wage.” Brief for Petitioner Bazemore et al. in *Bazemore v. Friday*, O. T. 1985, No. 85–93, p. 33. The United States’ brief also properly distinguished the commission of a discrete discriminatory act with continuing adverse results from the intentional carrying forward of a discriminatory pay system. Brief for Federal Petitioners in *Bazemore v. Friday*, O. T. 1984, Nos. 85–93 and 85–428, p. 17. This case involves the former, not the latter.

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attendant's wages; the duration and timing of vacations; rights to retention in the event of layoffs and rights to re-employment thereafter; and rights to preferential selection of flight assignments"). The relationship between past discrimination and adverse present effects was the same in *Evans* as it is here. Thus, the argument that Ledbetter urges us to accept here would necessarily have commanded a different outcome in *Evans*.

*Bazemore* stands for the proposition that an employer violates Title VII and triggers a new EEOC charging period whenever the employer issues paychecks using a discriminatory pay structure. But a new Title VII violation does not occur and a new charging period is not triggered when an employer issues paychecks pursuant to a system that is "facially nondiscriminatory and neutrally applied." *Lorance*, 490 U. S., at 911. The fact that pre-charging period discrimination adversely affects the calculation of a neutral factor (like seniority) that is used in determining future pay does not mean that each new paycheck constitutes a new violation and restarts the EEOC charging period.

Because Ledbetter has not adduced evidence that Goodyear initially adopted its performance-based pay system in order to discriminate on the basis of sex or that it later applied this system to her within the charging period with any discriminatory animus, *Bazemore* is of no help to her. Rather, all Ledbetter has alleged is that Goodyear's agents discriminated against her individually in the past and that this discrimination reduced the amount of later paychecks. Because Ledbetter did not file timely EEOC charges relating to her employer's discriminatory pay decisions in the past, she cannot maintain a suit based on that past discrimination at this time.

## B

The dissent also argues that pay claims are different.

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Its principal argument is that a pay discrimination claim is like a hostile work environment claim because both types of claims are “based on the cumulative effect of individual acts,” *post*, at 6–7, but this analogy overlooks the critical conceptual distinction between these two types of claims. And although the dissent relies heavily on *Morgan*, the dissent’s argument is fundamentally inconsistent with *Morgan*’s reasoning.

*Morgan* distinguished between “discrete” acts of discrimination and a hostile work environment. A discrete act of discrimination is an act that in itself “constitutes a separate actionable ‘unlawful employment practice’” and that is temporally distinct. *Morgan*, 536 U. S., at 114, 117. As examples we identified “termination, failure to promote, denial of transfer, or refusal to hire.” *Id.*, at 114. A hostile work environment, on the other hand, typically comprises a succession of harassing acts, each of which “may not be actionable on its own.” In addition, a hostile work environment claim “cannot be said to occur on any particular day.” *Id.*, at 115–116. In other words, the actionable wrong is the environment, not the individual acts that, taken together, create the environment.<sup>7</sup>

Contrary to the dissent’s assertion, *post*, at 6–7, what Ledbetter alleged was not a single wrong consisting of a succession of acts. Instead, she alleged a series of discrete discriminatory acts, see Brief for Petitioner 13, 15 (arguing that payment of each paycheck constituted a separate

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<sup>7</sup>Moreover, the proposed hostile salary environment claim would go far beyond *Morgan*’s limits. *Morgan* still required at least some of the discriminatorily-motivated acts predicate to a hostile work environment claim to occur within the charging period. 536 U. S., at 117 (“Provided that *an act contributing to the claim occurs within the filing period*, the entire time period of the hostile environment may be considered by a court” (emphasis added)). But the dissent would permit claims where no one acted in any way with an improper motive during the charging period. *Post*, at 7, 16.

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violation of Title VII), each of which *was* independently identifiable and actionable, and *Morgan* is perfectly clear that when an employee alleges “serial violations,” *i.e.*, a series of actionable wrongs, a timely EEOC charge must be filed with respect to each discrete alleged violation. 536 U. S., at 113.

While this fundamental misinterpretation of *Morgan* is alone sufficient to show that the dissent’s approach must be rejected, it should also be noted that the dissent is coy as to whether it would apply the same rule to all pay discrimination claims or whether it would limit the rule to cases like *Ledbetter*’s, in which multiple discriminatory pay decisions are alleged. The dissent relies on the fact that *Ledbetter* was allegedly subjected to a series of discriminatory pay decisions over a period of time, and the dissent suggests that she did not realize for some time that she had been victimized. But not all pay cases share these characteristics.

If, as seems likely, the dissent would apply the same rule in all pay cases, then, if a single discriminatory pay decision made 20 years ago continued to affect an employee’s pay today, the dissent would presumably hold that the employee could file a timely EEOC charge today. And the dissent would presumably allow this even if the employee had full knowledge of all the circumstances relating to the 20-year-old decision at the time it was made.<sup>8</sup> The dissent, it appears, proposes that we adopt a special rule for pay cases based on the particular charac-

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<sup>8</sup>The dissent admits as much, responding only that an employer could resort to equitable doctrines such as laches. *Post*, at 16. But first, as we have noted, Congress has already determined that defense to be insufficient. *Supra*, at 13. Second, it is far from clear that a suit filed under the dissent’s theory, alleging that a paycheck paid recently within the charging period was itself a freestanding violation of Title VII because it reflected the effects of 20-year-old discrimination, would even be barred by laches.

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teristics of one case that is certainly not representative of all pay cases and may not even be typical. We refuse to take that approach.

## IV

In addition to the arguments previously discussed, Ledbetter relies largely on analogies to other statutory regimes and on extrastatutory policy arguments to support her “paycheck accrual rule.”

## A

Ledbetter places significant weight on the EPA, which was enacted contemporaneously with Title VII and prohibits paying unequal wages for equal work because of sex. 29 U. S. C. §206(d). Stating that “the lower courts routinely hear [EPA] claims challenging pay disparities that first arose outside the limitations period,” Ledbetter suggests that we should hold that Title VII is violated each time an employee receives a paycheck that reflects past discrimination. Brief for Petitioner 34–35.

The simple answer to this argument is that the EPA and Title VII are not the same. In particular, the EPA does not require the filing of a charge with the EEOC or proof of intentional discrimination. See §206(d)(1) (asking only whether the alleged inequality resulted from “any other factor other than sex”). Ledbetter originally asserted an EPA claim, but that claim was dismissed by the District Court and is not before us. If Ledbetter had pursued her EPA claim, she would not face the Title VII obstacles that she now confronts.<sup>9</sup>

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<sup>9</sup>The Magistrate Judge recommended dismissal of Ledbetter’s EPA claim on the ground that Goodyear had demonstrated that the pay disparity resulted from Ledbetter’s consistently weak performance, not her sex. App. to Pet. for Cert. 71a–77a. The Magistrate Judge also recommended dismissing the Title VII disparate-pay claim on the same basis. *Id.*, at 65a–69a. Ledbetter objected to the Magistrate Judge’s disposition of the Title VII and EPA claims, arguing that the Magis-

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Ledbetter’s appeal to the Fair Labor Standards Act of 1938 (FLSA) is equally unavailing. Stating that it is “well established that the statute of limitations for violations of the minimum wage and overtime provisions of the [FLSA] runs anew with each paycheck,” Brief for Petitioner 35, Ledbetter urges that the same should be true in a Title VII pay case. Again, however, Ledbetter’s argument overlooks the fact that an FLSA minimum wage or overtime claim does not require proof of a specific intent to discriminate. See 29 U. S. C. §207 (establishing overtime rules); cf. §255(a) (establishing 2-year statute of limitations for FLSA claims, except for claims of a “willful violation,” which may be commenced within 3 years).

Ledbetter is on firmer ground in suggesting that we look to cases arising under the National Labor Relations Act (NLRA) since the NLRA provided a model for Title VII’s remedial provisions and, like Title VII, requires the filing of a timely administrative charge (with the National Labor Relations Board) before suit may be maintained. *Lorance*, 490 U. S., at 909; *Ford Motor Co. v. EEOC*, 458 U. S. 219, 226, n. 8 (1982). Cf. 29 U. S. C. §160(b) (“[N]o complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board”).

Ledbetter argues that the NLRA’s 6-month statute of limitations begins anew for each paycheck reflecting a prior violation of the statute, but our precedents suggest

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trate Judge had improperly resolved a disputed factual issue. See Plaintiff’s Objections to Magistrate Judge’s Report and Recommendation, 1 Record in No. 03–15246–G (CA11), Doc. 32. The District Court sustained this objection as to the “disparate pay” claim, but without specifically mentioning the EPA claim, which had been dismissed by the Magistrate Judge on the same basis. See App. to Pet. for Cert. 43a–44a. While the record is not entirely clear, it appears that at this point Ledbetter elected to abandon her EPA claim, proceeding to trial with only the Title VII disparate-pay claim, thus giving rise to the dispute the Court must now resolve.

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otherwise. In *Machinists v. NLRB*, 362 U. S. 411, 416–417 (1960), we held that “where conduct occurring within the limitations period can be charged to be an unfair labor practice only through reliance on an earlier unfair labor practice[,] the use of the earlier unfair labor practice [merely] serves to cloak with illegality that which was otherwise lawful.” This interpretation corresponds closely to our analysis in *Evans* and *Ricks* and supports our holding in the present case.

## B

Ledbetter, finally, makes a variety of policy arguments in favor of giving the alleged victims of pay discrimination more time before they are required to file a charge with the EEOC. Among other things, she claims that pay discrimination is harder to detect than other forms of employment discrimination.<sup>10</sup>

We are not in a position to evaluate Ledbetter’s policy arguments, and it is not our prerogative to change the way in which Title VII balances the interests of aggrieved employees against the interest in encouraging the “prompt processing of all charges of employment discrimination,” *Mohasco*, 447 U. S., at 825, and the interest in repose.

Ledbetter’s policy arguments for giving special treatment to pay claims find no support in the statute and are inconsistent with our precedents.<sup>11</sup> We apply the statute

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<sup>10</sup>We have previously declined to address whether Title VII suits are amenable to a discovery rule. *National Railroad Passenger Corporation v. Morgan*, 536 U. S. 101, 114, n. 7 (2002). Because Ledbetter does not argue that such a rule would change the outcome in her case, we have no occasion to address this issue.

<sup>11</sup>Ledbetter argues that the EEOC’s endorsement of her approach in its Compliance Manual and in administrative adjudications merits deference. But we have previously declined to extend *Chevron* deference to the Compliance Manual, *Morgan*, *supra*, at 111, n. 6, and similarly decline to defer to the EEOC’s adjudicatory positions. The EEOC’s views in question are based on its misreading of *Bazemore*.

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as written, and this means that any unlawful employment practice, including those involving compensation, must be presented to the EEOC within the period prescribed by statute.

\* \* \*

For these reasons, the judgment of the Court of Appeals for the Eleventh Circuit is affirmed.

*It is so ordered.*

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See, e.g., *Amft v. Mineta*, No. 07A40116, 2006 WL 985183, \*5 (EEOC Office of Fed. Operations, Apr. 6, 2006); *Albritton v. Postmaster General*, No. 01A44063, 2004 WL 2983682, \*2 (EEOC Office of Fed. Operations, Dec. 17, 2004). Agencies have no special claim to deference in their interpretation of our decisions. *Reno v. Bossier Parish School Bd.*, 528 U. S. 320, 336, n. 5 (2000). Nor do we see reasonable ambiguity in the statute itself, which makes no distinction between compensation and other sorts of claims and which clearly requires that discrete employment actions alleged to be unlawful be motivated “because of such individual’s . . . sex.” 42 U. S. C. §2000e–a(a)(1).

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**SUPREME COURT OF THE UNITED STATES**

No. 05–1074

LILLY M. LEDBETTER, PETITIONER *v.* THE GOOD-  
YEAR TIRE & RUBBER COMPANY, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE ELEVENTH CIRCUIT

[May 29, 2007]

JUSTICE GINSBURG, with whom JUSTICE STEVENS,  
JUSTICE SOUTER, and JUSTICE BREYER join, dissenting.

Lilly Ledbetter was a supervisor at Goodyear Tire and Rubber’s plant in Gadsden, Alabama, from 1979 until her retirement in 1998. For most of those years, she worked as an area manager, a position largely occupied by men. Initially, Ledbetter’s salary was in line with the salaries of men performing substantially similar work. Over time, however, her pay slipped in comparison to the pay of male area managers with equal or less seniority. By the end of 1997, Ledbetter was the only woman working as an area manager and the pay discrepancy between Ledbetter and her 15 male counterparts was stark: Ledbetter was paid \$3,727 per month; the lowest paid male area manager received \$4,286 per month, the highest paid, \$5,236. See 421 F. 3d 1169, 1174 (CA11 2005); Brief for Petitioner 4.

Ledbetter launched charges of discrimination before the Equal Employment Opportunity Commission (EEOC) in March 1998. Her formal administrative complaint specified that, in violation of Title VII, Goodyear paid her a discriminatorily low salary because of her sex. See 42 U. S. C. §2000e–2(a)(1) (rendering it unlawful for an employer “to discriminate against any individual with respect to [her] compensation . . . because of such individual’s . . . sex”). That charge was eventually tried to a jury, which

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found it “more likely than not that [Goodyear] paid [Ledbetter] a[n] unequal salary because of her sex.” App. 102. In accord with the jury’s liability determination, the District Court entered judgment for Ledbetter for backpay and damages, plus counsel fees and costs.

The Court of Appeals for the Eleventh Circuit reversed. Relying on Goodyear’s system of annual merit-based raises, the court held that Ledbetter’s claim, in relevant part, was time barred. 421 F. 3d, at 1171, 1182–1183. Title VII provides that a charge of discrimination “shall be filed within [180] days after the alleged unlawful employment practice occurred.” 42 U. S. C. §2000e–5(e)(1).<sup>1</sup> Ledbetter charged, and proved at trial, that within the 180-day period, her pay was substantially less than the pay of men doing the same work. Further, she introduced evidence sufficient to establish that discrimination against female managers at the Gadsden plant, not performance inadequacies on her part, accounted for the pay differential. See, e.g., App. 36–47, 51–68, 82–87, 90–98, 112–113. That evidence was unavailing, the Eleventh Circuit held, and the Court today agrees, because it was incumbent on Ledbetter to file charges year-by-year, each time Goodyear failed to increase her salary commensurate with the salaries of male peers. Any annual pay decision not contested immediately (within 180 days), the Court affirms, becomes grandfathered, a *fait accompli* beyond the province of Title VII ever to repair.

The Court’s insistence on immediate contest overlooks common characteristics of pay discrimination. Pay disparities often occur, as they did in Ledbetter’s case, in small increments; cause to suspect that discrimination is

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<sup>1</sup>If the complainant has first instituted proceedings with a state or local agency, the filing period is extended to 300 days or 30 days after the denial of relief by the agency. 42 U. S. C. §2000e–5(e)(1). Because the 180-day period applies to Ledbetter’s case, that figure will be used throughout. See *ante*, at 3, 4.

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at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view. Employers may keep under wraps the pay differentials maintained among supervisors, no less the reasons for those differentials. Small initial discrepancies may not be seen as meet for a federal case, particularly when the employee, trying to succeed in a nontraditional environment, is averse to making waves.

Pay disparities are thus significantly different from adverse actions "such as termination, failure to promote, . . . or refusal to hire," all involving fully communicated discrete acts, "easy to identify" as discriminatory. See *National Railroad Passenger Corporation v. Morgan*, 536 U. S. 101, 114 (2002). It is only when the disparity becomes apparent and sizable, *e.g.*, through future raises calculated as a percentage of current salaries, that an employee in Ledbetter's situation is likely to comprehend her plight and, therefore, to complain. Her initial readiness to give her employer the benefit of the doubt should not preclude her from later challenging the then current and continuing payment of a wage depressed on account of her sex.

On questions of time under Title VII, we have identified as the critical inquiries: "What constitutes an 'unlawful employment practice' and when has that practice 'occurred'?" *Id.*, at 110. Our precedent suggests, and lower courts have overwhelmingly held, that the unlawful practice is the *current payment* of salaries infected by gender-based (or race-based) discrimination—a practice that occurs whenever a paycheck delivers less to a woman than to a similarly situated man. See *Bazemore v. Friday*, 478 U. S. 385, 395 (1986) (Brennan, J., joined by all other Members of the Court, concurring in part).

## I

Title VII proscribes as an "unlawful employment prac-

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“discrimination ‘against any individual with respect to his compensation . . . because of such individual’s race, color, religion, sex, or national origin.’ 42 U. S. C. §2000e–2(a)(1). An individual seeking to challenge an employment practice under this proscription must file a charge with the EEOC within 180 days ‘after the alleged unlawful employment practice occurred.’ §2000e–5(e)(1). See *ante*, at 4; *supra*, at 2, n. 1.

Ledbetter’s petition presents a question important to the sound application of Title VII: What activity qualifies as an unlawful employment practice in cases of discrimination with respect to compensation. One answer identifies the pay-setting decision, and that decision alone, as the unlawful practice. Under this view, each particular salary-setting decision is discrete from prior and subsequent decisions, and must be challenged within 180 days on pain of forfeiture. Another response counts both the pay-setting decision and the actual payment of a discriminatory wage as unlawful practices. Under this approach, each payment of a wage or salary infected by sex-based discrimination constitutes an unlawful employment practice; prior decisions, outside the 180-day charge-filing period, are not themselves actionable, but they are relevant in determining the lawfulness of conduct within the period. The Court adopts the first view, see *ante*, at 1, 4, 9, but the second is more faithful to precedent, more in tune with the realities of the workplace, and more respectful of Title VII’s remedial purpose.

## A

In *Bazemore*, we unanimously held that an employer, the North Carolina Agricultural Extension Service, committed an unlawful employment practice each time it paid black employees less than similarly situated white employees. 478 U. S., at 395 (opinion of Brennan, J.). Before 1965, the Extension Service was divided into two

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branches: a white branch and a “Negro branch.” *Id.*, at 390. Employees in the “Negro branch” were paid less than their white counterparts. In response to the Civil Rights Act of 1964, which included Title VII, the State merged the two branches into a single organization, made adjustments to reduce the salary disparity, and began giving annual raises based on nondiscriminatory factors. *Id.*, at 390–391, 394–395. Nonetheless, “some pre-existing salary disparities continued to linger on.” *Id.*, at 394 (internal quotation marks omitted). We rejected the Court of Appeals’ conclusion that the plaintiffs could not prevail because the lingering disparities were simply a continuing effect of a decision lawfully made prior to the effective date of Title VII. See *id.*, at 395–396. Rather, we reasoned, “[e]ach week’s paycheck that delivers less to a black than to a similarly situated white is a wrong actionable under Title VII.” *Id.*, at 395. Paychecks perpetuating past discrimination, we thus recognized, are actionable not simply because they are “related” to a decision made outside the charge-filing period, cf. *ante*, at 17, but because they discriminate anew each time they issue, see *Bazemore*, 478 U. S., at 395–396, and n. 6; *Morgan*, 536 U. S., at 111–112.

