

## Summary

### 5.1 What Are Civil Rights and How Do We Identify Them?

The equal protection clause of the Fourteenth Amendment gives all people and groups in the United States the right to be treated equally regardless of individual attributes. That logic has been expanded in the twenty-first century to cover attributes such as race, color, ethnicity, sex, gender, sexual orientation, religion, and disability. People may still be treated unequally by the government, but only if there is at least a rational basis for it, such as a disability that makes a person unable to perform the essential functions required by a job, or if a person is too young to be trusted with an important responsibility, like driving safely. If the characteristic on which discrimination is based is related to sex, race, or ethnicity, the reason for it must serve, respectively, an important government interest or a compelling government interest.

### 5.2 The African American Struggle for Equality

Following the Civil War and the freeing of all enslaved people by the Thirteenth Amendment, a Republican Congress hoped to protect the freedmen from vengeful southern White people by passing the Fourteenth and Fifteenth Amendments, granting them citizenship and guaranteeing equal protection under the law and the right to vote (for Black men). The end of Reconstruction, however, allowed White Southerners to regain control of the South's political and legal system and institute openly discriminatory Jim Crow laws. While some early efforts to secure civil rights were successful, the greatest gains came after World War II. Through a combination of lawsuits, Congressional acts, and direct action (such as President Truman's executive order to desegregate the U.S. military), African Americans regained their voting rights and were guaranteed protection against discrimination in employment. Schools and public accommodations were desegregated. While much has been achieved, the struggle for equal treatment continues.

### 5.3 The Fight for Women's Rights

At the time of the Revolution and for many decades following it, married women had no right to control their own property, vote, or run for public office. Beginning in the 1840s, a women's movement began among women who were active in the abolition and temperance movements. Although some of their goals, such as achieving property rights for married women, were reached early on, their biggest goal—winning the right to vote—required the 1920 passage of the Nineteenth Amendment. Women secured more rights in the 1960s and 1970s, such as reproductive rights and the right not to be discriminated against in employment or education. Women continue to face many challenges: they are still paid less than men and are underrepresented in executive positions and elected office.

## 5.4 Civil Rights for Indigenous Groups: Native Americans, Alaskans, and Hawaiians

At the beginning of U.S. history, Indians were considered citizens of sovereign nations and thus ineligible for citizenship, and they were forced off their ancestral lands and onto reservations. Interest in Indian rights arose in the late nineteenth century, and in the 1930s, Native Americans were granted a degree of control over reservation lands and the right to govern themselves. Following World War II, they won greater rights to govern themselves, educate their children, decide how tribal lands should be used—to build casinos, for example—and practice traditional religious rituals without federal interference. Alaska Natives and Native Hawaiians have faced similar difficulties, but since the 1960s, they have been somewhat successful in having lands restored to them or obtaining compensation for their loss. Despite these achievements, members of these groups still tend to be less educated, less likely to be employed, and more likely to have addictions or to be incarcerated than other racial and ethnic groups in the United States.

## 5.5 Equal Protection for Other Groups

Many Hispanic and Latino people were deprived of their right to vote and forced to attend segregated schools. Asian Americans were also segregated and sometimes banned from immigrating to the United States. The achievements of the African American civil rights movement, such as the Civil Rights Act of 1964, benefited these groups, however, and Latinos and Asians also brought lawsuits on their own behalf. Many, like the Chicano youth of the Southwest, also engaged in direct action. This brought important gains, especially in education. Recent concerns over immigration have resulted in renewed attempts to discriminate against Latinos, however.

For a long time, fear of discovery kept many LGBTQ people closeted and thus hindered their efforts to form a united response to discrimination. Since World War II, however, the LGBTQ community has achieved the right to same-sex marriage and protection from discrimination in other areas of life as well. The Americans with Disabilities Act, enacted in 1990, has recognized the equal rights of people with disabilities to employment, transportation, and access to public education. People with disabilities still face much discrimination, however, and LGBTQ people are frequently victims of hate crimes.

