



The right to equal treatment, generally referred to as **civil rights**, has been a core principle of the United States government since the ratification of the Constitution. The original Constitution, for example, prohibits **bills of attainder**, laws that target particular individuals, and the **Bill of Rights**, ratified in 1791, guarantees equal treatment under federal law.

Yet despite these early guarantees, U.S. national and state laws continued to discriminate long after the founding. African Americans, women, Native Americans, LGBTQ Americans, and other groups have suffered from differential treatment by government authorities. Congress, the Supreme Court, and the states have extended equal treatment guarantees to broader and more inclusive populations over time, often as a result of sustained activism by the affected groups and their allies.¹

Today, a variety of laws and constitutional provisions guarantee equal treatment. The nature of these guarantees depends on the context, however, and the ways in which government agencies enforce these guarantees also differ.

Equal treatment under the law is guaranteed by the **Fifth Amendment's** due process clause as well as the **equal protection clause** of the **Fourteenth Amendment**, added to the Constitution in 1868, which stipulates that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” The **Fifteenth Amendment** (1870), the **Nineteenth Amendment** (1920), and the **Twenty-Sixth Amendment** (1971) guarantee equal access to the ballot box regardless of race

and gender, and for those aged 18 years and older.

Congress has enacted various laws enforcing these constitutional provisions, and in some cases extending civil rights protections beyond them. The **Civil Rights Act of 1964**, for example, banned discrimination in programs that receive federal government funding and the **Voting Rights Act** of 1965 prohibits discrimination in elections. The **Indian Civil Rights Act** of 1968 prohibits tribal governments from denying equal protection of the law, and **Title IX** of the Education Amendments of 1972 bans gender discrimination in educational institutions that receive federal assistance. State governments also have enacted various civil rights laws of their own.

Enforcement of civil rights guarantees can come via court orders (when a court concludes that a civil rights violation has occurred), or via enforcement of Congressional enactments by an executive agency such as the Civil Rights Division of the **U.S. Department of Justice**. Over time, activist groups seeking broader civil rights protections have therefore sought both to file lawsuits in courts and to influence elected officials via public protests and mobilization in elections.²

Civil rights laws also in many cases prohibit discrimination by private businesses, employers, and other institutions. The 1964 Civil Rights Act outlawed race discrimination in private businesses; the 1990 **Americans with Disabilities Act** (ADA) prohibits employment discrimination against those with disabilities.

¹ For an influential analysis of the African American Civil Rights Movement of the 1950s and 1960s, see Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970*, Second Edition (Chicago: University of Chicago Press, 1999).

² The NAACP brought suit in a series of cases that culminated in the seminal *Brown v. Board of Education*

(1954 & 1955) case, in which the Supreme Court declared segregation in public schools to be unconstitutional; similarly, GLBTQ Legal Advocates and Defenders (GLAD) has been involved in many key LGBTQ rights cases, including the *Obergefell v. Hodges* (2015) case that legalized same sex marriage. As this litigation proceeded, other organizations engaged in electoral activity and protest.