Subsequently, in *Morgan*, we set apart, for purposes of Title VII’s timely filing requirement, unlawful employment actions of two kinds: “discrete acts” that are “easy to identify” as discriminatory, and acts that recur and are cumulative in impact. See *id.*, at 110, 113–115. “[A] [d]iscrete ac[t] such as termination, failure to promote, denial of transfer, or refusal to hire,” *id.*, at 114, we explained, “‘occur[s]’ on the day that it ‘happen[s].’ A party, therefore, must file a charge within . . . 180 . . . days of the date of the act or lose the ability to recover for it.” *Id.*, at 110; see *id.*, at 113 (“[D]iscrete discriminatory acts are not actionable if time barred, even when they are related to acts alleged in timely filed charges. Each discrete discriminatory act starts a new clock for filing charges alleg-

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ing that act.”).

“[D]ifferent in kind from discrete acts,” we made clear, are “claims . . . based on the cumulative effect of individual acts.” *Id.*, at 115. The *Morgan* decision placed hostile work environment claims in that category. “Their very nature involves repeated conduct.” *Ibid.* “The unlawful employment practice” in hostile work environment claims, “cannot be said to occur on any particular day. It occurs over a series of days or perhaps years and, in direct contrast to discrete acts, a single act of harassment may not be actionable on its own.” *Ibid.* (internal quotation marks omitted). The persistence of the discriminatory conduct both indicates that management should have known of its existence and produces a cognizable harm. *Ibid.* Because the very nature of the hostile work environment claim involves repeated conduct,

“[i]t does not matter, for purposes of the statute, that some of the component acts of the hostile work environment fall outside the statutory time period. Provided that an act contributing to the claim occurs within the filing period, the entire time period of the hostile environment may be considered by a court for the purposes of determining liability.” *Id.*, at 117.

Consequently, although the unlawful conduct began in the past, “a charge may be filed at a later date and still encompass the whole.” *Ibid.*

Pay disparities, of the kind Ledbetter experienced, have a closer kinship to hostile work environment claims than to charges of a single episode of discrimination. Ledbetter’s claim, resembling *Morgan*’s, rested not on one particular paycheck, but on “the cumulative effect of individual acts.” See *id.*, at 115. See also Brief for Petitioner 13, 15–17, and n. 9 (analogizing Ledbetter’s claim to the recurring and cumulative harm at issue in *Morgan*); Reply Brief for Petitioner 13 (distinguishing pay discrimination

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from “easy to identify” discrete acts (internal quotation marks omitted)). She charged insidious discrimination building up slowly but steadily. See Brief for Petitioner 5–8. Initially in line with the salaries of men performing substantially the same work, Ledbetter’s salary fell 15 to 40 percent behind her male counterparts only after successive evaluations and percentage-based pay adjustments. See *supra*, at 1–2. Over time, she alleged and proved, the repetition of pay decisions undervaluing her work gave rise to the current discrimination of which she complained. Though component acts fell outside the charge-filing period, with each new paycheck, Goodyear contributed incrementally to the accumulating harm. See *Morgan*, 536 U. S., at 117; *Bazemore*, 478 U. S., at 395–396; cf. *Hanover Shoe, Inc. v. United Shoe Machinery Corp.*, 392 U. S. 481, 502, n. 15 (1968).<sup>2</sup>

## B

The realities of the workplace reveal why the discrimination with respect to compensation that Ledbetter suffered does not fit within the category of singular discrete acts “easy to identify.” A worker knows immediately if she is denied a promotion or transfer, if she is fired or refused employment. And promotions, transfers, hirings, and firings are generally public events, known to co-workers. When an employer makes a decision of such open and definitive character, an employee can immediately seek out an explanation and evaluate it for pretext. Compensation disparities, in contrast, are often hidden from sight.

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<sup>2</sup>*National Railroad Passenger Corporation v. Morgan*, 536 U. S. 101, 117 (2002), the Court emphasizes, required that “an act contributing to the claim occu[r] within the [charge-]filing period.” *Ante*, at 19, and n. 7 (emphasis deleted; internal quotation marks omitted). Here, each paycheck within the filing period compounded the discrimination Ledbetter encountered, and thus contributed to the “actionable wrong,” *i.e.*, the succession of acts composing the pattern of discriminatory pay, of which she complained.

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It is not unusual, decisions in point illustrate, for management to decline to publish employee pay levels, or for employees to keep private their own salaries. See, *e.g.*, *Goodwin v. General Motors Corp.*, 275 F.3d 1005, 1008–1009 (CA10 2002) (plaintiff did not know what her colleagues earned until a printout listing of salaries appeared on her desk, seven years after her starting salary was set lower than her co-workers' salaries); *McMillan v. Massachusetts Soc. for the Prevention of Cruelty to Animals*, 140 F.3d 288, 296 (CA1 1998) (plaintiff worked for employer for years before learning of salary disparity published in a newspaper).<sup>3</sup> Tellingly, as the record in this case bears out, Goodyear kept salaries confidential; employees had only limited access to information regarding their colleagues' earnings. App. 56–57, 89.

The problem of concealed pay discrimination is particularly acute where the disparity arises not because the female employee is flatly denied a raise but because male counterparts are given larger raises. Having received a pay increase, the female employee is unlikely to discern at once that she has experienced an adverse employment decision. She may have little reason even to suspect discrimination until a pattern develops incrementally and she ultimately becomes aware of the disparity. Even if an employee suspects that the reason for a comparatively low raise is not performance but sex (or another protected ground), the amount involved may seem too small, or the employer's intent too ambiguous, to make the issue immediately actionable—or winnable.

Further separating pay claims from the discrete em-

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<sup>3</sup>See also Bierman & Gely, "Love, Sex and Politics? Sure. Salary? No Way": Workplace Social Norms and the Law, 25 Berkeley J. Emp. & Lab. L. 167, 168, 171 (2004) (one-third of private sector employers have adopted specific rules prohibiting employees from discussing their wages with co-workers; only one in ten employers has adopted a pay openness policy).

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ployment actions identified in *Morgan*, an employer gains from sex-based pay disparities in a way it does not from a discriminatory denial of promotion, hiring, or transfer. When a male employee is selected over a female for a higher level position, someone still gets the promotion and is paid a higher salary; the employer is not enriched. But when a woman is paid less than a similarly situated man, the employer reduces its costs each time the pay differential is implemented. Furthermore, decisions on promotions, like decisions installing seniority systems, often implicate the interests of third-party employees in a way that pay differentials do not. Cf. *Teamsters v. United States*, 431 U. S. 324, 352–353 (1977) (recognizing that seniority systems involve “vested . . . rights of employees” and concluding that Title VII was not intended to “destroy or water down” those rights). Disparate pay, by contrast, can be remedied at any time solely at the expense of the employer who acts in a discriminatory fashion.

## C

In light of the significant differences between pay disparities and discrete employment decisions of the type identified in *Morgan*, the cases on which the Court relies hold no sway. See *ante*, at 5–10 (discussing *United Air Lines, Inc. v. Evans*, 431 U. S. 553 (1977), *Delaware State College v. Ricks*, 449 U. S. 250 (1980), and *Lorance v. AT&T Technologies, Inc.*, 490 U. S. 900 (1989)). *Evans* and *Ricks* both involved a single, immediately identifiable act of discrimination: in *Evans*, a constructive discharge, 431 U. S., at 554; in *Ricks*, a denial of tenure, 449 U. S., at 252. In each case, the employee filed charges well after the discrete discriminatory act occurred: When United Airlines forced Evans to resign because of its policy barring married female flight attendants, she filed no charge; only four years later, when Evans was rehired, did she allege that the airline’s former no-marriage rule was

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unlawful and therefore should not operate to deny her seniority credit for her prior service. See *Evans*, 431 U. S., at 554–557. Similarly, when Delaware State College denied Ricks tenure, he did not object until his terminal contract came to an end, one year later. *Ricks*, 449 U. S., at 253–254, 257–258. No repetitive, cumulative discriminatory employment practice was at issue in either case. See *Evans*, 431 U. S., at 557–558; *Ricks*, 449 U. S., at 258.<sup>4</sup>

*Lorance* is also inapposite, for, in this Court’s view, it too involved a one-time discrete act: the adoption of a new seniority system that “had its genesis in sex discrimination.” See 490 U. S., at 902, 905 (internal quotation marks omitted). The Court’s extensive reliance on *Lorance*, *ante*, at 7–9, 14, 17–18, moreover, is perplexing for that decision is no longer effective: In the 1991 Civil Rights Act, Congress superseded *Lorance*’s holding. §112, 105 Stat. 1079 (codified as amended at 42 U. S. C. §2000e–5(e)(2)). Repudiating our judgment that a facially neutral seniority system adopted with discriminatory intent must be challenged immediately, Congress provided:

“For purposes of this section, an unlawful employment practice occurs . . . when the seniority system is adopted, when an individual becomes subject to the

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<sup>4</sup>The Court also relies on *Machinists v. NLRB*, 362 U. S. 411 (1960), which like *Evans* and *Ricks*, concerned a discrete act: the execution of a collective bargaining agreement containing a union security clause. 362 U. S., at 412, 417. In *Machinists*, it was undisputed that under the National Labor Relations Act (NLRA), a union and an employer may not agree to a union security clause “if at the time of original execution the union does not represent a majority of the employees in the [bargaining] unit.” *Id.*, at 412–414, 417. The complainants, however, failed to file a charge within the NLRA’s six-month charge filing period; instead, they filed charges 10 and 12 months after the execution of the agreement, objecting to its subsequent enforcement. See *id.*, at 412, 414. Thus, as in *Evans* and *Ricks*, but in contrast to *Ledbetter*’s case, the employment decision at issue was easily identifiable and occurred on a single day.

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seniority system, or when a person aggrieved is injured by the application of the seniority system or provision of the system.” *Ibid.*

Congress thus agreed with the dissenters in *Lorance* that “the harsh reality of [that] decision,” was “glaringly at odds with the purposes of Title VII.” 490 U. S., at 914 (opinion of Marshall, J.). See also §3, 105 Stat. 1071 (1991 Civil Rights Act was designed “to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination”).

True, §112 of the 1991 Civil Rights Act directly addressed only seniority systems. See *ante*, at 8, and n. 2. But Congress made clear (1) its view that this Court had unduly *contracted* the scope of protection afforded by Title VII and other civil rights statutes, and (2) its aim to generalize the ruling in *Bazemore*. As the Senate Report accompanying the proposed Civil Rights Act of 1990, the precursor to the 1991 Act, explained:

“Where, as was alleged in *Lorance*, an employer adopts a rule or decision with an unlawful discriminatory motive, each application of that rule or decision is a new violation of the law. In *Bazemore* . . ., for example, . . . the Supreme Court properly held that each application of th[e] racially motivated salary structure, *i.e.*, each new paycheck, constituted a distinct violation of Title VII. Section 7(a)(2) generalizes the result correctly reached in *Bazemore*.” Civil Rights Act of 1990, S. Rep. No. 101–315, p. 54 (1990).<sup>5</sup>

See also 137 Cong. Rec. 29046, 29047 (1991) (Sponsors’ Interpretative Memorandum) (“This legislation should be interpreted as disapproving the extension of [*Lorance*] to

<sup>5</sup>No Senate Report was submitted with the Civil Rights Act of 1991, which was in all material respects identical to the proposed 1990 Act.

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contexts outside of seniority systems.”). But cf. *ante*, at 18 (relying on *Lorance* to conclude that “when an employer issues paychecks pursuant to a system that is facially nondiscriminatory and neutrally applied” a new Title VII violation does not occur (internal quotation marks omitted)).

Until today, in the more than 15 years since Congress amended Title VII, the Court had not once relied upon *Lorance*. It is mistaken to do so now. Just as Congress’ “goals in enacting Title VII . . . never included conferring absolute immunity on discriminatorily adopted seniority systems that survive their first [180] days,” 490 U. S., at 914 (Marshall, J., dissenting), Congress never intended to immunize forever discriminatory pay differentials unchallenged within 180 days of their adoption. This assessment gains weight when one comprehends that even a relatively minor pay disparity will expand exponentially over an employee’s working life if raises are set as a percentage of prior pay.

A clue to congressional intent can be found in Title VII’s backpay provision. The statute expressly provides that backpay may be awarded for a period of up to two years before the discrimination charge is filed. 42 U. S. C. §2000e–5(g)(1) (“Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission.”). This prescription indicates that Congress contemplated challenges to pay discrimination commencing before, but continuing into, the 180-day filing period. See *Morgan*, 536 U. S., at 119 (“If Congress intended to limit liability to conduct occurring in the period within which the party must file the charge, it seems unlikely that Congress would have allowed recovery for two years of backpay.”). As we recognized in *Morgan*, “the fact that Congress expressly limited the amount of recoverable damages elsewhere to a particular time period [*i.e.*, two years] indicates that the [180-day] timely filing provi-

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sion was not meant to serve as a specific limitation . . . [on] the conduct that may be considered.” *Ibid.*

## D

In tune with the realities of wage discrimination, the Courts of Appeals have overwhelmingly judged as a present violation the payment of wages infected by discrimination: Each paycheck less than the amount payable had the employer adhered to a nondiscriminatory compensation regime, courts have held, constitutes a cognizable harm. See, e.g., *Forsyth v. Federation Employment and Guidance Serv.*, 409 F. 3d 565, 573 (CA2 2005) (“Any paycheck given within the [charge-filing] period . . . would be actionable, even if based on a discriminatory pay scale set up outside of the statutory period.”); *Shea v. Rice*, 409 F. 3d 448, 452–453 (CA10 2005) (“[An] employer commit[s] a separate unlawful employment practice each time he pa[ys] one employee less than another for a discriminatory reason” (citing *Bazemore*, 478 U. S., at 396)); *Goodwin v. General Motors Corp.*, 275 F. 3d 1005, 1009–1010 (CA10 2002) (“[*Bazemore*] has taught a crucial distinction with respect to discriminatory disparities in pay, establishing that a discriminatory salary is not merely a lingering effect of past discrimination—instead it is itself a continually recurring violation. . . . [E]ach race-based discriminatory salary payment constitutes a fresh violation of Title VII.” (footnote omitted)); *Anderson v. Zubieta*, 180 F. 3d 329, 335 (CA9 1999) (“The Courts of Appeals have repeatedly reached the . . . conclusion” that pay discrimination is “actionable upon receipt of each paycheck.”); accord *Hildebrandt v. Illinois Dept. of Natural Resources*, 347 F. 3d 1014, 1025–1029 (CA7 2003); *Cardenas v. Massey*, 269 F. 3d 251, 257 (CA3 2001); *Ashley v. Boyle’s Famous Corned Beef Co.*, 66 F. 3d 164, 167–168 (CA8 1995) (en banc); *Brinkley-Obu v. Hughes Training, Inc.*, 36 F. 3d 336, 347–349 (CA4 1994); *Gibbs v. Pierce County Law*

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*Enforcement Support Agency*, 785 F. 2d 1396, 1399–1400 (CA9 1986).

Similarly in line with the real-world characteristics of pay discrimination, the EEOC—the federal agency responsible for enforcing Title VII, see, *e.g.*, 42 U. S. C. §§2000e–5(f), 2000e–12(a)—has interpreted the Act to permit employees to challenge disparate pay each time it is received. The EEOC’s Compliance Manual provides that “repeated occurrences of the same discriminatory employment action, such as discriminatory paychecks, can be challenged as long as one discriminatory act occurred within the charge filing period.” 2 EEOC Compliance Manual §2–IV–C(1)(a), p. 605:0024, and n. 183 (2006); cf. *id.*, §10–III, p. 633:0002 (Title VII requires an employer to eliminate pay disparities attributable to a discriminatory system, even if that system has been discontinued).

The EEOC has given effect to its interpretation in a series of administrative decisions. See *Albritton v. Potter*, No. 01A44063, 2004 WL 2983682, \*2 (EEOC Office of Fed. Operations, Dec. 17, 2004) (although disparity arose and employee became aware of the disparity outside the charge-filing period, claim was not time barred because “[e]ach paycheck that complainant receives which is less than that of similarly situated employees outside of her protected classes could support a claim under Title VII if discrimination is found to be the reason for the pay discrepancy.” (citing *Bazemore*, 478 U. S., at 396)). See also *Bynum-Doles v. Winter*, No. 01A53973, 2006 WL 2096290 (EEOC Office of Fed. Operations, July 18, 2006); *Ward v. Potter*, No. 01A60047, 2006 WL 721992 (EEOC Office of Fed. Operations, Mar. 10, 2006). And in this very case, the EEOC urged the Eleventh Circuit to recognize that Ledbetter’s failure to challenge any particular pay-setting decision when that decision was made “does not deprive her of the right to seek relief for discriminatory paychecks she received in 1997 and 1998.” Brief of EEOC in Support

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of Petition for Rehearing and Suggestion for Rehearing En Banc, in No. 03–15264–GG (CA11), p. 14 (hereinafter EEOC Brief) (citing *Morgan*, 536 U. S., at 113).<sup>6</sup>

## II

The Court asserts that treating pay discrimination as a discrete act, limited to each particular pay-setting decision, is necessary to “protec[t] employers from the burden of defending claims arising from employment decisions that are long past.” *Ante*, at 11 (quoting *Ricks*, 449 U. S., at 256–257). But the discrimination of which Ledbetter complained is *not* long past. As she alleged, and as the jury found, Goodyear continued to treat Ledbetter differently because of sex each pay period, with mounting harm. Allowing employees to challenge discrimination “that extend[s] over long periods of time,” into the charge-filing period, we have previously explained, “does not leave employers defenseless” against unreasonable or prejudicial delay. *Morgan*, 536 U. S., at 121. Employers disadvantaged by such delay may raise various defenses. *Id.*, at 122. Doctrines such as “waiver, estoppel, and equitable tolling” “allow us to honor Title VII’s remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer.” *Id.*, at 121 (quoting *Zipes v. Trans World Airlines, Inc.*, 455 U. S. 385, 398 (1982)); see 536 U. S., at 121 (defense of laches may be invoked to block an employee’s suit “if he unrea-

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<sup>6</sup>The Court dismisses the EEOC’s considerable “experience and informed judgment,” *Firefighters v. Cleveland*, 478 U. S. 501, 518 (1986) (internal quotation marks omitted), as unworthy of any deference in this case, see *ante*, at 23–24, n. 11. But the EEOC’s interpretations mirror workplace realities and merit at least respectful attention. In any event, the level of deference due the EEOC here is an academic question, for the agency’s conclusion that Ledbetter’s claim is not time barred is the best reading of the statute even if the Court “were interpreting [Title VII] from scratch.” See *Edelman v. Lynchburg College*, 535 U. S. 106, 114 (2002); see *supra*, at 4–14.

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sonably delays in filing [charges] and as a result harms the defendant”); EEOC Brief 15 (“[I]f Ledbetter unreasonably delayed challenging an earlier decision, and that delay significantly impaired Goodyear’s ability to defend itself . . . Goodyear can raise a defense of laches. . .”).<sup>7</sup>

In a last-ditch argument, the Court asserts that this dissent would allow a plaintiff to sue on a single decision made 20 years ago “even if the employee had full knowledge of all the circumstances relating to the . . . decision at the time it was made.” *Ante*, at 20. It suffices to point out that the defenses just noted would make such a suit foolhardy. No sensible judge would tolerate such inexcusable neglect. See *Morgan*, 536 U. S., at 121 (“In such cases, the federal courts have the discretionary power . . . to locate a just result in light of the circumstances peculiar to the case.” (internal quotation marks omitted)).