Some of the most serious forms of discrimination today are directed at religious minorities like Muslims, and many conservative Christians believe the recognition of LGBTQ rights threatens their religious freedoms.

### Key Terms

#### **affirmative action**

the use of programs and policies designed to assist groups that have historically been subject to discrimination

**American Indian Movement (AIM)**

the Native American civil rights group responsible for the occupation of Wounded Knee, South Dakota, in 1973

**Black codes**

laws passed immediately after the Civil War that discriminated against freed people and other African Americans and deprived them of their rights

***Brown v. Board of Education***

the 1954 Supreme Court ruling that struck down *Plessy v. Ferguson* and declared segregation and “separate but equal” to be unconstitutional in public education

**Chicano**

a term adopted by some Mexican American civil rights activists to describe themselves and those like them

**civil disobedience**

an action taken in violation of the letter of the law to demonstrate that the law is unjust

**comparable worth**

a doctrine calling for the same pay for workers whose jobs require the same level of education, responsibility, training, or working conditions

**coverture**

a legal status of married women in which their separate legal identities were erased

***de facto* segregation**

segregation that results from the private choices of individuals

***de jure* segregation**

segregation that results from government discrimination

**direct action**

civil rights campaigns that directly confronted segregationist practices through public demonstrations

**disenfranchisement**

the revocation of someone’s right to vote

**equal protection clause**

a provision of the Fourteenth Amendment that requires the states to treat all residents equally under the law

**Equal Rights Amendment (ERA)**

the proposed amendment to the Constitution that would have prohibited all discrimination based on sex

**glass ceiling**

an invisible barrier caused by discrimination that prevents women from rising to the highest levels of an organization—including corporations, governments, academic institutions, and religious organizations

**grandfather clause**

the provision in some southern states that allowed illiterate White people to vote because their ancestors had been able to vote before the Fifteenth Amendment was ratified

**hate crime**

harassment, bullying, or other criminal acts directed against someone because of bias against that person's sex, gender, sexual orientation, religion, race, ethnicity, or disability

**intermediate scrutiny**

the standard used by the courts to decide cases of discrimination based on gender and sex; burden of proof is on the government to demonstrate an important governmental interest is at stake in treating men differently from women

**Jim Crow laws**

state and local laws that promoted racial segregation and undermined Black voting rights in the south after Reconstruction

**literacy tests**

tests that required the prospective voter in some states to be able to read a passage of text and answer questions about it; often used as a way to disenfranchise racial or ethnic minorities

***Plessy v. Ferguson***

the 1896 Supreme Court ruling that allowed “separate but equal” racial segregation under the equal protection clause of the Fourteenth Amendment

**poll tax**

annual tax imposed by some states before a person was allowed to vote

**rational basis test**

the standard used by the courts to decide most forms of discrimination; the burden of proof is on those challenging the law or action to demonstrate there is no good reason for treating them differently from other citizens

**Reconstruction**

the period from 1865 to 1877 during which the governments of Confederate states were reorganized prior to being readmitted to the Union

**Stonewall Inn**

a bar in Greenwich Village, New York, where the modern Gay Pride movement began after rioters protested the police treatment of the LGBTQ community there

**strict scrutiny**

the standard used by the courts to decide cases of discrimination based on race, ethnicity, national origin, or religion; burden of proof is on the government to demonstrate a compelling governmental interest is at stake and no alternative means are available to accomplish its goals

**Title IX**

the section of the U.S. Education Amendments of 1972 that prohibits discrimination in education on the basis of sex

**Trail of Tears**

the name given to the forced migration of the Cherokees from Georgia to Oklahoma in 1838–1839

**understanding tests**

tests requiring prospective voters in some states to be able to explain the meaning of a passage of text or to answer questions related to citizenship; often used as a way to disenfranchise Black voters

**white primary**

a primary election in which only White people are allowed to vote