How does the Constitution protect your right to equal protection of the laws?

LESSON PURPOSE
In this lesson, you will learn about the right of all people to be treated equally by government. You will learn the meaning of the term *equal protection of the laws*. The equal protection clause is one part of the Fourteenth Amendment. This clause has been used to prevent states from being unfair to citizens because of their race or gender.

LESSON OBJECTIVES
When you have finished this lesson, you should be able to

☑ explain the meaning of equal protection of the laws and

☑ describe some important steps in history that were taken to prevent state governments from being unfair to people.

TERMS TO KNOW
• boycott
• Civil Rights Act of 1964
• Civil War Amendments
• equal protection clause
• equal protection of the laws
• segregate
• Voting Rights Act
Critical Thinking Exercise

Are these actions by government fair?

Work in a group of three to five students. Discuss each of the imaginary situations below. Decide if the government was being fair in the situation. Be prepared to share the reasons for your decisions with the class.

1. A new law in your state says that you must go to a certain school because of your race.

2. Your town has a law that says that you cannot live in a certain area because of your religion.

3. Your city police department will not allow women on the police force.

4. Your state has a law that says you cannot marry someone of a different race.

5. A man and a woman work for the state government at the same jobs. The man is paid much more than the woman is paid.
Why was the Fourteenth Amendment needed?

After the Civil War, three amendments were added to the Constitution: the Thirteenth, Fourteenth, and Fifteenth Amendments. We call these the Civil War Amendments. They ended slavery and attempted to give former slaves the same rights as other people.

The Fourteenth Amendment was passed to stop state governments from unfairly discriminating against African Americans. To unfairly discriminate means to treat some people differently without having a good reason. The Fourteenth Amendment says, “No State shall … deny to any person … the equal protection of the laws.” Equal protection of the laws means that state governments must not treat people differently unless there is a good and fair reason for doing so.

There are good and fair reasons why most states have laws that say you cannot drive a car until you are a certain age. The equal protection clause prohibits laws that unreasonably and unfairly favor some groups over others.

Just passing the Civil War Amendments in 1868 did not stop unfair treatment of African Americans. States still passed laws that allowed unfair discrimination. Some states passed laws that
Why did the Civil War Amendments fail to end the unfair treatment of African Americans by government?

required African American children to go to schools separate from other children. Other laws required separate seats on trains and separate entrances to buildings. Some laws made it impossible for African Americans to vote or have the basic rights that other citizens had.

These state laws were unfair. People said they violated the Fourteenth Amendment. In 1896, the Supreme Court ruled that laws requiring segregation of the races were constitutional. The Court said it was legal for states to separate people by race if the public places for each group were equal. For example, separate schools should have the same quality of classrooms and teachers.

During the next half century, Americans’ ideas about fairness and equality began to change. In 1954, the Supreme Court decided one of the most important legal cases in our country’s history.
How did Thurgood Marshall help bring an end to segregation in our country?

Linda Brown was a seven-year-old African American student. She lived in Topeka, Kansas. Her home was five blocks from an elementary school. The school close to Linda’s home was for white students only. The school board required that Linda cross town to go to a school twenty-one blocks away. The school that was far away was for African American students.

Linda’s parents sued the school board of Topeka. They said that the school system was treating Linda unfairly. They claimed that the school board had violated Linda’s right to the equal protection of the laws.

One of the Brown’s lawyers was Thurgood Marshall. Marshall later became the first African American justice of the Supreme Court. He argued that segregated schools could not be equal. To segregate means to set apart from others. The Supreme Court agreed. The Court said that segregated schools by their nature were not equal. The Court said that requiring separate schools denied students the equal protection of the laws.

How did people work to change the laws and end unfair discrimination?

The Brown case dealt only with public schools. It did not end other types of unfair discrimination. The civil rights movement started in the 1950s. It was a time when many people of both races worked to end other kinds of unfair treatment. The people marched in the streets. They wrote letters to Congress asking for stronger laws. They held boycotts. A boycott is an act of protest. It means that, as a group, people avoid something like a store or company.

One of the earliest boycotts began in 1955. Rosa Parks was a working woman who lived in Alabama. On her way home one day, Parks refused to give her seat on the bus to a white person. Parks was arrested for violating a city law. The African American community boycotted the city buses until the city changed the law. The boycott lasted more than a year.
How did people involved in the civil rights movement achieve their goals?

In August of 1963, thousands of Americans marched in Washington, D.C. They wanted to show their support for the civil rights movement. Martin Luther King Jr. was an important civil rights leader. It was here that King gave his famous “I Have a Dream” speech. King told the crowd, “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.”

In 1964, Congress passed a law called the Civil Rights Act. The Civil Rights Act of 1964 ended segregation in public places. Public places included restaurants, movie theaters, and hotels. The law also said that employers could not unfairly discriminate against people because of their race, national origin, religion, or gender.

The Civil Rights Act made it against the law to segregate people in public places. It did not stop African Americans and other minorities from being unfairly discriminated against when they tried to vote in elections. So, in 1965 Congress passed the Voting Rights Act. It is one of the most important acts ever passed by Congress. It protects the right to vote for members of minority groups that had been discriminated against unfairly since the nation was founded.
What were the results of the Civil Rights Act of 1964?

How has the equal protection clause been used to protect the rights of people with disabilities?

How has the equal protection clause helped other groups in America?

As African Americans won the right to equal protection, other groups began to ask for the same right. Asians, Latinos, Native Americans, people with disabilities, the elderly, and other groups have worked to gain the right to equal protection. It is now against the law to unfairly discriminate because of a person’s age, disability, or ethnic background.

Women were the largest group to benefit from these efforts. Many laws protect women from unfair discrimination where they work. The law prohibits discrimination in pay based on gender. Education programs that receive money from the federal government cannot discriminate based on gender.
Reviewing and Using the Lesson

1. Why was the Fourteenth Amendment added to the Constitution?
2. What does “equal protection of the laws” mean?
3. Why did the Fourteenth Amendment not immediately end unfair treatment of African Americans?
4. Why was the Brown v. Board of Education legal case so important?
5. What was the civil rights movement? Give some examples of how people of different races worked together to change unfair laws.
6. Why was the Civil Rights Act of 1964 important?
7. Why was the Voting Rights Act of 1965 important?

Activities

1. Learn about important people in the civil rights movement: Martin Luther King Jr., Rosa Parks, Linda Brown, and Medgar Evers. Share what you learned with your class.

2. Read Martin Luther King Jr.’s “I Have a Dream” speech. Draw a picture or a poster showing King’s dream. Share your picture with the class.

3. Learn more about how one of the following groups struggled to achieve the right to equal protection of the law. Share what you learned with the class.
   - Chinese
   - Latinos
   - Native Americans
   - People with disabilities
   - Women
Resource Center

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- Lesson Purposes
- Lesson Objectives
- Terms to Know
- Biographies
- Primary Sources
- Media

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