Ledbetter, the Court observes, *ante*, at 21, n. 9, dropped an alternative remedy she could have pursued: Had she persisted in pressing her claim under the Equal Pay Act of 1963 (EPA), 29 U. S. C. §206(d), she would not have encountered a time bar.<sup>8</sup> See *ante*, at 21 (“If Ledbetter had pursued her EPA claim, she would not face the Title VII obstacles that she now confronts.”); cf. *Corning Glass Works v. Brennan*, 417 U. S. 188, 208–210 (1974). Nota-

<sup>7</sup>Further, as the EEOC appropriately recognized in its brief to the Eleventh Circuit, Ledbetter’s failure to challenge particular pay raises within the charge-filing period “significantly limit[s] the relief she can seek. By waiting to file a charge, Ledbetter lost her opportunity to seek relief for any discriminatory paychecks she received between 1979 and late 1997.” EEOC Brief 14. See also *supra*, at 12–13.

<sup>8</sup>Under the EPA 29 U. S. C. §206(d), which is subject to the Fair Labor Standards Act’s time prescriptions, a claim charging denial of equal pay accrues anew with each paycheck. 1 B. Lindemann & P. Grossman, *Employment Discrimination Law* 529 (3d ed. 1996); cf. 29 U. S. C. §255(a) (prescribing a two-year statute of limitations for violations generally, but a three-year limitation period for willful violations).

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bly, the EPA provides no relief when the pay discrimination charged is based on race, religion, national origin, age, or disability. Thus, in truncating the Title VII rule this Court announced in *Bazemore*, the Court does not disarm female workers from achieving redress for unequal pay, but it does impede racial and other minorities from gaining similar relief.<sup>9</sup>

Furthermore, the difference between the EPA's prohibition against paying unequal wages and Title VII's ban on discrimination with regard to compensation is not as large as the Court's opinion might suggest. See *ante*, at 21. The key distinction is that Title VII requires a showing of intent. In practical effect, "if the trier of fact is in equipoise about whether the wage differential is motivated by gender discrimination," Title VII compels a verdict for the employer, while the EPA compels a verdict for the plaintiff. 2 C. Sullivan, M. Zimmer, & R. White, *Employment Discrimination: Law and Practice* §7.08[F][3], p. 532 (3d ed. 2002). In this case, Ledbetter carried the burden of persuading the jury that the pay disparity she suffered was attributable to intentional sex discrimination. See *supra*, at 1–2; *infra*, this page and 18.

### III

To show how far the Court has strayed from interpretation of Title VII with fidelity to the Act's core purpose, I return to the evidence Ledbetter presented at trial. Ledbetter proved to the jury the following: She was a member of a protected class; she performed work substan-

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<sup>9</sup>For example, under today's decision, if a black supervisor initially received the same salary as his white colleagues, but annually received smaller raises, there would be no right to sue under Title VII outside the 180-day window following each annual salary change, however strong the cumulative evidence of discrimination might be. The Court would thus force plaintiffs, in many cases, to sue too soon to prevail, while cutting them off as time barred once the pay differential is large enough to enable them to mount a winnable case.

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tially equal to work of the dominant class (men); she was compensated less for that work; and the disparity was attributable to gender-based discrimination. See *supra*, at 1–2.

Specifically, Ledbetter’s evidence demonstrated that her current pay was discriminatorily low due to a long series of decisions reflecting Goodyear’s pervasive discrimination against women managers in general and Ledbetter in particular. Ledbetter’s former supervisor, for example, admitted to the jury that Ledbetter’s pay, during a particular one-year period, fell below Goodyear’s minimum threshold for her position. App. 93–97. Although Goodyear claimed the pay disparity was due to poor performance, the supervisor acknowledged that Ledbetter received a “Top Performance Award” in 1996. *Id.*, at 90–93. The jury also heard testimony that another supervisor—who evaluated Ledbetter in 1997 and whose evaluation led to her most recent raise denial—was openly biased against women. *Id.*, at 46, 77–82. And two women who had previously worked as managers at the plant told the jury they had been subject to pervasive discrimination and were paid less than their male counterparts. One was paid less than the men she supervised. *Id.*, at 51–68. Ledbetter herself testified about the discriminatory animus conveyed to her by plant officials. Toward the end of her career, for instance, the plant manager told Ledbetter that the “plant did not need women, that [women] didn’t help it, [and] caused problems.” *Id.*, at 36.<sup>10</sup> After weighing all the evidence, the jury found for Ledbetter, concluding that the pay disparity was due to intentional discrimination.

Yet, under the Court’s decision, the discrimination Ledbetter proved is not redressable under Title VII. Each

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<sup>10</sup>Given this abundant evidence, the Court cannot tenably maintain that Ledbetter’s case “turned principally on the misconduct of a single Goodyear supervisor.” See *ante*, at 12–13, n. 4.

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and every pay decision she did not immediately challenge wiped the slate clean. Consideration may not be given to the cumulative effect of a series of decisions that, together, set her pay well below that of every male area manager. Knowingly carrying past pay discrimination forward must be treated as lawful conduct. Ledbetter may not be compensated for the lower pay she was in fact receiving when she complained to the EEOC. Nor, were she still employed by Goodyear, could she gain, on the proof she presented at trial, injunctive relief requiring, prospectively, her receipt of the same compensation men receive for substantially similar work. The Court's approbation of these consequences is totally at odds with the robust protection against workplace discrimination Congress intended Title VII to secure. See, e.g., *Teamsters v. United States*, 431 U. S., at 348 ("The primary purpose of Title VII was to assure equality of employment opportunities and to eliminate . . . discriminatory practices and devices . . . ." (internal quotation marks omitted)); *Albemarle Paper Co. v. Moody*, 422 U. S. 405, 418 (1975) ("It is . . . the purpose of Title VII to make persons whole for injuries suffered on account of unlawful employment discrimination.").

This is not the first time the Court has ordered a cramped interpretation of Title VII, incompatible with the statute's broad remedial purpose. See *supra*, at 10–12. See also *Wards Cove Packing Co. v. Atonio*, 490 U. S. 642 (1989) (superseded in part by the Civil Rights Act of 1991); *Price Waterhouse v. Hopkins*, 490 U. S. 228 (1989) (plurality opinion) (same); 1 B. Lindemann & P. Grossman, *Employment Discrimination Law* 2 (3d ed. 1996) ("A spate of Court decisions in the late 1980s drew congressional fire and resulted in demands for legislative change[.]" culminating in the 1991 Civil Rights Act (footnote omitted)). Once again, the ball is in Congress' court. As in 1991, the Legislature may act to correct this Court's parsimonious reading of Title VII.

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\* \* \*

For the reasons stated, I would hold that Ledbetter's claim is not time barred and would reverse the Eleventh Circuit's judgment.



S. 181

One Hundred Eleventh Congress  
of the  
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,  
the sixth day of January, two thousand and nine*

An Act

To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Lilly Ledbetter Fair Pay Act of 2009”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The *Ledbetter* decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person’s right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

**SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.**

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or

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when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.”.

**SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.**

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”;

(2) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(3) by adding at the end the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.”.

**SEC. 5. APPLICATION TO OTHER LAWS.**

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

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(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e–5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation”); and

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)”.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:  
“(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.”

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

**SEC. 6. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*



PUBLIC LAW 111-2—JAN. 29, 2009

123 STAT. 5

Public Law 111-2  
111th Congress

An Act

To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Jan. 29, 2009

[S. 181]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Lilly Ledbetter Fair Pay Act of 2009”.

Lilly Ledbetter  
Fair Pay Act  
of 2009.  
42 USC 2000a  
note.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The *Ledbetter* decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person’s right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

42 USC 2000e-5  
note.

**SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.**

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or

when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.”

#### SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”;

(2) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(3) by adding at the end the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.”

#### SEC. 5. APPLICATION TO OTHER LAWS.

42 USC 2000e-5  
note.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

42 USC 2000e-5  
note.

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e-5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation”); and

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)”.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

“(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.”.

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

**SEC. 6. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

42 USC 2000e-5  
note.

Approved January 29, 2009.

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**LEGISLATIVE HISTORY—S. 181 (H.R. 11):**

CONGRESSIONAL RECORD, Vol. 155 (2009):

Jan. 15, 21, 22, considered and passed Senate.

Jan. 27, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

Jan. 29, Presidential remarks.



## Citizen

A citizen is a full and equal member of a political community, such as a country or nation-state. Such membership is a necessary condition for the establishment and maintenance of a democracy. The citizens are “the people” to whom a democratic government is accountable. In most countries, the status of a natural citizen is derived primarily or even exclusively from one’s parents; if the parents are citizens, then their children automatically become citizens, too. If one does not have a birthright to citizenship, either through one’s parents or place or birth, there usually are legal procedures by which a person can become a *naturalized* citizen of a country. A country’s constitution and the laws based on it specify the means for obtaining the status of citizen. For example, the 14th Amendment of the U.S. Constitution says, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

In a democracy, all citizens, both natural and naturalized, are equal before the law. For example, the constitution of Italy says, “All citizens have the same social dignity and are equal before the law, without discrimination of sex, race, language, religion, political opinion, and personal or social conditions.” In a constitutional democracy, all citizens have the same fundamental rights, duties, and responsibilities.

All citizens have a common *civic identity* based on their freely given consent to basic principles and values of their country’s constitutional democracy. In countries with great religious, racial, or ethnic diversity, a common civic identity among all citizens is the tie that binds them together under their constitutional and democratic government.

A passport is evidence of a person’s status as a citizen of a particular nation. A citizen of one country usually needs a passport to enter and depart legally from another country.

SEE ALSO Citizenship; Government, Constitutional and Limited; Popular Sovereignty; State

## Citizenship

Citizenship is the legal relationship between citizens and their government and country. Citizens owe their government loyalty, support, and service. The government owes the citizens the protection of constitutionally guaranteed rights to life, liberty, property, and equal justice under law.

The rights of citizenship are set forth in the constitution of a democratic government, which may distinguish between the rights of citizens and noncitizens within the country. For example, in the United States, only citizens have the right to vote, serve on juries, and be elected to certain offices of the government, and only a natural-born citizen can become President. All other constitutional rights are guaranteed to citizens and noncitizens alike.

Citizenship in a democracy entails serious responsibilities. For example, good citizens in a democracy exhibit civic engagement, which means they are ready, willing, and able to use their constitutionally protected political rights to advance the common good. Citizens are expected to be loyal and patriotic, to assume responsibility for the defense of their country against internal and external threats or attacks. Citizenship also entails certain duties, such as paying taxes, serving on juries when summoned, joining the country's armed forces if drafted, and obeying the laws.

In the world today, citizenship is the fundamental condition that connects individuals to the protective institutions of a democratic government and provides the means through which they can participate politically and civically in their governance. The rights, responsibilities, and duties of citizenship in a democracy have practical meaning today only within a particular kind of political order, a constitutional democracy. Only within the authority of a democratically governed country are there dependable institutional means to enforce constitutional guarantees of rights.

SEE ALSO Citizen; Civil Society; Government, Constitutional and Limited; State

## Civic Education

A democracy depends upon the competent participation of its citizens in government and civil society. This can only happen when the people are educated for citizenship in a democracy. Therefore, all democratic countries provide formal and informal opportunities for civic education, or teaching and learning about citizenship. Formal civic education is carried out through the curriculum of schools, and informal civic education occurs through the interaction of individuals in various societal organizations.

Civic education is teaching the knowledge, skills, and virtues needed for competent citizenship in a democracy. Unlike despotic forms of government, in which the people are merely passive receivers of orders from their rulers, democracy involves a significant measure of independent thinking and popular decision making. A democracy cannot be maintained unless the citizens are educated sufficiently to carry out certain duties and responsibilities of a self-governing people, such as voting intelligently, communicating effectively about public issues, cooperating with others to solve common problems, and making judgments about the performance of their government.

Wherever in the world democracy exists, schools are expected to prepare students for citizenship through civic education. The society outside the school also provides lifelong opportunities for civic education through the mass media and by participation in community service organizations and political parties.

The primary component of civic education is imparting the knowledge needed for citizens' informed participation in their democracy. Informed citizens have basic knowledge of such subjects as history, economics, geography, and government or political science. They comprehend core concepts of democracy, the constitution and institutions of democracy in their own country, and public issues in the past and present pertaining to the practice of democracy.

## Civic Education | 21

A second component of civic education is developing the intellectual and practical skills that enable citizens to use knowledge effectively as they act individually and collectively in the public life of their democracy. These skills include the capacities of citizens to read, write, and speak effectively; to think critically; and to make and defend sound judgments about public issues. Skills of thinking and participating, in combination with civic knowledge, enable citizens with common interests to influence the decisions of their representatives in government.

A third component of civic education is encouraging the virtues that dispose citizens positively to the ideals and principles of their democracy. Examples of these civic virtues are civility, honesty, charity, compassion, courage, loyalty, patriotism, and self-restraint. These character traits prompt citizens to contribute to the well-being of their community and democracy.

Civic education is needed to maintain democracy, because citizens fit for self-government are made, not born. The preservation of democracy in any country requires that each generation of the people learn what their democracy is, how to participate responsibly and effectively in it, and why they should try to keep and improve it.

SEE ALSO Citizen; Civil Society; Participation; Virtue, Civic

## Participation

Participation by citizens in their civil society and government is a necessary, if not sufficient, condition of democracy. Civic participation refers to the voluntary activities of citizens in forming and sustaining independent nongovernmental organizations that contribute to the well-being of the community. Political participation pertains to the activities of individuals and groups aimed at influencing the public policy decisions of their government. Through their political participation, citizens prompt their representatives in government to be accountable to the people. Unless there is some significant level of free and independent participation by citizens in the work of their civil society and government, there cannot be an authentic democracy.

The most common form of political participation by citizens is voting in elections for their representatives in government. By voting for or against particular candidates or political parties, citizens signify their approval or rejection of their representatives' performances. Thus, participation in elections is one way citizens can make their government responsive and accountable to the people.

In some democracies, citizens use the *initiative* and *referendum* to participate with the legislature in making laws, under certain conditions specified by the constitution. The *initiative* is the right of citizens to propose a law or a constitutional amendment either directly for public vote, or via a vote of the legislature through the submission of a petition signed by a requisite number of eligible voters. Thus, the initiative is a means by which citizens can place items directly on the lawmaking agenda or force their representatives in government to consider the matter.

The *referendum* is the right of citizens to approve or reject a law that their legislature has enacted. If a requisite number of citizens sign and submit a petition to their government during a specified period before a law becomes operational, then it is placed before the voters in an election. If a majority votes against the proposition, then the law is rejected. In some democracies, amendments to the constitution cannot become operational unless they are approved by a majority of the citizens in a country-

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wide referendum.

The rights of initiative or referendum are included in the constitutions of some parliamentary democracies. For example, Article 68 of the constitution of Lithuania says, “Citizens of the Republic of Lithuania shall have the right of legislative initiative. A draft law may be submitted to the *Seimas* [parliament] by 50,000 citizens of the Republic of Lithuania who have the right to vote. The Seimas must consider this draft law.” The constitution of Estonia provides the right of referendum in Article 105, which says,

The *Riigikogu* [parliament] shall have the right to put draft laws or other national issues to a referendum. The decision of the people shall be determined by the majority of those who participate in the referendum. A law which has been adopted by referendum shall be immediately proclaimed by the President of the Republic.

The constitutions of many democracies, including that of the United States, do not include the rights of initiative and referendum. However, more than half of the 50 U.S. states have constitutions that provide either the referendum or initiative or both of these procedures.

In addition to voting for representatives in government and using the initiative and referendum, other kinds of political participation in a democracy include:

- working in an election campaign to support a political candidate or political party
- contacting a legislator in order to influence her or his decision about a public policy issue
- writing a letter to a newspaper or writing a blog to influence public opinion about an issue
- donating money to the election campaign of a candidate or a political party
- organizing or joining a lawful public demonstration to support or oppose a public policy option or decision
- supporting an interest group in order to promote particular public policies

Proponents of a *participatory model of democracy* advocate a high level of citizen participation in order to make sure that the government is responsive and accountable to the people it represents. They want citizens to be involved to the maximum extent in activities that might influence decisions in government in order to ensure that democracy is based on the will of the people. In particular, they favor constitutional provisions for citizens to participate directly in the legislative process, such as the initiative and referendum.

By contrast, some advocates of the *liberal model of democracy*, while supporting the political participation of citizens, are most concerned with establishing and maintaining constitutional protections for individuals' personal rights to seek fulfillment on their own terms. This approach may encourage citizens to emphasize private pursuits instead of intense political participation. Some advocates of the liberal model emphasize the individual's freedom to choose, without undue public pressure, the extent to which he or she will participate politically and civically. By contrast, advocates of the participatory model of democracy claim that intensive and continuous participation by citizens is the best means both to personal fulfillment and to promotion of the common good.

An ongoing question about democracy concerns the extent, intensity, and immediacy of participation that is necessary to make democracy work for the benefit of the people. If democracy is not extensively participatory, can it really be government of, by, and for the people? Or is a heavy reliance on the representatives of the people, who are judged periodically by citizens through public elections, sufficient to sustain an authentic constitutional democracy?

SEE ALSO Citizenship; Civil Society; Elections; Liberalism; Pluralism; Political Party; Popular Sovereignty; Republicanism; Rights

## Rule of Law

In a limited government administered according to the rule of law, the rulers use power following established principles and procedures based on a constitution. By contrast, when the rulers wield power capriciously, there is rule by the unbridled will of individuals without regard for established law. The rule of law is an essential characteristic of every constitutional democracy that guarantees rights to liberty. It prevails in the government, civil society, and market economy of every state with a functional constitution.

The rule of law exists when a state's constitution functions as the supreme law of the land, when the statutes enacted and enforced by the government invariably conform to the constitution. For example, the second clause of Article 6 of the U.S. Constitution says,

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding.

The third clause of Article 6 says, "The Senators and Representatives before mentioned and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this Constitution." These statements about constitutional supremacy have been functional throughout the history of the United States, which is the reason that the rule of law has prevailed from the country's founding era until the present.

The rule of law, however, is not merely rule by law; rather, it demands equal justice for each person under the authority of a constitutional government. So, the rule of law exists in a democracy or any other kind of political system only when the following standards are met:

- laws are enforced equally and impartially
- no one is above the law, and everyone under the authority of the constitution is obligated equally to obey the law
- laws are made and enforced according to established procedures, not the rulers' arbitrary will
- there is a common understanding among the people about the requirements of the law and the consequences of violating the law
- laws are not enacted or enforced retroactively
- laws are reasonable and enforceable

There is a traditional saying about the rule of law in government: "It is a government of laws and not of men and women." When the rule of law prevails in a democracy, there is equal justice and ordered liberty in the lives of the people. In this case, there is an authentic constitutional democracy. When rule of law does not prevail, there is some form of despotism in which power is wielded arbitrarily by a single person or party.

SEE ALSO Constitutionalism; Government, Constitutional and Limited

- Video Transcript -

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00:00:23 **There are three branches of government: Congress writes the law, the Executive enforces the law and the Judicial interprets the law.**

00:00:30 **VALERIE JARRETT:** THE SUPREME COURT ISN'T ALLOWED TO LOOK AT WHAT POPULAR OPINION MIGHT BE. THEY REALLY ARE INTERPRETING THE LAW AS THEY SEE IT.

00:00:36 **But what if the Court interprets a law, and the people don't see it that way? That's the story of one 70-year-old grandmother from Alabama who lost in one branch, then won in another.**

00:00:50 **Gadsden, Alabama, is home of the Noccalula Falls and the Broad St. Bridge. It's just about an hour north of the Talladega Superspeedway. And in 1979, if you were looking for a job in Gadsden, the place to start was the Goodyear Tire Company.**

00:01:07 **JERROLD NADLER:** THE RUBBER COMPANY. THE PEOPLE WITH THE BLIMP

00:01:09 **And looking for a job was Lilly Ledbetter. . .**

00:01:13 **LILLY LEDBETTER:** PEOPLE MAKE FUNNY COMMENTS ABOUT MY NAME.

00:01:17 **Lilly Ledbetter was already a manager at an accounting firm when she decided she wasn't living her dream and it was time, well, for the rubber to meet the road--you see, Lilly loved radial tires.**

00:01:30 **LILLY LEDBETTER:** MY FATHER'D BEEN A MECHANIC ALL HIS LIFE AND I JUST KNEW THAT RADIAL TIRES WERE THE WAY OF THE FUTURE.

00:01:38 **She wanted to secure her own future, so she landed a job at Goodyear.**

00:01:42 **LILLY LEDBETTER:** I WAS HIRED ON FEBRUARY 5TH, 1979.

00:01:46 **DEBORAH BRAKE:** LILLY LEDBETTER WORKED AT THE GADSDEN PLANT AS AN AREA MANAGER FOR 19 YEARS. SHE DID THE OVERNIGHT SHIFT FOR A GOOD PERIOD OF THAT TIME. AND FOR MANY YEARS SHE WAS THE ONLY WOMAN HOLDING THAT JOB.

00:02:00 **LILLY LEDBETTER:** THE MEN DID NOT APPRECIATE A WOMAN BEING IN A POSITION THAT COULD TELL THEM WHAT TO DO.

00:02:06 **COMMERCIAL:** THIS FLAT TIRE NEEDS A MAN. BUT, WHEN THERE'S NO MAN AROUND . . .

00:02:15 **Look at this--this is an actual commercial that ran during "Monday Night Football" just a few years before Lilly was hired.**

00:02:22 **COMMERCIAL:** WHEN THERE'S NO MAN AROUND, GOODYEAR SHOULD BE.

## Video transcript: A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.*

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00:02:28 **Okay, times were a little different, but Lilly knew what she was up against, and still did her job well. For almost 20 years, Lilly managed the men who worked for her, won honors for her management skills, and supervised the making of tons--literally, tons--of radial tires. Still, week by week, tire by tire, Lilly didn't know it, but she was falling farther and farther behind the men in pay.**

00:02:57 **LILLY LEDBETTER:** AT GOODYEAR, UM, I WAS TOLD WHEN I HIRED IN YOU NEVER DISCUSS YOUR PAY WITH ANYONE.

00:03:02 **DEBORAH BRAKE:** LIKE MANY COMPANIES, GOODYEAR HAD A PAY CONFIDENTIALITY POLICY. THEY DID NOT SHARE PAY INFORMATION WITH OTHER WORKERS.

00:03:09 **JOANNA GROSSMAN:** EMPLOYERS WANT PAY TO BE SECRET BECAUSE THEY DON'T WANT EMPLOYEES TO BE JEALOUS OF ONE ANOTHER OR RESENTFUL OF WHAT OTHER PEOPLE GET PAID. THE PROBLEM THAT LILLY LEDBETTER FACED IS A VERY COMMON PROBLEM WITH RESPECT TO PAY, WHICH IS THAT YOU MAY WELL BE THE VICTIM OF DISCRIMINATION AND YET NOT KNOW IT.

00:03:31 **For years, Lilly got checks every payday just like the other employees. She got raises on a regular basis. It all felt normal, but. . .**

00:03:38 **JOANNA GROSSMAN:** SHE HEARD RUMORS ABOUT WHAT OTHER PEOPLE WERE PAID. SHE HAD SOME SUSPICIONS BASED ON LITTLE PIECES OF INFORMATION SHE PICKED UP HERE AND THERE.

00:03:49 **And then one night, just before she was about to retire, Lilly found out the rumors were true when she came into work. . .**

00:03:56 **LILLY LEDBETTER:** AND I REACH INTO MY LITTLE CUBBY HOLE WHERE I CALL A MAILBOX AT WORK, AND I DRAGGED OUT MY MAIL. AND IN THAT IS A TORN ROUGH SQUARE OF PAPER AND I LOOKED AT IT, I SAW 4 FIRST NAMES, I SAW THE BASE SALARIES. UH, I KNEW IT WAS TRUE BECAUSE MINE WAS CORRECT. \$3,727 BASE SALARY PER MONTH. I WAS DEVASTATED.

00:04:23 **Lilly decided to sue Goodyear.**

00:04:25 **LILLY LEDBETTER:** THERE WAS NO ONE ELSE CLOSE TO WHAT I WAS BEING PAID WITH MY TRACK RECORD AND MY LENGTH OF SERVICE. GUY MAY BE MAKING \$60 AN HOUR WHERE I'M STILL ONLY MAKING 30. NOW IF THAT'S NOT DISCRIMINATION, I DON'T KNOW WHAT IT IS.

00:04:42 **Now, there has always been a gap in the wages that men and women are paid. Always. And the wage gap is still huge today.**

00:04:51 **VALERIE JARRETT:** A WAGE GAP IS WHERE MEN AND WOMEN DO THE EXACT SAME JOB, THE EXACT SAME HOURS, AND THEY'RE NOT PAID THE SAME AMOUNT. AND SO

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NATIONALLY, WOMEN MAKE ABOUT SEVENTY SEVEN CENTS ON THE DOLLAR THAT MEN MAKE.

00:05:05 **DEBORAH BRAKE:** YOU CAN REALLY START A DEBATE AMONG SOCIAL SCIENTISTS ABOUT THAT QUESTION: WHY DO WOMEN EARN LESS? YOU CAN TRY TO ACCOUNT FOR EVERYTHING YOU CAN THINK OF: EDUCATION, EXPERIENCE, JOB CATEGORY. . .

00:05:18 **TANYA HERNANDEZ:** IT'S NOT BECAUSE THEY'RE HOME, TAKING CARE OF FAMILY. THIS IS ACROSS THE BOARD THAT WOMEN DON'T EARN AS MUCH AS MEN.

00:05:25 **VALERIE JARRETT:** IT SOUNDS JUST TOTALLY AND PATENTLY UNFAIR AND IT IS.

00:05:30 **The gap in Lilly's pay was even greater than the normal wage gap. Lilly was only making as little as 60 cents for every dollar the men in her position made--that's up to 40% less.**

00:05:43 **Think about it this way: After being paid less money each week for over 19 years, Lilly ended up making hundreds of thousands of dollars less than the men. The jury in Lilly's case awarded her over 3 million dollars.**

00:05:57 **JOANNA GROSSMAN:** THE JURY IN LILLY LEDBETTER'S CASE CLEARLY FELT THAT GOODYEAR HAD ACTED EGREGIOUSLY. THE THREE MILLION DOLLAR NUMBER IS A VERY HIGH NUMBER FOR THIS SORT OF A CASE.

00:06:08 **LILLY LEDBETTER:** I JUST WANTED TO STAND UP AND SHOUT, AND THANK THEM, AND THANK THEM

00:06:12 **But the law limits the amount a jury can award someone in a case like this to 300,000 dollars plus two years of salary at a non-discriminatory rate, so the judge reduced Lilly's award, from over 3.5 million dollars, down to 360,000. It was still a victory for Lilly --then Goodyear appealed.**

00:06:34 **DEBORAH BRAKE:** AND HERE'S WHERE IT GETS COMPLICATED. SO LILLY LEDBETTER WINS THIS GREAT JURY VERDICT, AND THEN SOMETHING HAPPENED TO COMPLETELY UNSETTLE THE CASE.

00:06:45 **The 11th Circuit Court of Appeals ruled in Goodyear's favor. But the Court of Appeals didn't rule that Goodyear was not liable. It ruled that Lilly missed the 180-day filing deadline.**

00:06:57 **LILLY LEDBETTER:** THE 11TH CIRCUIT CAME BACK AND SAID THAT I SHOULD HAVE FILED WITHIN 180 DAYS WHEN MY PAY WAS INITIALLY SET, THAT I DEFINITELY HAD A DISCRIMINATION CASE --I WAS TOO LATE IN MY FILING.

00:07:11 **JERROLD NADLER:** THERE ARE GOOD REASONS IN THE LAW FOR HAVING A FINALITY FOR EVERY DEADLINE. IF YOU'RE RUNNING A BUSINESS, YOU MIGHT KNOW THAT THERE'S A

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CERTAIN PERIOD IN WHICH YOU RISK A LAWSUIT, BUT YOU SHOULDN'T HAVE TO WORRY ABOUT IT FOR 30 YEARS.

00:07:22 **Sounds reasonable. But here's where the courts come in. What exactly does 180 days mean?**

00:07:29 **LILLY LEDBETTER:** THAT IS PLENTY OF TIME TO FILE A CHARGE ONCE YOU KNOW, BUT IF YOU DON'T KNOW YOU CAN'T DO ANYTHING ABOUT IT.

00:07:37 **Is it 180 days from the day the decision was made to discriminate, even if the victim didn't know about the discrimination? Or is it 180 days from the check that comes after the victim finds out?**

00:07:50 **Congress passed two main federal laws to ensure women are treated fairly on the job. The Equal Pay Act specifically called for men and women doing exactly the same job to get equal pay. It was passed by Congress in 1963, and signed by President John F. Kennedy.**

00:08:08 **JFK:** I MUST SAY I AM A STRONG BELIEVER IN EQUAL PAY FOR EQUAL WORK. AND I THINK THAT WE OUGHT TO DO BETTER THAN WE'RE DOING.

00:08:18 **And the following year, after President Kennedy's assassination, Congress passed the Civil Rights Act of 1964, signed by President Lyndon Johnson. Martin Luther King Jr. and other civil rights leaders fought for this law, which dealt with everything from voter protection to desegregating public spaces. Among its key provisions or titles is Title 7.**

00:08:39 **DEBORAH BRAKE:** TITLE 7 IS ONE OF OUR MOST IMPORTANT CIVIL RIGHTS STATUTES THAT GOVERNS EMPLOYMENT DISCRIMINATION IN THE WORKPLACE. IT MAKES IT UNLAWFUL TO DISCRIMINATE AGAINST EMPLOYEES BASED ON RACE, SEX, ETHNICITY, COLOR, RELIGION AND NATIONAL ORIGIN. AND IT IS PROBABLY OUR SINGLE MOST IMPORTANT CIVIL RIGHTS STATUTE WHEN IT COMES TO ENSURING EQUAL OPPORTUNITY IN THE AREA THAT HITS PEOPLE THE HARDEST, THE WORKPLACE.

00:09:10 **LBJ:** IT RECEIVED THE BIPARTISAN SUPPORT OF MORE THAN TWOTHIRDS OF THE MEMBERS OF BOTH THE HOUSE AND THE SENATE. AN OVERWHELMING MAJORITY OF REPUBLICANS AS WELL AS DEMOCRATS VOTED FOR IT.

00:09:28 **This is representative government. Congress and the Presidents who signed these laws were responding to concerns voiced by their constituents.**

00:09:35 **GEOFFREY STONE:** THE CIVIL RIGHTS STATUTES WERE THE RESULT OF MANY YEARS OF CIVIL RIGHTS PROTESTS AND DEMONSTRATIONS. IT'S REALLY ABOUT THE RESPONSIVENESS OF THE AMERICAN POLITICAL SYSTEM TO THE WILL OF THE PEOPLE.

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00:09:47 **JOANNA GROSSMAN:** CONGRESS OVER THE YEARS HAS ACKNOWLEDGED WORKPLACE INEQUALITY AS A MAJOR SOCIAL PROBLEM THAT INTERFERES WITH EVERYONE'S ABILITY TO COMPETE ON EQUAL TERMS.

00:09:57 **JERROLD NADLER:** THE PURPOSE OF THE LAW WAS TO STOP PEOPLE FROM BEING PAID UNEQUALLY

00:10:00 **And since 1964, appellate courts had all ruled that a suit could be filed 180 days after the victim received a discriminatory paycheck --even if that check came years after the discrimination began, because a victim might not know she was a victim until she found out what everyone else was paid.**

00:10:20 **JOANNA GROSSMAN:** THAT RULE WAS CALLED THE PAYCHECK ACCRUAL RULE, AND UNDER THE PAYCHECK ACCRUAL RULE, EVERY TIME THE EMPLOYER WRITES OUT A DISCRIMINATORY PAYCHECK THE STATUTE OF LIMITATIONS STARTS OVER.

00:10:32 **But this type of case had never made it as high as the Supreme Court. So when the appeals court in the Ledbetter case disagreed with all the other courts before it, the Supreme Court decided to step in. This case was no longer about discrimination. . .**

00:10:47 **DEBORAH BRAKE:** THE JURY VERDICT WAS NEVER OVERTURNED.

00:10:50 **TANYA HERNANDEZ:** THE JURY FOUND THAT SHE HAD PROVEN HER CASE. SHE FACED DISCRIMINATION.

00:10:55 **By the time it got to the Supreme Court, the Ledbetter case was about how to interpret the statute of limitations in Title 7.**

00: 11:03 **JOANNA GROSSMAN:** THE QUESTION THAT WENT TO THE SUPREME COURT WAS WHEN DOES THE 180 DAYS START TO RUN?WHAT GOODYEAR SAID WAS, IT DOESN'T MATTER WHETHER WE PAID HER LESS BECAUSE SHE WAS A WOMAN OR NOT, 'CAUSE THIS HAPPENED TOO LONG AGO SO SHE SIMPLY FILED HER CLAIM TOO LATE.

00:11:20 **TANYA HERNANDEZ:** WHAT LEDBETTER WAS ARGUING IS THAT HER 180 DAYS COULD RESET EACH TIME SHE GOT A PAYCHECK THAT PAID HER AN UNFAIR AMOUNT.

00:11:29 **Now, there are other films that tell that rare, very American story of an average, everyday person taking their case all the way to the Supreme Court and winning. This isn't one of those. Lilly lost.**

00:11:44 **DEBORAH BRAKE:** THE MAJORITY OPINION FOR THE COURT ADOPTED GOODYEAR'S ARGUMENTS AND THE 11TH CIRCUIT RULING THAT THE DISCRIMINATORY ACT THAT STARTS THE CLOCK TICKING IS THE INTENTIONAL DECISION ITSELF TO PAY SOMEONE LESS BECAUSE OF THEIR SEX--NOT THE RECEIPT OF THE DISCRIMINATORY PAYCHECK.

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00:12:05 **It was a 5 to 4 majority opinion written by Justice Samuel Alito that said the injured party should have 180 days to sue starting from the time that the decision to discriminate was made. After that, Justice Alito argued, the statute of limitations should be enforced.**

00:12:22 **TANYA HERNANDEZ:** JUSTICE ALITO AGREED WITH GOODYEAR

00:12:25 **That day Justice Alito read the decision from the bench.**

00:12:28 **SAMUEL ALITO (READING DECISION):** AN EEOC CHARGE MUST BE FILED WITHIN 180 DAYS OF THE UNLAWFUL EMPLOYMENT DECISION ITSELF EVEN IF ITS EFFECTS ARE NOT FELT UNTIL LATER.

00:12:38 **When Justice Alito was done. . .**

00:12:40 **SAMUEL ALITO (READING DECISION):** WE THEREFORE AFFIRM THE JUDGMENT OF THE 11TH CIRCUIT.

00:12:44 **A conflict between the Justices was about to become a conflict between the three branches of the federal government.**

00:12:50 **SAMUEL ALITO (READING DECISION):** JUSTICE GINSBURG HAS FILED A DISSENTING OPINION

00:12:53 **JOANNA GROSSMAN:** WHEN THE LEDBETTER CASE CAME TO THE SUPREME COURT THERE WAS ONLY ONE FEMALE JUSTICE ON THE COURT, JUSTICE RUTH BADER GINSBURG.

00:13:00 **MICHAEL FITTS:** JUSTICE GINSBURG WAS THE LEADING LITIGATOR ON SEX DISCRIMINATION CASES IN THE UNITED STATES.

00:13:08 **Justice Ruth Bader Ginsburg was the first woman to make law review at both Columbia and Harvard. She wrote the first legal textbook on sex discrimination cases. So when she took the unusual step of reading her dissent from the bench in the Ledbetter case, everyone understood the significance of the moment.**

00:13:26 **GEOFFREY STONE:** IT'S VERY UNUSUAL FOR JUSTICES TO READ FROM THE BENCH WHEN A DECISION IS ANNOUNCED. THEY WANT TO MAKE A POINT.

00:13:33 **TANYA HERNANDEZ:** WHEN A SUPREME COURT JUSTICE DECIDES TO READ A DISSENTING OPINION FROM THE BENCH OF THE SUPREME COURT SHE'S FORCEFULLY DISAGREEING.

00:13:42 **DEBORAH BRAKE:** SHE SAID THAT THE MAJORITY GOT THIS ISSUE COMPLETELY WRONG.

00:13:47 **RUTH BADER GINSBURG (READING DISSENT):** TITLE 7 WAS MEANT TO GOVERN REAL WORLD EMPLOYMENT PRACTICES AND THAT WORLD IS WHAT THE COURT IGNORES TODAY.

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00:13:54 Quietly, calmly, Justice Ginsburg read a summary of her dissent. . .

00:14:00 **RUTH BADER GINSBURG (READING DISSENT):** COMPARATIVE PAY INFORMATION IS NOT ROUTINELY COMMUNICATED TO EMPLOYEES, INSTEAD IT IS OFTEN HIDDEN FROM THE EMPLOYEES' VIEW.

00: 14:08 **And before Justice Ginsburg finishes, there's something I need to tell you. Back in 1991, after the Court had handed down some decisions interpreting the Civil Rights Act in a way that Congress thought did it harm, Congress changed the law, basically telling the Court, we didn't like your interpretation. With that in mind, Justice Ginsburg ended her dissent in Ledbetter with this:**

00:14:39 **RUTH BADER GINSBURG (READING DISSENT):** TODAY, THE BALL AGAIN LIES IN CONGRESS' COURT AS IN 1991 THE LEGISLATURE HAS CAUSE TO NOTE AND TO CORRECT THIS COURT'S PARSIMONIOUS READING OF TITLE 7.

00:14:52 **Justice Ginsburg called on Congress to change the law so that the Supreme Court's decision wouldn't stand.**

00:15:00 **DEBORAH BRAKE:** REMARKABLY, JUSTICE GINSBURG IN HER DISSENT GOES SO FAR AS TO SAY, "THE BALL IS IN CONGRESS'S COURT. "

00:15:07 **LILLY LEDBETTER:** JUSTICE RUTH BADER GINSBURG CHALLENGED CONGRESS TO CHANGE THE LAW BACK.

00:15:13 **TANYA HERNANDEZ:** BECAUSE THIS IS NOT A CONSTITUTIONAL CASE, IT'S A STATUTORY CASE, CONGRESS CAN GO BACK AND FIX IT.

00:15:19 **Here's the deal: there are really two types of Supreme Court decisions. One is constitutional --the Court has to go all the way back to a provision in the Constitution to determine the outcome of a case.**

00:15:31 **JOANNA GROSSMAN:** IF THE SUPREME COURT INTERPRETS A CONSTITUTIONAL PROVISION, THE SUPREME COURT ESSENTIALLY HAS THE FINAL SAY UNLESS THE CONSTITUTION ITSELF IS AMENDED.

00:15:40 **DEBORAH BRAKE:** WHICH IS A VERY CUMBERSOME PROCESS. IT DOESN'T HAPPEN VERY OFTEN. IT TAKES A SUPER MAJORITY AT MANY LEVELS TO AMEND THE CONSTITUTION.

00:15:49 **But, sometimes the Court is handing down a ruling that is interpreting or clearing up some confusion over a statute written by Congress. And that's a statutory decision.**

00:15:59 **JERROLD NADLER:** NO LAW CAN ANTICIPATE EVERY POSSIBILITY OR EVENTUALITY, OR EVERY CASE THAT MAY COME UP AND THEREFORE, COURTS ALWAYS HAVE TO INTERPRET LAWS AND SAY WHAT DID THEY MEAN.

Video Transcript: *Ledbetter v. Goodyear Tire and Rubber Company*

00:16:13 **In this case, at what point do you start counting 180 days?**

00:16:18 **JERROLD NADLER:** THAT'S A QUESTION, NOT OF CONSTITUTIONALITY, BUT OF HOW DO YOU INTERPRET WHAT CONGRESS SAID.

00:16:23 **The separation of powers doesn't just allow the three branches of the federal government to check and balance each other's power--that's what they're supposed to do. But it's not a street fight. They have to do it carefully.**

00:16:35 **RICHARD THORNBURGH:** I THINK THE RELATIONSHIPS BETWEEN THE BRANCHES CAN BE DESCRIBED AS CORDIAL BUT CAUTIOUS.

00:16:43 **VALERIE JARRETT:** YOU HAVE TO BE PRUDENT AND YOU HAVE TO WEIGH ALL KINDS OF IMPORTANT FACTORS SO YOU HAVE TO THINK ABOUT THE PRECEDENT THAT IT'S CREATING FOR YOUR SUCCESSORS AND WHETHER YOU EXERCISE A CERTAIN AMOUNT OF RESTRAINT.

00:16:56 **MICHAEL FITTS:** AND WHAT JUSTICE GINSBURG IS DOING IS ENGAGING IN A CONVERSATION WITH THE OTHER BRANCHES.

00:17:03 **DEBORAH BRAKE:** A BIG FUNCTION OF THE COURTS IS TO INTERPRET THE MEANING AND APPLICATION OF A STATUTE. BUT THAT'S NOT THE END OF THE DIALOGUE

00:17:14 **So when Justice Ginsburg called on Congress to overturn the Ledbetter decision. . .**

00:17:19 **RUTH BADER GINSBURG:** THE BALL AGAIN LIES IN CONGRESS' COURT.

00:17:22 **She believed the Supreme Court was interpreting the law in a way that Congress never intended, and she challenged Congress to fix it. And the person who picked up that challenge was Lilly Ledbetter.**

00:17:34 **LILLY LEDBETTER:** WHEN THE BALL LEFT THE SUPREME COURT AND BOUNCED INTO CONGRESS'S COURT, LILLY WENT WITH IT.

00:17:40 **So Lilly took her newly famous name and her cause across the street to the Capitol. She testified at hearings. . .**

00:17:47 **LILLY LEDBETTER (TESTIFYING AT SENATE COMMITTEE):** I HOPE THAT THIS COMMITTEE CAN DO WHATEVER IS NECESSARY TO MAKE SURE THAT IN THE FUTURE, WHAT HAPPENED TO ME DOES NOT HAPPEN TO OTHER PEOPLE WHO SUFFER DISCRIMINATION LIKE I DID.

00:18:01 **She put pressure on Congress, making her argument in the media. . .**

00:18:04 **LILLY LEDBETTER:** I WOULD GET UP AT 4 AM AND DO CALL-IN RADIO PROGRAMS. . .

Video Transcript: *Ledbetter v. Goodyear Tire and Rubber Company*

00:18:09 **LILLY LEDBETTER:** WHEN YOU GO IN, AND YOU'RE LEARNING A NEW JOB, YOU DON'T THINK ABOUT CHECKING TO SEE IF YOU'RE BEING PAID LESS BECAUSE YOU ARE A MINORITY OR A WOMAN. I WAS STILL TRYING TO LEARN WHERE ALL THE RESTROOMS WERE.

00:18:24 **Campaigning for her cause landed her on the campaign trail. She even spoke at a national convention.**

00:18:31 **LILLY LEDBETTER AT CONVENTION:** THIS ISN'T A DEMOCRATIC OR A REPUBLICAN ISSUE. IT'S A FAIRNESS ISSUE.

00:18:40 **VALERIE JARRETT:** THAT'S PART OF THE ART OF OUR SYSTEM IN THAT WHEN YOU FAIL IN THE JUDICIAL BRANCH YOU STILL HAVE ANOTHER VENUE AVAILABLE TO YOU.

00:18:46 **In fact Lilly was no longer fighting for herself. Losing her case at the Supreme Court meant that she could never recover her jury damages. Even her pension, which was based on the unfairly low salary she'd been paid all those years, would stay unfairly low. Any law that Congress might pass would only help future cases, not Lilly.**

00:19:07 **DEBORAH BRAKE:** SHE BECAME THE SPOKESPERSON BECAUSE SHE DIDN'T WANT THIS TO HAPPEN TO ANYONE ELSE. SHE DIDN'T STAND TO GAIN FROM IT.

00:19:15 **VALERIE JARRETT:** THERE WAS NEVER GOING TO BE ANY MONEY FOR HER, HER INJUSTICE WAS NEVER GOING TO BE RIGHTED. AND SHE KNEW THAT. AND YET, DESPITE THAT, SHE WAS WILLING TO FIGHT HARD ON BEHALF OF ALL THE OTHER WOMEN WHO STILL HAD AN OPPORTUNITY TO BE TREATED EQUALLY.

00:19:31 **In January, 2009, nearly two years after the Supreme Court decision, Congress passed a bill in response.**

00:19:39 **DEBORAH BRAKE:** THE LANGUAGE OF THE ACT, WHICH IS QUITE SHORT, IS CLEARLY DIRECTED AT THE RULING IN THE LEDBETTER CASE.

00:19:46 **JERROLD NADLER:** THIS WAS AGAINST THE CLEAR WILL OF CONGRESS.

00:19:48 **The statute of limitations for an equal-pay lawsuit now resets with each discriminatory paycheck. After a decade of fighting, Lilly Ledbetter had gone from the Gadsden plant to the Supreme Court to Congress, to this.**

00:20:05 **WHITE HOUSE ANNOUNCER:** LADIES AND GENTLEMEN, THE PRESIDENT OF THE UNITED STATES, ACCOMPANIED BY MRS. LILLY LEDBETTER. . .

00:20:14 **The first bill the new President signed into law was the Lilly Ledbetter Fair Pay Act.**

Video Transcript: *Ledbetter v. Goodyear Tire and Rubber Company*

00:20:21 **LILLY LEDBETTER:** THE LILLY LEDBETTER FAIR PAY ACT. I HAD ALWAYS HAD PEOPLE MAKE FUNNY COMMENTS ABOUT NY NAME LIKE IT BELONGED ON THE BEVERLY HILLBILLIES. BUT NOW, I SORT OF LIKE IT.

00:20:35 **OBAMA:** WELL, THIS IS A WONDERFUL DAY. LILLY COULD HAVE ACCEPTED HER LOT AND MOVED ON. SHE COULD HAVE DECIDED THAT IT WASN'T WORTH THE HASSLE AND THE HARASSMENT THAT WOULD INEVITABLY COME WITH SPEAKING UP FOR WHAT SHE DESERVED ,BUT INSTEAD, SHE DECIDED THAT THERE WAS A PRINCIPLE AT STAKE, SOMETHING WORTH FIGHTING FOR.

00:20:55 **RICHARD THORNBURGH:** LILLY LEDBETTER LOST THE BATTLE BUT WON THE WAR.

00:20:58 **GEOFFREY STONE:** THE ENACTMENT OF THE LILLY LEDBETTER LAW TELLS THE PEOPLE THAT POLITICAL ACTIVISM AND ENGAGEMENT IS AN ESSENTIAL PART OF OUR POLITICAL PROCESS, AND THAT INDIVIDUAL CITIZENS SHOULD NOT BELIEVE THAT THEY DON'T HAVE THE AUTHORITY, THE CAPACITY TO BRING ABOUT CHANGES IN THE LAW.

00:21:16 **VALERIE JARRETT:** I THINK THAT LILLY LEDBETTER IS REALLY THE QUINTESSENTIAL SYMBOL OF HOW ONE PERSON CAN MAKE A DIFFERENCE.

00:21:23 **LILLY LEDBETTER:** IF SOMEONE HAD ASKED ME SOME YEARS AGO, I WOULD HAVE NOT BELIEVED ONE INDIVIDUAL COULD START SUCH A MOVEMENT THAT WOULD GAIN SO MUCH SUPPORT ACROSS THE COUNTRY IF AN INDIVIDUAL BELIEVES AND GOT THE GRIT THAT IT TAKES THEY CAN STAND UP AND CONTINUE FIGHTING AND MAKE A DIFFERENCE.

# Student Materials

- Class Prep-Assignment
- Self-Assessment: Part 1 — “What Do I Know About Making and Changing Federal Laws?”
- Self-Assessment: Part 2 — “Check and Correct”
- Self-Assessment KEY
- Student’s Video Guide: **A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.**
- Research: “Making and Changing Laws: A Puzzle and a Process”
- Activity: “Real-World Connections”

# CLASS-PREP ASSIGNMENT

## Lesson: Actions that Changed the Law

The following assignment provides important background knowledge and context for the video *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.* and related class work.

### Instructions

Review the following resources, answer the questions, and complete the self-assessment.

### Materials Needed:

#### Resources (Included)

- *Understanding Democracy: A Hip Pocket Guide* by John J. Patrick  
Topics: Citizen; Citizenship; Civic Education; Participation; Rule of Law  
<http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>  
(Copies are available from the teacher or the readings may be viewed at the above link.)

#### Student Materials (Included)

- Self-Assessment: Part 1 — “What Do I Know About Making and Changing Federal Laws?”

### Questions to Answer

1. Write the definition of citizenship provided by Patrick in *Understanding Democracy: A Hip Pocket Guide*.
2. Discuss the value of a constitutional democracy.
3. Explain the dependent relationship between citizens and their government in a constitutional democracy.
4. Define civic education and explain its role in a democracy.
5. What do citizens need to know and be able to do?
6. Why do citizens have responsibilities and duties in a democracy?
7. What do you expect government to do for you?
8. In a constitutional democracy, who has ultimate responsibility for how the government works and the laws it makes?
9. Define civic participation and explain its importance to our society and democracy.
10. What standards must be met by a democratic society for it to have a government that operates by the rule of law?
11. Why is it important to have a government of laws and not of men and women?
12. Respond to the following:  
“If democracy is not extensively participatory, can it really be government of, by, and for the people? Or is a heavy reliance on the representatives of the people, who are judged periodically by citizens through public elections, sufficient to sustain an authentic constitutional democracy?”  
(*Understanding Democracy: A Hip Pocket Guide*, pg. 67)

**\*\* Bring this sheet and the completed self-assessment with you to class. \*\***

# SELF-ASSESSMENT: Part 1

## What Do I Know about Making and Changing Federal Laws?

**Instructions:** Because our democracy relies on knowledgeable citizens for the development of good laws, answer the following questions to learn about your level of civic knowledge related to the making and changing of federal laws.

1. What is the supreme law of the land?\*
2. What does the Constitution do?\*
3. The idea of self-government is in the first three words of the Constitution. What are these words?\*
4. Name the three branches of government.
5. What stops one branch of government from becoming too powerful?\*
6. What does the judicial branch do?\*
7. What is the highest court in the United States?\*
8. How many justices are on the Supreme Court?\*
9. What is the “rule of law”?\*
10. Who is in charge of the executive branch?\*
11. What does the executive branch do?
12. Who vetoes bills?\*
13. What is an enrolled bill?
14. Who makes federal laws?\*
15. What are the two parts of the U.S. Congress?\*
16. How many U.S. Senators are there?\*
17. The House of Representatives has how many voting members?\*
18. We elect a U.S. Representative for how many years?\*
19. We elect a President for how many years?\*
20. We elect a U.S. Senator for how many years?\*
21. Whom does a U.S. Senator represent?\*
22. How do federal judges get their jobs?
23. Who signs bills to become laws?\*
24. What is the draft of a law called?
25. How do laws get started?
26. Why do we have laws?
27. What is an amendment?\*
28. How many amendments does the Constitution have?\*
29. What are two ways that Americans can participate in their democracy?\*
30. Name two ways laws can be changed.

- 
31. On the back of this paper, draw and label a diagram that shows the steps in the lawmaking process

# SELF-ASSESSMENT: Part 2

## Instructions:

**1. Check your answers.** After verifying with the teacher that your self-assessment is complete, request the key to check your answers. (Note: Correct answers are not limited to those in the key as there may be other correct answers. Any difference must be supported by research to count as correct.)

## 2. Research to make corrections.

- iCivics: Get a behind-the-scenes look at how a bill becomes a law.

Video on the Legislative Branch (4 min. 42 sec.)

<http://www.icivics.org/subject/legislative-branch>

- Schoolhouse Rock video: “I’m Just a Bill” (3 min.)

(Lyrics and link to video from You Tube)

<http://www.schoolhouserock.tv/Bill.html>

Fun Fact: According to the website, when the video debuted in 1975, “a number of government agencies and lobbyists asked for copies to educate their own staffs.”

- National Constitution Center, Civic Action Center, “The Legislative Process”

<http://capwiz.com/constitutioncenter/issues/basics/?style=legis>

- The Center on Congress from Indiana University

Video: “The Dynamic Legislative Process” (An interactive learning module)

<http://congress.indiana.edu/e-learning-module-the-dynamic-legislative-process>

- Bens’ Guide to U.S. Government: How Laws are Made

<http://bensguide.gpo.gov/9-12/lawmaking/index.html>

- Office of the Clerk, U.S. House of Representatives: “The Legislative Process”

<http://clerk.house.gov/legislative/legprocess.html>

- Civics (History and Government) Questions for the Naturalization Test (rev. 10/09)

<http://www.uscis.gov/USCIS/Office%20of%20Citizenship/Citizenship%20Resource%20Center%20Site/Publications/100q.pdf>

Twenty-two questions, the ones marked with an asterisk (\*), are from the bank of questions used for the updated test. All applicants seeking U.S. citizenship are required to pass a civics test.

## 3. Score your assessment.

- For the all questions: Each question is worth 1 point. Indicate partially correct answers as a decimal.

Add up your points and report in this format: Points earned/Points possible (30)

- For the questions with an asterisk (\*): Add up your points and report in this format: Points earned/Points possible (22)

- For the diagram: Give yourself one point for each correctly labeled step in the diagram. Add up your points and report it in this format: Number of points earned/Number of points possible.

## 4. Evaluate your level of knowledge.

Reflect on your scores then rate your performance and write a personal comment.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
Lowest									Highest
Comment:									

# SELF-ASSESSMENT KEY

## What Do I Know about Making and Changing Federal Laws?

1. What is the supreme law of the land?\*
2. What does the Constitution do?\*
3. The idea of self-government is in the first three words of the Constitution. What are these words?\*
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30. Name two ways laws can be changed.
31. On the back of this paper, draw and label a diagram that shows the steps in the lawmaking process

*The Constitution*

*Sets up the government; Defines the government; Protects basic rights of Americans*

*We the People*

*Executive branch, judicial branch, legislative branch*

*Checks and balances; separation of powers*

*Reviews laws; Explains laws; Resolves disputes (disagreements); Decides if a law goes against the Constitution*

*The Supreme Court*

*Nine*

*Everyone must follow the law; leaders must obey the law; government must obey the law; no one is above the law*

*The President*

*Enforce the laws*

*The President*

*Final version sent to the President*

*Congress; Senate and House (of Representatives); (U.S. or national) legislature*

*Senate and House (of Representatives)*

*100*

*435*

*2*

*4*

*6*

*All the people of the state*

*They are appointed not elected.*

*The President*

*A bill*

*They start as an idea to solve a problem*

*They are the rules that help society run smoothly*

*A change; an addition (to the Constitution)*

*27*

*Call senators and Representatives; Give an elected official your opinion on an issue*

*Laws can be amended by subsequent laws  
Laws can be repealed by subsequent laws.*

*The steps should include all essential groups from idea to signing and be in the proper order.*

# Student's Video Guide

**A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.*** (Time: 23 minutes)

## Introduction

In 1998 when Lilly Ledbetter filed her complaint of wage discrimination against the Goodyear Tire and Rubber Co., her goal was to get equal pay for equal work because that was the law. She had no idea that her decision would eventually involve all three branches of government and result in a law with her name on it—the Lilly Ledbetter Fair Pay Act of 2009. Today, the rules governing the process employees must follow to recover discriminatory pay are more fair because one 70-year-old grandmother with grit and determination decided to get involved. This video tells the law-changing story that even a Supreme Court decision did not stop.

## Words and Phrases

Review the vocabulary and circle any words or phrases you cannot define.

11th Circuit Court of Appeals	jury verdict
appellate courts	law
bill	legislative branch
bipartisan	Paycheck Accrual Rule
branches of government	representative government
Congress	Senate
constituents	separation of powers
constitutional case	statute
dissenting opinion	statute of limitations
EEOC	statutory case
employment discrimination	Supreme Court
executive branch	Title VII of Civil Rights Act
House	wage discrimination
judicial branch	

## During the Video

Take notes and jot down definitions for the words you circled.

# Student's Video Guide

**A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.*** (Time: 23 minutes)

## Follow-up Questions & Activities

Use your prior knowledge, information in the video, and resources included with this lesson to complete the following questions and activities.

1. On the back of this paper, write a short definition for each of the words or phrases you circled before watching the video.
2. What does the following statement tell you about the difference between the Supreme Court and the other branches of government: "The Supreme Court isn't allowed to look at what popular opinion might be. They really are interpreting the law as they see it."

Explain the significance of the difference.

3. Why did Lilly Ledbetter go to court in the first place? Trace the path of her case through federal court.
4. Why did the Supreme Court decide to take Lilly Ledbetter's case?
5. What question was the Supreme Court asked to decide?
6. Explain the difference between a statutory decision and a constitutional decision made by the Supreme Court.
7. Is a Supreme Court decision absolutely final? Explain.
8. Explain the significance of Justice Ruth Bader Ginsburg's dissent and the means in which she delivered her remarks. To whom did she address her words?
9. Why didn't the story end after the Supreme Court made its decision in *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)?

# Student's Video Guide

## A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.* (Time: 23 minutes)

10. Identify the types of workplace discrimination prevented by law. Which law? When was it passed?

11. Describe the wage gap that exists between men and women. Cite statistics used.

12. Why do you think the wage gap started and continues to this day?

13. List the governmental bodies/organizations that got involved because of Lilly Ledbetter.

Estimate the number of public servants whose crucial decisions played a role in the story. Show how you arrived at an answer.

14. Identify the protections and support Ledbetter had for her cause.

15. How did Ledbetter make her cause known?

16. Explain this metaphor as it relates to the story: "Lilly Ledbetter lost the battle but won the war."

17. What principle was Ledbetter fighting for? Was the fight worth it? Explain.

18. TRUE/FALSE: If you know how laws are made, then you know how laws are changed.

Explain:

Name the two kinds of changes that can be made to laws.

Which kind of change was made by the Lilly Ledbetter Fair Pay Act?

19. Read the first paragraph in the Lilly Ledbetter Fair Pay Act, then explain how it affected existing law. Name the laws it impacted.

20. Activity: Develop a step-by-step instruction guide on how to get the law changed that reflects what happened in the video and incorporates what you know about the process and the people involved.

(Before you start, think about what one needs to know, understand, and be able to do. Identify people, resources, and supports needed. Anticipate obstacles and consider strategies for overcoming them. Also consider essential character traits, civic dispositions, beliefs, values and commitments.)

## Making and Changing Laws: A Puzzle and a Process

**Instructions:** Conduct research using the video and primary sources to identify the “puzzle pieces” of information in the following chart. Next, group the pieces and organize them in a flow chart that shows the chronology and the process that led to the Lilly Ledbetter Fair Pay Act of 2009.

Identify the following and explain the role of each in the story:	Identify these dates:
1. Lilly Ledbetter	1963
2. Justice Ruth Bader Ginsburg	1964
3. Justice Samuel Alito	1979-1998
4. Senator Barbara Mikulski	March 1998
5. President Lyndon Johnson	July 1998
6. President Obama	Nov. 1998
7. President John F. Kennedy	Nov. 1999
8. Goodyear Tire & Rubber Co.	2005
9. U.S. House of Representatives	2007
10. U.S. Senate	Jan. 8, 2009
11. U.S. Supreme Court	Jan. 22, 2009
12. Eleventh Circuit Court of Appeals	Jan. 27, 2009
13. District Court	Jan. 28, 2009
14. Opinion of the Court	Jan. 29, 2009
15. Dissenting Opinion	Jan. 29, 2009
16. EEOC	
17. Executive Branch	
18. Legislative Branch	
19. Judicial Branch	
20. Civil Rights Act	
21. Equal Pay Act	
22. Lilly Ledbetter Fair Pay Act	
23. Title VII of the Civil Rights Act	
24. S.181	
25. Public Law No: 111-002	
26. wage discrimination	
27. statutory question	
28. jury trial	
29. Congress	
30. <i>Ledbetter v. Goodyear Tire and Rubber Co.</i>	

## Making and Changing Laws: A Puzzle and a Process

STEP-BY-STEP RESEARCH: Identify the judicial process	STEP-BY-STEP RESEARCH: Identify the legislative process
<ol style="list-style-type: none"> <li>1. Know the hierarchy of the federal court system.</li> <li>2. Begin at the top (Supreme Court) and work backward as each Court decision will explain the facts of the case and describe the path of the case through the lower courts. What is the title of the Supreme Court case you want to find? _____</li> <li>3. To find a recent Supreme Court decision, check the website of the Supreme Court first, then search by a keyword from the title of the case. (e.g., Ledbetter) <a href="http://www.supremecourt.gov/">http://www.supremecourt.gov/</a></li> <li>4. You may also use other reputable sites for research purposes: <ul style="list-style-type: none"> <li>• Cornell University Law School: Syllabus, Opinion, Dissent <a href="http://www.law.cornell.edu/supct/html/05-1074.ZS.html">http://www.law.cornell.edu/supct/html/05-1074.ZS.html</a></li> <li>• OYEZ: Case Summary <a href="http://www.oyez.org/cases/2000-2009/2006_05_1074">http://www.oyez.org/cases/2000-2009/2006_05_1074</a></li> </ul> </li> <li>5. As you review the case, skim for the background story that is found in the Syllabus and at the beginning of the Court's opinion. There may also be a background story in a dissenting opinion.</li> <li>6. Identify the lower appellate court named, then search cases heard by that court by using the FindLaw database. <a href="http://www.findlaw.com/casecode/index.html">http://www.findlaw.com/casecode/index.html</a> Select "Advanced Search," then select the court and enter the name of one of the parties in the space "Party Name." Click "Search." <a href="http://caselaw.findlaw.com/us-11th-circuit/1148399.html">http://caselaw.findlaw.com/us-11th-circuit/1148399.html</a></li> </ol> <p>Also see: Information About Opinions <a href="http://www.supremecourt.gov/opinions/info_opinions.aspx">http://www.supremecourt.gov/opinions/info_opinions.aspx</a> Where to Obtain Supreme Court Opinions <a href="http://www.supremecourt.gov/opinions/obtainopinions.pdf">http://www.supremecourt.gov/opinions/obtainopinions.pdf</a></p>	<ol style="list-style-type: none"> <li>1. Know the difference between a bill and a law.</li> <li>2. Begin with the law, then work backward to find the path it took as a bill. What is the title of the law you want to find? _____</li> <li>3. Find the law by using <i>GPO Access</i> (<i>GPO Access</i> is a service of the U.S. Government Printing Office that provides free electronic access to a wealth of important information products produced by the federal government.) <a href="http://www.gpoaccess.gov/">http://www.gpoaccess.gov/</a> Under "Legislative Resources" select "Public and Private Laws" Search by using a keyword from the title of the law. (e.g., Ledbetter).</li> <li>4. Look for the bill number referenced on the law. The letter used indicates whether the bill was introduced in the Senate (S.) or House of Representatives (H.R.).</li> <li>5. Find the bill delivered to the President for signing. On <i>GPO Access</i>, under "Legislative Resources" select "Congressional Bills." Enter a keyword from the name of the law (e.g., Ledbetter). Look for the bill number and select the "Enrolled bill," which is the final version.</li> <li>6. To learn about the bill's path through Congress, use the THOMAS database of the Library of Congress. <a href="http://thomas.loc.gov/">http://thomas.loc.gov/</a> Search by bill number. Select "All Information (except text)" in the table, then check out the "Major Actions."</li> </ol>

Fill in the following chart to show the sequence (based on dates) of decisions and actions that resulted in changing a law, then number the steps in order.

# Making and Changing Laws: A Puzzle and a Process

TIP: Begin and end with the law.

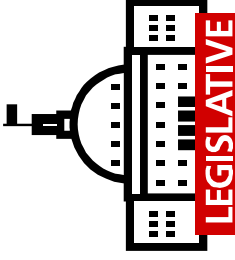


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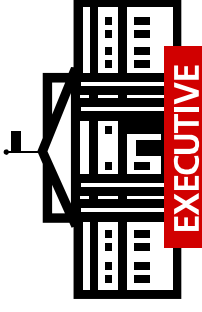
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Role:

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## The Branches of Government

### The People

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# REAL-WORLD CONNECTIONS

## Introduction:

If you haven't already, the chances are very good that one day you will apply for and get a job. As an applicant and an employee, you are guaranteed certain protections by the law. And, because Lilly Ledbetter got involved and advocated for change, those laws are more fair today. Through this activity you will learn about your rights and responsibilities as a young employee and the organization responsible for protecting you against employment discrimination.

## Reflect on the video:

1. Summarize the background story that was the basis of Lilly Ledbetter's complaint of wage discrimination.

## Examine Supreme Court opinions in Ledbetter.

1. The same organization that helped Lilly Ledbetter is there to help you when you enter the workforce. What is the full name of the organization?
2. How did Lilly Ledbetter make use of its services? Answer with a quote from the opinion of the court *and* from the dissenting opinion in *Ledbetter v. Goodyear Tire and Rubber Co.*

## Learn about the EEOC:

The EEOC has a website dedicated to youth in the workforce called Youth@Work:  
<http://www.eeoc.gov/youth//index.html>

Gather information from the website to help you answer the following questions.

1. How did the EEOC get started and what does it do? Summarize the purpose of the Youth@Work website.
2. Define employment discrimination according to the laws enforced by the EEOC.
3. Which laws named in the video are enforced by the EEOC?

Which one in the video is missing from the EEOC's list?

To figure out the reason, do the following:

- Read the first paragraph of the Act.
- Search by keyword on the parent website. <http://www.eeoc.gov/>

Now draw a conclusion: Why was the law was not listed?



# Teacher Materials

- Class Prep-Assignment KEY
- Self-Assessment KEY
- Teacher’s Video Guide: *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.*  
(includes suggested answers)
- Research KEY “Making and Changing Laws: A Puzzle and a Process”
- “Real-World Connections” KEY

# CLASS-PREP ASSIGNMENT KEY

## Lesson: Actions that Changed the Law

The following assignment provides important background knowledge and context for the video *A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.* and related class work.

### Instructions

Review the following resources, answer the questions, and complete the self-assessment.

### Materials Needed:

#### Resources (Included)

- *Understanding Democracy: A Hip Pocket Guide* by John J. Patrick  
Topics: Citizen; Citizenship; Civic Education; Participation; Rule of Law  
<http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>  
(Copies are available from the teacher or the readings may be viewed at the above link.)

#### Student Materials (Included)

- Self-Assessment: Part 1 — “What Do I Know About Making and Changing Federal Laws?”

#### Questions to Answer (Suggested answers; quotes are from the topics in *Understanding Democracy*.)

1. Write the definition of citizenship provided by Patrick in *Understanding Democracy: A Hip Pocket Guide*.  
“Citizenship is the legal relationship between citizens and their government and country.”  
“. . . citizenship is the fundamental condition that connects individuals to the protective institutions of a democratic government and provides the means through which they can participate politically and civically in their governance.” (Citizenship)
2. Discuss the value of a constitutional democracy.  
“In a limited government administered according to the rule of law, the rulers use power following established principles and procedures based on a constitution. By contrast, when the rulers wield power capriciously, there is rule by the unbridled will of individuals without regard for established law. The rule of law is an essential characteristic of every constitutional democracy that guarantees rights to liberty.” (Rule of Law)  
“When the rule of law prevails in a democracy, there is equal justice and ordered liberty in the lives of the people. In this case, there is an authentic constitutional democracy. When rule of law does not prevail, there is some form of despotism in which power is wielded arbitrarily by a single person or party.” (Rule of Law)
3. Explain the dependent relationship between citizens and their government in a constitutional democracy.  
“Citizens owe their government loyalty, support, and service. The government owes the citizens the protection of constitutionally guaranteed rights to life, liberty, property, and equal justice under law.” (Citizenship)
4. Define civic education and explain its role in a democracy.  
“Civic education is teaching the knowledge, skills, and virtues needed for competent citizenship in a democracy.” “. . . democracy involves a significant measure of independent thinking and popular decisionmaking.”  
“A democracy cannot be maintained unless the citizens are educated sufficiently to carry out certain duties and responsibilities of a self-governing people, such as voting intelligently, communicating effectively about public issues, cooperating with others to solve common problems, and making judgments about the performance of their government.” (Civic Education)
5. What do citizens need to know and be able to do?  
“The primary component of civic education is imparting the knowledge needed for citizens’ informed par-

ticipation in their democracy. Informed citizens have basic knowledge of such subjects as history, economics, geography, and government or political science. They comprehend core concepts of democracy, the constitution and institutions of democracy in their own country, and public issues in the past and present pertaining to the practice of democracy.” (Civic Education)

6. Why do citizens have responsibilities and duties in a democracy?

“Citizenship in a democracy entails serious responsibilities. For example, good citizens in a democracy exhibit civic engagement, which means they are ready, willing, and able to use their constitutionally protected political rights to advance the common good. Citizens are expected to be loyal and patriotic, to assume responsibility for the defense of their country against internal and external threats or attacks. Citizenship also entails certain duties, such as paying taxes, serving on juries when summoned, joining the country’s armed forces if drafted, and obeying the laws.” (Citizenship)

7. What do you expect government to do for you?

Answers will vary.

8. In a constitutional democracy, who has ultimate responsibility for how the government works and the laws it makes?

“The citizens are ‘the people’ to whom a democratic government is accountable.” (Citizen)

9. Define civic participation and explain its importance to our society and democracy.

“Civic participation refers to the voluntary activities of citizens in forming and sustaining independent nongovernmental organizations that contribute to the well-being of the community. Political participation pertains to the activities of individuals and groups aimed at influencing the public policy decisions of their government. Through their political participation, citizens prompt their representatives in government to be accountable to the people. Unless there is some significant level of free and independent participation by citizens in the work of their civil society and government, there cannot be an authentic democracy.”(Participation)

10. What standards must be met by a democratic society for it to have a government that operates by the rule of law?

- “laws are enforced equally and impartially
- no one is above the law, and everyone under the authority of the constitution is obligated equally to obey the law
- laws are made and enforced according to established procedures, not the rulers’ arbitrary will
- there is a common understanding among the people about the requirements of the law and the consequences of violating the law
- laws are not enacted or enforced retroactively
- laws are reasonable and enforceable” (Rule of Law)

11. Why is it important to have a government of laws and not of men and women?

“When the rule of law prevails in a democracy, there is equal justice and ordered liberty in the lives of the people. In this case, there is an authentic constitutional democracy. When rule of law does not prevail, there is some form of despotism in which power is wielded arbitrarily by a single person or party.” (Rule of Law)

12. Respond to the following:

“If democracy is not extensively participatory, can it really be government of, by, and for the people? Or is a heavy reliance on the representatives of the people, who are judged periodically by citizens through public elections, sufficient to sustain an authentic constitutional democracy?” (Understanding Democracy: A Hip Pocket Guide, pg. 67)

Answers will vary.

# SELF-ASSESSMENT KEY

## What Do I Know about Making and Changing Federal Laws?

**Instructions:** Because our democracy relies on knowledgeable citizens for the development of good laws, answer the following questions to learn about your level of civic knowledge related to the making and changing of federal laws. (Questions with an asterisk (\*) are from the new naturalization test in civics as are the answers.)

1. What is the supreme law of the land?\*
2. What does the Constitution do?\*
3. The idea of self-government is in the first three words of the Constitution. What are these words?\*
4. Name the three branches of government.
5. What stops one branch of government from becoming too powerful?\*
6. What does the judicial branch do?\*
7. What is the highest court in the United States?\*
8. How many justices are on the Supreme Court?\*
9. What is the “rule of law”?\*
10. Who is in charge of the executive branch?\*
11. What does the executive branch do?
12. Who vetoes bills?\*
13. What is an enrolled bill?
14. Who makes federal laws?\*
15. What are the two parts of the U.S. Congress?\*
16. How many U.S. Senators are there?\*
17. The House of Representatives has how many voting members?\*
18. We elect a U.S. Representative for how many years?\*
19. We elect a President for how many years?\*
20. We elect a U.S. Senator for how many years?\*
21. Whom does a U.S. Senator represent?\*
22. How do federal judges get their jobs?\*
23. Who signs bills to become laws?\*
24. What is the draft of a law called?\*
25. How do laws get started?\*
26. Why do we have laws?\*
27. What is an amendment?\*
28. How many amendments does the Constitution have?\*
29. What are two ways that Americans can participate in their democracy?\*
30. Name two ways laws can be changed.
31. On the back of this paper, draw and label a diagram that shows the steps in the lawmaking process

*The Constitution*

*Sets up the government; Defines the government; Protects basic rights of Americans*

*We the People*

*Executive branch, judicial branch, legislative branch*

*Checks and balances; separation of powers*

*Reviews laws; Explains laws; Resolves disputes (disagreements); Decides if a law goes against the Constitution*

*The Supreme Court*

*Nine*

*Everyone must follow the law; leaders must obey the law; government must obey the law; no one is above the law*

*The President*

*Enforce the laws*

*The President*

*Final version sent to the President*

*Congress; Senate and House (of Representatives); (U.S. or national) legislature*

*Senate and House (of Representatives)*

*100*

*435*

*2*

*4*

*6*

*All the people of the state*

*They are appointed not elected.*

*The President*

*A bill*

*They start as an idea to solve a problem*

*They are the rules that help society run smoothly*

*A change; an addition (to the Constitution)*

*27*

*Call senators and Representatives; Give an elected official your opinion on an issue*

*Laws can be amended by subsequent laws  
Laws can be repealed by subsequent laws.*

*The steps should include all essential groups from idea to signing and be in the proper order.*

# Teacher's Video Guide

**A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.*** (Time: 23 minutes)

## Introduction

In 1998 when Lilly Ledbetter filed her complaint of wage discrimination against the Goodyear Tire and Rubber Co., her goal was to get equal pay for equal work because that was the law. She had no idea that her decision would eventually involve all three branches of government and result in a law with her name on it—the Lilly Ledbetter Fair Pay Act of 2009. Today, the rules governing the process employees must follow to recover discriminatory pay are more fair because one 70-year-old grandmother with grit and determination decided to get involved. This video tells the law-changing story that even a Supreme Court decision did not stop.

## Background Knowledge

It would be helpful for viewers to have advance knowledge about the following topics before watching the video.

- appellate process in the federal courts
- structure and function of government
- responsibilities of citizenship
- checks and balances
- legislative process
- representative government
- rule of law
- separate and shared powers
- Supreme Court opinions

## Words and Phrases

11th Circuit Court of Appeals  
appellate courts  
bill  
bipartisan  
branches of government  
Congress  
constituents  
constitutional case  
dissenting opinion  
EEOC  
employment discrimination  
executive branch  
House  
judicial branch

jury verdict  
law  
legislative branch  
Paycheck Accrual Rule  
representative government  
Senate  
separation of powers  
statute  
statute of limitations  
statutory case  
Supreme Court  
Title VII of Civil Rights Act  
wage discrimination

## Preparation for Viewing

1. Discuss the “Self-Assessment” activity included with this lesson before showing the video.
2. Ask students to review the vocabulary and circle any words or phrases they do not know.

## During the Video

Students take notes as they watch and listen to the video and jot down definitions for the words they did not understand.

# Teacher's Video Guide

**A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.*** (Time: 23 minutes)

## Follow-up Questions & Activities

Use your prior knowledge, information in the video, and resources included with this lesson to complete the following questions and activities.

(Suggested answers)

1. On the back of this paper, write a short definition for each of the words or phrases you circled before watching the video.

Lists will vary.

2. What does the following statement tell you about the difference between the Supreme Court and the other branches of government: “The Supreme Court isn’t allowed to look at what popular opinion might be. They really are interpreting the law as they see it.”

Members of the legislative and executive branch are elected by their constituents and, therefore, are interested in and dependent on popular opinion. The Supreme Court is not dependent on public opinion. Its members are appointed and the decisions it makes must be based on the law.

Explain the significance of the difference.

An independent judiciary helps ensure that decisions are based on the law and not a response to pressure by public opinion. An independent judiciary protects and strengthens the rule of law.

3. Why did Lilly Ledbetter go to court in the first place? Trace the path of her case through federal court.

1. She filed a wage discrimination charge against Goodyear in District Court.

She won a jury trial. Jury awarded her over \$3 million but the judge rolled it back to \$360,000 because the law limited the size of awards. Goodyear appealed to the 11th Circuit Court of Appeals.

2. 11th Circuit of Appeals ruled in favor of Goodyear saying Lilly missed the 180-day deadline

3. Lilly appealed to the Supreme Court and lost.

4. Why did the Supreme Court decide to take Lilly Ledbetter’s case?

The appeals court in the Ledbetter case disagreed with all the other appeals courts before it so the Supreme Court decided to step in. The case was no longer about discrimination, it had become one about how to interpret the statute of limitation in Title VII of the Civil Rights Act. According to the Constitution, the Supreme Court is charged with interpreting federal laws when there are controversies.

5. What question was the Supreme Court asked to decide?

When does the 180 days start to run?

# Teacher's Video Guide

## A Call to Act: *Ledbetter v. Goodyear Tire and Rubber Co.* (Time: 23 minutes)

6. Explain the difference between a statutory decision and a constitutional decision made by the Supreme Court.

Statutory decisions are based on an interpretation of the federal laws made by Congress.

Constitutional decisions are based on an interpretation of the Constitution.

7. Is a Supreme Court decision absolutely final? Explain.

No. The people have the ultimate authority over the laws.

Regarding Constitutional decisions: The Constitution can be amended through a cumbersome process that involves the people through their Congressional representatives. The Supreme Court can also overturn its own decisions. Regarding statutory decisions: Congress can make a new law.

8. Explain the significance of Justice Ruth Bader Ginsburg's dissent and the means in which she delivered her remarks.

To whom did she address her words?

Justice Ginsburg believed the Supreme Court had interpreted the law in a way that Congress never intended and outlined her legal reasons. She then challenged Congress to overturn the *Ledbetter* decision by creating a new law when she said "Once again the ball is in Congress's court." She read her dissent from the bench, a very unusual move. Justice Ginsburg was speaking to Congress and the people.

9. Why didn't the story end after the Supreme Court made its decision in *Ledbetter v. Goodyear Tire and Rubber Co.* (2007)?

Because Lilly took up the challenge by Justice Ginsburg and began putting pressure on Congress. Lilly got politically active and engaged. She was fighting for a principle and made her argument in the media.

10. Identify the types of workplace discrimination prevented by law. Which law? When was it passed?

Title VII of the Civil Rights Act of 1964 makes it unlawful to discriminate against employees based on race, sex, ethnicity, color, religion and national origin.

11. Describe the wage gap that exists between men and women. Cite statistics used.

A wage gap occurs when men earn more than women for the same work. According to the U.S. Census Bureau, in 2008 women made on average \$.77 for every \$1.00 men made.

12. Why do you think the wage gap started and continues to this day?

Answers will vary

13. List the governmental bodies/organizations that got involved because of Lilly Ledbetter.

EEOC; District Court; 11th Circuit Court of Appeals; Supreme Court; Senate; House of Representatives; President

Estimate the number of public servants whose crucial decisions played a role in the story. Show how you arrived at an answer.

EEOC--at least 1

District Court: legal counsel + 6 member jury + judge = 8

11th Circuit Court of Appeals: counsel + judge = 2

Supreme Court: 9 justices

Senate: 50 senators

House of Representatives: 435 representatives

President: 1 President

Total: 506 public servants

# Teacher's Video Guide

**A Call to Act: Ledbetter v. Goodyear Tire and Rubber Co.** (Time: 23 minutes)

14. Identify the support Ledbetter had for her cause.

EEOC; jury verdict; legal counsel; Justice Ginsburg; public support; Senator introduced a bill; + votes in Congress; President signed into law a bill with her name on it.

15. How did Ledbetter make her cause known?

She used the media.

16. Explain this metaphor as it relates to the story: "Lilly Ledbetter lost the battle but won the war."

Answers will vary.

17. What principle was Ledbetter fighting for? Was the fight worth it? Explain.

Answers will vary.

18. TRUE/FALSE: If you know how laws are made, then you know how laws are changed.

Explain: The process is the same for making and changing laws.

Name the two kinds of changes that can be made to laws. \

New laws may amend (change) past laws or laws may be repealed.

Which kind of change was made by the Lilly Ledbetter Fair Pay Act?

It amended or clarified other laws.

19. Read the first paragraph in the Lilly Ledbetter Fair Pay Act, then explain how it affected existing law. Name the laws it impacted.

It amends or modifies existing laws in order "to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes."

The laws it affects are Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973

20. Activity: Develop a step-by-step instruction guide on how to get the law changed that reflects what happened in the video and incorporates what you know about the process and the people involved.

(Before you start, think about what one needs to know, understand, and be able to do. Identify people, resources, and supports needed. Anticipate obstacles and consider strategies for overcoming them. Also consider essential character traits, civic dispositions, beliefs, values and commitments.)

Answers will vary.

Students may benefit from reviewing an example of an instruction guide on the topic:

[http://www.ehow.com/how\\_2311555\\_change-law-through-democratic-process.html](http://www.ehow.com/how_2311555_change-law-through-democratic-process.html)

## **Research KEY** **Making and Changing Laws: A Puzzle and a Process**

**Instructions:** Conduct research using the video and primary sources to identify the “puzzle pieces” of information in the following chart. Next, group the pieces and organize them in a flow chart that shows the chronology and the process that led to the *Lilly Ledbetter Fair Pay Act of 2009*.

Identify the following and explain the role of each in the story:	Identify these dates:
1. Lilly Ledbetter	1963
2. Justice Ruth Bader Ginsburg	1964
3. Justice Samuel Alito	1979-1998
4. Senator Barbara Mikulski	March 1998
5. President Lyndon Johnson	July 1998
6. President Obama	Nov. 1998
7. President John F. Kennedy	Nov. 1999
8. Goodyear Tire & Rubber Co.	2005
9. U.S. House of Representatives	2007
10. U.S. Senate	Jan. 8, 2009
11. U.S. Supreme Court	Jan. 22, 2009
12. Eleventh Circuit Court of Appeals	Jan. 27, 2009
13. District Court	Jan. 27, 2009
14. Opinion of the Court	Jan. 28, 2009
15. Dissenting Opinion	Jan. 29, 2009
16. EEOC	
17. Executive branch	
18. Legislative branch	
19. Judicial branch	
20. Civil Rights Act	
21. Equal Pay Act	
22. Lilly Ledbetter Fair Pay Act	
23. Title VII of the Civil Rights Act	
24. S.181	
25. Public Law No: 111-002	
26. wage discrimination	
27. statutory question	
28. jury trial	
29. Congress	
30. <i>Ledbetter v. Goodyear Tire and Rubber Co.</i>	

- Teachers -  
This is a note-taking page for students to record details that will be grouped and added to the flow chart on the last page.

**Research KEY**  
**Making and Changing Laws: A Puzzle and a Process**

STEP-BY-STEP RESEARCH: Identify the judicial process.	STEP-BY-STEP RESEARCH: Identify the legislative process.
<p>1. Know the hierarchy of the federal court system.</p> <p>2. Begin at the top (Supreme Court) and work backward as each Court decision will explain the facts of the case and describe the path of the case through the lower courts.            What is the title of the Supreme Court case you want to find?  <i>Ledbetter v. Goodyear Tire and Rubber Co. (2007)</i></p> <p>3. To learn about a recent Supreme Court decision, check the website of the Supreme Court first, then search by a keyword from the title of the case. (e.g., Ledbetter) <a href="http://www.supremecourt.gov/">http://www.supremecourt.gov/</a></p> <p>4. You may also use other reputable sites for research purposes:</p> <ul style="list-style-type: none"> <li>• Cornell University Law School: Syllabus, Opinion, Dissent <a href="http://www.law.cornell.edu/supct/html/05-1074.ZS.html">http://www.law.cornell.edu/supct/html/05-1074.ZS.html</a></li> <li>• OYEZ: Case Summary <a href="http://www.oyez.org/cases/2000-2009/2006/05_1074">http://www.oyez.org/cases/2000-2009/2006/05_1074</a></li> </ul> <p>5. As you review the case, skim for the background story that is found in the Syllabus and at the beginning of the Court’s opinion. There may also be a background story in a dissenting opinion.</p> <p>6. Identify the lower appellate court named, then search cases heard by that court by using the FindLaw database.  <a href="http://www.findlaw.com/cascode/index.html">http://www.findlaw.com/cascode/index.html</a>            Select “Advanced Search,” then select the court and enter the name of one of the parties in the space “Party Name.” Click “Search.”  <a href="http://caselaw.findlaw.com/us-11th-circuit/1148399.html">http://caselaw.findlaw.com/us-11th-circuit/1148399.html</a></p> <p>Also see:            Information About Opinions  <a href="http://www.supremecourt.gov/opinions/info_opinions.aspx">http://www.supremecourt.gov/opinions/info_opinions.aspx</a>            Where to Obtain Supreme Court Opinions  <a href="http://www.supremecourt.gov/opinions/obtainopinions.pdf">http://www.supremecourt.gov/opinions/obtainopinions.pdf</a></p>	<p>1. Know the difference between a bill and a law.</p> <p>2. Begin with the law, then work backward to find the path it took as a bill.            What is the title of the law you want to find?  <i>Lilly Ledbetter Fair Pay Act of 2009</i></p> <p>3. Find the law by using GPO Access (GPO Access is a service of the U.S. Government Printing Office that provides free electronic access to a wealth of important information products produced by the federal government.) <a href="http://www.gpoaccess.gov/">http://www.gpoaccess.gov/</a>            Under “Legislative Resources” select “Public and Private Laws”            Search by using a keyword from the title of the law. (e.g., Ledbetter).</p> <p>4. Look for the bill number referenced on the law. The letter used indicates whether the bill was introduced in the Senate (S.) or House of Representatives (H.R.).</p> <p>5. Find the bill delivered to the President for signing. On GPO Access, under “Legislative Resources” select “Congressional Bills.” Enter a keyword from the name of the law (e.g., Ledbetter). Look for the bill number and select the “Enrolled bill” which is the final version.</p> <p>6. To learn about the bill’s path through Congress, use the THOMAS database of the Library of Congress.  <a href="http://thomas.loc.gov/">http://thomas.loc.gov/</a>            Search by bill number.            Select “All Information (except text)” in the table, then check out the “Major Actions.”</p>

**Research KEY**

**Making and Changing Laws: A Puzzle and a Process**

Fill in the following chart to show the chronology of decisions and actions that resulted in changing the law, then number the steps in order.  
 TIP: Begin and end with the law. Encourage students to place dates first.

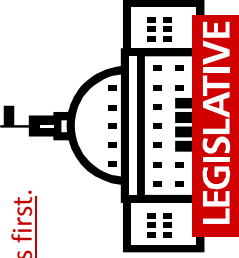


Role: Interpret federal laws and the Constitution

**9.** (2007)  
 Supreme Court: statutory question;  
 Case: *Ledbetter v. Goodyear Tire & Rubber Co.*;  
 Decision delivered by Justice Alito;  
 Ruled against Ledbetter;  
 Justice Ginsburg's dissent sent a signal to Congress  
 that the ball was once again in its court.

**8.** (2005)  
 Eleventh Circuit Court of Appeals;  
 Reversed saying Lilly missed the filing deadline;  
 reduced award to \$360,000;  
 Lilly appealed

**7.** (Nov. 1999)  
 District Court (jury trial);  
 Lilly's complaint: wage discrimination due to sex  
 was a violation of Civil Rights Act of 1964 & Equal  
 Pay Act of 1963;  
 Jury awarded Lilly \$3.5 million;  
 Goodyear appealed



Role: Propose/draft/pass bills for President's approval.

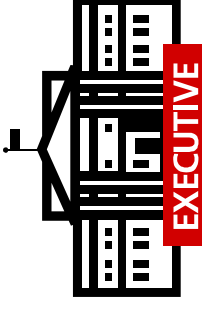
**14.** (Jan. 28, 2009)  
 Bill presented to the President by Congress

**13.** (Jan. 27, 2009)  
 Bill cleared for the President

**12.** (Jan. 27, 2009)  
 Bill passed/agreed to in House: 250-177

**11.** (Jan. 22, 2009)  
 Bill passed/agreed to in Senate: 61-36

**10.** (Jan. 8, 2009)  
 S. 181 introduced in Senate by Senator Barbara Mikulski  
 (MD)



Role: Sign Congressional bills into law; enforce the law

**1.** (1963)  
 Equal Pay Act signed into law by President John F.  
 Kennedy; equal pay for equal work

**2.** (1964)  
 Civil Rights Act signed into law by President  
 Lyndon Johnson; Title VII of Civil Rights Act created  
 EEOC

**15.** (Jan. 29, 2009)  
 S. 181 signed into law by President Obama as the  
*Lilly Ledbetter Fair Pay Act of 2009*

**16.** (Jan. 29, 2009)  
 S.181 Became Public Law No: 111-2;  
 Amends Title VII to clarify timing for  
 discriminatory compensation decision

**The Branches of Government**

**The People**

**6.** (Nov. 1998)  
 Lilly retired from Goodyear and filed a  
 sex discrimination suit under Title VII  
 of Civil Rights Act.

(July 1998)  
 Lilly filed a formal EEOC charge of pay  
 discrimination based on sex.

**4.** (March 1998)  
 Lilly submitted a questionnaire to  
 EEOC alleging certain acts of sex  
 discrimination.

(1979-1998)  
 Lilly Ledbetter worked as a supervisor  
 at Goodyear Tire and Rubber Co. in  
 Alabama ; her pay slipped compared  
 to males: \$3,727 to \$4286.

# REAL-WORLD CONNECTIONS KEY

## Introduction:

If you haven't already, the chances are very good that one day you will apply for and get a job. As an applicant and an employee you are guaranteed certain protections by the law. And, because Lilly Ledbetter got involved and advocated for change, those laws are more fair today. Through this activity you will learn about your rights and responsibilities as a young employee and the organization responsible for protecting you against employment discrimination.

(Suggested answers may include quotes from the EEOC website.)

## Reflect on the video.

1. Summarize the background story that was the basis of Lilly Ledbetter's complaint of wage discrimination.

Lilly Ledbetter worked as a supervisor at Goodyear Tire & Rubber Co. in Alabama. Her pay had slipped over the years as compared to her male counterparts: \$3,727 to \$4,286. By the time she retired, she was making 40% less than the men.

## Examine Supreme Court opinions in Ledbetter.

1. The same organization that helped Lilly Ledbetter is there to help you when you enter the workforce. What is the full name of the organization?

Equal Employment Opportunity Commission

2. How did Lilly Ledbetter make use of their services? Answer with a quote from the opinion of the court *and* from the dissenting opinion in *Ledbetter v. Goodyear Tire and Rubber Co.*

Opinion of the Court: Justice Alito

"In March 1998, Ledbetter submitted a questionnaire to the EEOC alleging certain acts of sex discrimination, and in July of that year she filed a formal EEOC charge. After taking early retirement in November 1998, Ledbetter commenced this action, in which she asserted, among other claims, a Title VII pay discrimination claim and a claim under the Equal Pay Act of 1963 . . ."

Dissenting Opinion: Justice Ginsburg

"Ledbetter launched charges of discrimination before the Equal Employment Opportunity Commission (EEOC) in March 1998. Her formal administrative complaint specified that, in violation of Title VII, Goodyear paid her a discriminatorily low salary because of her sex. . . That charge was eventually tried to a jury. . ."

## Learn about the EEOC.

The EEOC has a website dedicated to youth in the workforce called Youth@Work:

<http://www.eeoc.gov/youth/index.html>

Gather information from the website to help you answer the following questions.

1. How did the EEOC get started and what does it do? Summarize the purpose of the Youth@Work website.

Equal Employment Opportunity Commission was established by Title VII of the Civil Rights Act of 1964 "EEOC is the federal agency that enforces the laws against job discrimination and harassment."

"EEOC investigates complaints of job discrimination based on race, color, religion, sex (including pregnancy), national origin or disability. We also investigate complaints of age discrimination by older workers (age 40 or

older). If we believe an employer is violating our laws, we take action to stop the discrimination. In some cases, the employer agrees to make certain changes to its workplace. In other cases, we sue the employer in court to fix the problem. Our services are free.”

The Youth @Work website is designed to support youth workers and educate them about their rights and responsibilities with the goal of eliminating illegal discrimination from the workplace.

2. Define employment discrimination according to the laws enforced by the EEOC.

- “Unfair treatment because of your race, color, religion, sex (including pregnancy), national origin, disability, age (age 40 or older), or genetic information
- Harassment by managers, co-workers, or others in your workplace, because of your race, color, religion, sex (including pregnancy), national origin, disability, age (age 40 or older), or genetic information
- Denial of a reasonable workplace change that you need because of your religious beliefs or disability.
- Retaliation because you complained about job discrimination, or assisted with a job discrimination investigation or lawsuit.”

3. Which laws named in the video are enforced by the EEOC?

Equal Pay Act of 1963; Title VII of the Civil Rights Act of 1964

Which one in the video is missing from the EEOC’s list?

Lilly Ledbetter Fair Pay Act of 2009

To figure out the reason why, do the following:

- Read the first paragraph of the Act.
- Search by keyword on the parent website. <http://www.eeoc.gov/>

Now draw a conclusion: Why was the law was not listed?

Lilly Ledbetter Fair Pay Act of 2009 was an amendment to clarify Title VII because interpretations of the law had not been consistent. The EEOC position, however, had not changed.

“The Act restores the pre-Ledbetter position of the EEOC that each paycheck that delivers discriminatory compensation is a wrong actionable under the federal EEO statutes.”

4. What are your basic rights as an employee? List them below.

- Work free of discrimination
- Work free of harassment
- Complain about job discrimination without punishment
- Request workplace changes for your religion or disability
- Keep your medical information private

5. Explain the three basic guidelines to follow as an employee.

- Don't discriminate co-workers unfairly or harass them because of their race, skin color, national origin, sex (including pregnancy) religion, disability, age (age 40 or older) or genetic information
- Report any unfair treatment or harassment. Find out if your company has a policy on discrimination that specifies who you should contact.
- Tell your company if you need a workplace change because of your religious beliefs or medical conditions

6. Sometimes what you think might be discrimination is not according to the law. It's important to know the difference. For each of the 6 types of discrimination give a YES and a NO example. (See the "Challenge Yourself")

Answers will vary.

7. Describe the EEOC services available to help you as an applicant or an employee. (Read "About the EEOC")

EEOC can answer questions about job discrimination even if you do not want to file a formal complaint.  
EEOC can help you solve workplace problems.  
EEOC can help you file a job discrimination lawsuit.  
EEOC can help you make the workplace better for everyone.

8. Filing a complaint is serious business and a step that should not be taken lightly. List what you think are the most important things to know about the process.

Answers will vary.

9. Think back to the video: How might the story have been different if the EEOC had not been there, if Lilly Ledbetter didn't know about discrimination, and if Lilly Ledbetter had not acted?

Answers will vary.

10. Do you think it's important for middle school students and high school students to know about the rights and responsibilities of employees? Explain.

Answers will vary.

# National Civics and Government Standards

Source Document:

*National Standards for Civics and Government* (1994) Center for Civic Education  
<http://www.civiced.org/index.php?page=stds>

• Grades 5-8

• Grades 9-12

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

Source: *National Standards for Civics and Government* (1994) Center for Civic Education  
<http://www.civiced.org/index.php?page=stds>

### Grades 5-8 Content Standards Alignment

The following chart shows a more granular alignment at the standards level.

National Standards for Civics and Government (Grades 5-8)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<b>I.A.2. Necessity and purposes of government.</b> Students should be able to evaluate, take, and defend positions on why government is necessary and the purposes government should serve.	The federal courts, which make up the judicial branch of the federal government, are responsible for interpreting the law and resolving legal disputes.
<b>I.B.2. The rule of law.</b> Students should be able to explain the importance of the rule of law for the protection of individual rights and the common good.	Court decisions help ensure that the law is interpreted consistently and applied fairly for the protection of individual rights and the common good.
<b>I.C.2. Purposes and uses of constitutions.</b> Students should be able to explain the various purposes constitutions serve.	As the supreme law of the land, the U.S. Constitution describes the way a government is organized and how power is allocated.
<b>1.C.3. Conditions under which constitutional government flourishes.</b> Students should be able to explain those conditions that are essential for the flourishing of constitutional government.	Citizens who willingly assume the responsibilities of citizenship are important to a constitutional government.
<b>I.D.1. Shared powers and parliamentary systems.</b> Students should be able to describe the major characteristics of systems of shared powers and of parliamentary systems.	The U.S. has a shared powers system in which powers are separated among 3 branches of government with each branch having primary responsibility for certain functions.
<b>II.A.1. The American idea of constitutional government.</b> Students should be able to explain the essential ideas of American constitutional government.	The Constitution defines the limited and shared powers of the government.
<b>II.C.1. American identity.</b> Students should be able to explain the importance of shared political values and principles to American society.	The U.S. Constitution identifies basic values and principles that are American distinctives. These include respect for the law, protection of individual rights, and justice under the law.

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

National Standards for Civics and Government (Grades 5-8)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>II.D.1. Fundamental values and principles.</b> Students should be able to explain the meaning and importance of the fundamental values and principles of American constitutional democracy.</p>	<p>The following values and principles are important for maintaining a constitutional democracy include</p> <ul style="list-style-type: none"> <li>• individual rights (majority and minority rights)</li> <li>• the common or public good</li> <li>• justice</li> <li>• equality</li> <li>• diversity</li> <li>• truth</li> </ul> <p>Principles fundamental to American constitutional democracy include</p> <ul style="list-style-type: none"> <li>• separated and shared powers</li> <li>• checks and balances</li> <li>• individual rights</li> <li>• rule of law</li> </ul>
<p><b>II.D.2. Conflicts among values and principles in American political and social life.</b> Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles are in conflict.</p>	<p>Employment discrimination is a contemporary issue that often involves conflicts over the rights of individuals to be treated equally.</p>
<p><b>II.D.3. Disparities between ideals and reality in American political and social life.</b> Students should be able to evaluate, take, and defend positions on issues concerning ways and means to reduce disparities between American ideals and realities.</p>	<p>The realities of American social and political life include the ideal of equal opportunity and the reality of unfair discrimination.</p>
<p><b>III.A.1. Distributing, sharing, and limiting powers of the national government.</b> Students should be able to explain how the powers of the national government are distributed, shared, and limited.</p>	<p>There is a balance and check of powers within the governmental structure when the three branches of government are separate and have shared powers.</p> <ul style="list-style-type: none"> <li>• Legislative branch: Congress makes the laws</li> <li>• Executive branch: President and agencies in the executive branch enforce the laws</li> <li>• Judicial branch: Supreme Court of the United States and other federal courts interpret the law</li> </ul>
<p><b>III.E.1. The place of law in American society.</b> Students should be able to explain the importance of law in the American constitutional system.</p>	<p>The courts make decisions based on the rule of law. The Supreme Court hears cases related to the Constitution and federal laws.</p>
<p><b>III.E.3. Judicial protection of the rights of individuals.</b> Students should be able to evaluate, take, and defend positions on current issues regarding judicial protection of individual rights.</p>	<p>The right to due process includes access to trial by jury and the right of appeal.</p>

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

National Standards for Civics and Government (Grades 5-8)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>III.F.2. Political communication.</b> Students should be able to evaluate, take, and defend positions on the influence of the media on American political life.</p>	<p>Messages conveyed in the media can move the public and persuade lawmakers. When Justice Ginsburg read her dissent from the bench she sent a message to Congress and the citizenry. When the signing of the <i>Lilly Ledbetter Fair Pay Act</i> was televised, the President had an opportunity to send a message to the public.</p>
<p><b>III.F.5. Forming and carrying out public policy.</b> Students should be able to explain how public policy is formed and carried out at local, state, and national levels and what roles individuals can play in the process.</p>	<p>As a politically active and engaged citizen, Lilly Ledbetter is an example of how one individual can make a difference and bring about changes in the law.</p>
<p><b>V.A.1. The meaning of citizenship.</b> Students should be able to explain the meaning of American citizenship.</p>	<p>Citizenship is legally recognized membership in a self-governing community.</p>
<p><b>V.A.2. Becoming a citizen.</b> Students should be able to explain how one becomes a citizen of the United States.</p>	<p>Applicants for citizenship are required to pass a civics test that includes questions about the structure and function of government and how the laws are made.</p>
<p><b>V.B.1. Personal rights.</b> Students should be able to evaluate, take, and defend positions on issues involving personal rights.</p>	<p>Employment discrimination involves issues of personal rights.</p>
<p><b>V.B.2. Political rights.</b> Students should be able to evaluate, take, and defend positions on issues involving political rights.</p>	<p>Major legislation addressing civil rights includes the Civil Rights Act of 1964. Title VII of the Act governs employment discrimination.</p>
<p><b>V.B.3. Economic rights.</b> Students should be able to evaluate, take, and defend positions on issues regarding economic rights.</p>	<p>Wage discrimination is a contemporary regarding economic rights.</p>
<p><b>V.B.4. Scope and limits of rights.</b> Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.</p>	<p>The law defines what constitutes employment discrimination.</p>
<p><b>V.C.1. Personal responsibilities.</b> Students should be able to evaluate, take, and defend positions on the importance of personal responsibilities to the individual and to society.</p>	<p>Citizens have the personal responsibility to respect the rights and interests of others.</p> <p>Important personal responsibilities include:</p> <ul style="list-style-type: none"> <li>• taking care of one's self</li> <li>• accepting responsibility for the consequences of one's actions</li> <li>• adhering to moral principles</li> <li>• considering the rights and interests of others</li> <li>• behaving in a civil manner</li> </ul>

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

National Standards for Civics and Government (Grades 5-8)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>V.C.2. Civic responsibilities.</b> Students should be able to evaluate, take, and defend positions on the importance of civic responsibilities to the individual and society.</p>	<p>There are civic responsibilities associated with being an American citizen. These include:</p> <ul style="list-style-type: none"> <li>• obeying the law</li> <li>• respecting the rights of others</li> <li>• being informed and attentive to public issues</li> <li>• monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking</li> </ul>
<p><b>V.D.1. Dispositions that enhance citizen effectiveness and promote the healthy functioning of American constitutional democracy.</b> Students should be able to evaluate, take, and defend positions on the importance of certain dispositions or traits of character to themselves and American constitutional democracy.</p>	<p>The following traits of private and public character are essential for ensuring the development of good laws.</p> <ul style="list-style-type: none"> <li>• Individual responsibility</li> <li>• Self discipline/self governance</li> <li>• civility</li> <li>• courage</li> <li>• respect for the rights of other individuals</li> <li>• honesty</li> <li>• critical mindedness</li> <li>• negotiation and compromise</li> <li>• persistence</li> <li>• patriotism</li> </ul>
<p><b>V.E.1. Participation in civic and political life and the attainment of individual and public goals.</b> Students should be able to explain the relationship between participating in civic and political life and the attainment of individual and public goals.</p>	<p>Participation in civic and political life can bring about changes in the law.</p>
<p><b>V.E.3. Forms of political participation.</b> Students should be able to describe the means by which Americans can monitor and influence politics and government.</p>	<p>Knowledgeable and engaged citizens can start a movement that ends up changing the law.</p>
<p><b>V.E.5. Knowledge and participation.</b> Students should be able to explain the importance of knowledge to competent and responsible participation in American democracy.</p>	<p>Citizens who are knowledgeable about the values and principles of American constitutional democracy and the way government works, can activate a system that changes laws for the future benefit of all Americans.</p>

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

Source: *National Standards for Civics and Government* (1994) Center for Civic Education  
<http://www.civiced.org/index.php?page=stds>

### Grades 9-12 Content Standards Alignment

The following chart shows a more granular alignment at the standards level.

National Standards for Civics and Government (Grades 9-12)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>I.A.3. The purposes of politics and government.</b>                      Students should be able to evaluate, take, and defend positions on competing ideas regarding the purposes of politics and government and their implications for the individual and society.</p>	<p>Sometimes there are conflicts that arise over the interpretation of federal laws and those conflicts may make it to the Supreme Court for resolution.</p>
<p><b>I.B.2. The rule of law.</b> Students should be able to evaluate, take, and defend positions on the importance of the rule of law and on the sources, purposes, and functions of law.</p>	<p>Court decisions help ensure that the law is interpreted consistently and applied fairly for the protection of individual rights and the common good.</p>
<p><b>I.C.2. Purposes and uses of constitutions.</b> Students should be able to explain the various purposes served by constitutions.</p>	<p>As the supreme law of the land, the U.S. Constitution establishes the relationship of the people to their government.</p>
<p><b>I.D.1. Shared powers and parliamentary systems.</b>                      Students should be able to describe the major characteristics of systems of shared powers and of parliamentary systems.</p>	<p>The U.S. has a shared powers system in which powers are separated among 3 branches of government with each branch having primary responsibility for certain functions.</p>
<p><b>II.A.1. The American idea of constitutional government.</b> Students should be able to explain the central ideas of American constitutional government and their history.</p>	<p>The Constitution defines the limited and shared powers of the government.</p>
<p><b>II.A.2. How American constitutional government has shaped the character of American society.</b> Students should be able to explain the extent to which Americans have internalized the values and principles of the Constitution and attempted to make its ideals realities.</p>	<p>When Americans get involved in the political process they act on these shared democratic values and principles in ways that end up shaping society.</p>
<p><b>II.C.1. American national identity and political culture.</b>                      Students should be able to explain the importance of shared political and civic beliefs and values to the maintenance of constitutional democracy in an increasingly diverse American society.</p>	<p>The U.S. Constitution identifies basic values and principles that are American distinctives. These include respect for the law, protection of individual rights, and justice under the law.</p>

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

National Standards for Civics and Government (Grades 9-12)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>II.D.3. Fundamental values and principles.</b> Students should be able to evaluate, take, and defend positions on what the fundamental values and principles of American political life are and their importance to the maintenance of constitutional democracy.</p>	<p>The values and principles important for maintaining a constitutional democracy include</p> <ul style="list-style-type: none"> <li>• individual rights (majority and minority rights)</li> <li>• justice</li> <li>• equality</li> <li>• diversity</li> <li>• self-government</li> <li>• truth</li> </ul> <p>Principles fundamental to American constitutional democracy include</p> <ul style="list-style-type: none"> <li>• separated and shared powers</li> <li>• checks and balances</li> <li>• representative institutions</li> <li>• individual rights</li> <li>• rule of law</li> </ul>
<p><b>II.D.4. Conflicts among values and principles in American political and social life.</b> Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles may be in conflict.</p>	<p>Employment discrimination is a contemporary issue that often involves conflicts.</p>
<p><b>II.D.5. Disparities between ideals and reality in American political and social life.</b> Students should be able to evaluate, take, and defend positions about issues concerning the disparities between American ideals and realities.</p>	<p>The realities of American social and political life include the ideal of equal opportunity and the reality of unfair discrimination.</p>
<p><b>III.A.1. Distributing governmental power and preventing its abuse.</b> Students should be able to explain how the United States Constitution grants and distributes power to national and state government and how it seeks to prevent the abuse of power.</p>	<p>There is a balance and check of powers within the governmental structure when the branches of government are separate and have shared powers.</p>
<p><b>III.B.1. The institutions of the national government.</b> Students should be able to evaluate, take, and defend positions on issues regarding the purposes, organization, and functions of the institutions of the national government.</p>	<p>The three branches of government share powers over the laws:</p> <ul style="list-style-type: none"> <li>• Legislative branch: Congress makes the laws</li> <li>• Executive branch: President and agencies in the executive branch enforce the laws</li> <li>• Judicial branch: Supreme Court of the United States and other federal courts interpret the law</li> </ul>
<p><b>III.D.1. The place of law in American society.</b> Students should be able to evaluate, take, and defend positions on the role and importance of law in the American political system.</p>	<p>The courts make decisions based on the rule of law in order to protect the rights of citizens. The Supreme Court hears cases related to the Constitution and federal laws.</p>

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

National Standards for Civics and Government (Grades 9-12)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>III.D.2. Judicial protection of the rights of individuals.</b> Students should be able to evaluate, take, and defend positions on current issues regarding the judicial protection of individual rights.</p>	<p>An independent judiciary is responsible only to the law and is not subject to political pressures.</p>
<p><b>III.E.2 Public opinion and behavior of the electorate.</b> Students should be able to evaluate, take, and defend positions about the role of public opinion in American politics.</p>	<p>Public opinion can influence the behavior of our representatives in the development of laws.</p>
<p><b>III.E.3. Political communication: television, radio, the press, and political persuasion.</b> Students should be able to evaluate, take, and defend positions on the influence of the media on American political life.</p>	<p>Messages conveyed in the media can move the public and persuade lawmakers. When Justice Ginsburg read her dissent from the bench she sent a message to Congress and the citizenry. When the signing of the <i>Lilly Ledbetter Fair Pay Act</i> was televised, the President had an opportunity to send a message to the public.</p>
<p><b>III.E. 6. Forming and carrying out public policy.</b> Students should be able to evaluate, take, and defend positions about the formation and implementation of public policy.</p>	<p>As a politically active and engaged citizen, Lilly Ledbetter is an example of how one individual can make a difference and bring about changes in the law.</p>
<p><b>V.A.1. The meaning of citizenship in the United States.</b> Students should be able to explain the meaning of citizenship in the United States.</p>	<p>Citizenship is legally recognized membership in a self-governing community.</p>
<p><b>V.A.2. Becoming a citizen.</b> Students should be able to evaluate, take, and defend positions on issues regarding the criteria used for naturalization.</p>	<p>Applicants for citizenship are required to pass a civics test that includes questions about the structure and function of government and how the laws are made.</p>
<p><b>V.B.1. Personal rights.</b> Students should be able to evaluate, take, and defend positions on issues regarding personal rights.</p>	<p>Employment discrimination involves issues of personal rights.</p>
<p><b>V.B.2. Political rights.</b> Students should be able to evaluate, take, and defend positions on issues regarding political rights.</p>	<p>Major legislation addressing civil rights includes the Civil Rights Act of 1964. Title VII of the Act governs employment discrimination.</p>
<p><b>V.B.3. Economic rights.</b> Students should be able to evaluate, take, and defend positions on issues regarding economic rights.</p>	<p>Laws were changed to prevent unfair wage discrimination because of the rule of law, checks and balances, an independent judiciary, and a vigilant citizenry.</p>
<p><b>V.B.5. Scope and limits of rights.</b> Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.</p>	<p>The law defines what constitutes employment discrimination.</p>

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

National Standards for Civics and Government (Grades 9-12)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>V.C.1. Personal responsibilities.</b> Students should be able to evaluate, take, and defend positions on issues regarding the personal responsibilities of citizens in American constitutional democracy.</p>	<p>Citizens and non-citizens alike have the personal responsibility to respect the rights and interests of others.</p> <p>Important personal responsibilities include:</p> <ul style="list-style-type: none"> <li>• taking care of one's self</li> <li>• accepting responsibility for the consequences of one's actions</li> <li>• adhering to moral principles</li> <li>• considering the rights and interests of others</li> <li>• behaving in a civil manner</li> </ul>
<p><b>V.C.2. Civic responsibilities.</b> Students should be able to evaluate, take, and defend positions on the importance of civic responsibilities to the individual and society.</p>	<p>There are civic responsibilities associated with being an American citizen. These include:</p> <ul style="list-style-type: none"> <li>• obeying the law</li> <li>• respecting the rights of others</li> <li>• being informed and attentive to public issues</li> <li>• monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking</li> </ul>
<p><b>V.D.1. Dispositions that lead the citizen to be an independent member of society.</b> Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that lead individuals to become independent members of society.</p>	<p>The following traits of private and public character are essential for ensuring the development of good laws.</p> <ul style="list-style-type: none"> <li>• Individual responsibility</li> <li>• Self discipline/self governance</li> <li>• civility</li> <li>• courage</li> <li>• respect for the rights of other individuals</li> <li>• honesty</li> <li>• critical mindedness</li> <li>• negotiation and compromise</li> <li>• persistence</li> <li>• patriotism</li> </ul>
<p><b>V.D.2. Dispositions that foster respect for individual worth and human dignity.</b> Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that foster respect for individual worth and human dignity.</p>	<p>Those with respect for individual worth and human dignity tend to have these dispositions:</p> <ul style="list-style-type: none"> <li>• Respect for the rights and choices of individuals—holding and advocating differing ideas</li> <li>• Compassion--concern for the well-being of others</li> </ul>

## National Standards for Civics and Government

Lesson: Actions that Changed the Law

National Standards for Civics and Government (Grades 9-12)	Lesson: Actions that Changed the Law
Specific Content Standards	Understandings Reinforced by the Lesson
<p><b>V.D.3. Dispositions that incline the citizen to public affairs.</b> Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that incline citizens to public affairs.</p>	<p>Citizens inclined to public affairs, such as public servants, tend to have these dispositions:</p> <ul style="list-style-type: none"> <li>• Civic mindedness--what the Founders called civic virtue--or attentiveness to and concern for public affairs</li> <li>• Patriotism--loyalty to the values and principles underlying American constitutional democracy</li> </ul>
<p><b>V.D.4. Dispositions that facilitate thoughtful and effective participation in public affairs.</b> Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that facilitate thoughtful and effective participation in public affairs.</p>	<p>Traits that facilitate thoughtful and effective participation in public affairs include</p> <ul style="list-style-type: none"> <li>• civility</li> <li>• respect for the rights of other individuals</li> <li>• respect for law</li> <li>• honesty</li> <li>• open mindedness</li> <li>• critical mindedness</li> <li>• negotiation and compromise</li> <li>• persistence</li> <li>• civic mindedness</li> <li>• compassion</li> <li>• patriotism</li> <li>• courage</li> </ul>
<p><b>V.E.1. The relationship between politics and the attainment of individual and public goals.</b> Students should be able to evaluate, take and defend positions on the relationship between politics and the attainment of individual and public goals.</p>	<p>Citizen action is needed to prompt interpretations of the law by the Court and activate the legislative process to make and change laws.</p>
<p><b>V.E.3. Forms of political participation.</b> Students should be able to evaluate, take, and defend positions about the means that citizens should use to monitor and influence the formation and implementation of public policy.</p>	<p>Knowledgeable and engaged citizens can start a movement that ends up changing the law.</p>
<p><b>V.E.5. Knowledge and participation.</b> Students should be able to explain the importance of knowledge to competent and responsible participation in American democracy.</p>	<p>Citizens who are knowledgeable about the values and principles of American constitutional democracy and the way government works, can activate a system that changes laws for the future benefit of all Americans.</p>