

**Main Idea**

The Fourteenth Amendment was designed to bolster civil rights by requiring states to guarantee to freed slaves “the equal protection of the laws.” However, African Americans and women still struggled to win equal treatment in American society.

**Reading Focus**

1. What is meant by equal protection of the law?
2. What civil rights laws were passed after the Civil War, and why did they fail to end segregation?
3. How did women fight for and win voting rights?
4. What events began to roll back racial and ethnic segregation in the United States?

**Key Terms**

equal protection clause  
suspect classification  
segregation  
Jim Crow laws  
separate-but-equal doctrine  
suffrage  
Seneca Falls Convention  
de jure segregation  
desegregation  
de facto segregation

**Equal Protection of the Law** (pp. 326–327)

Much of the progress to end discrimination has occurred in the courts. Judges have used the equal protection clause of the Fourteenth Amendment to ban discrimination and ensure equal protection of the law.

**The Equal Protection Clause** The Fourteenth Amendment says that “No State shall ... deny to any person within its jurisdiction [legal control] the equal protection of the laws.” This statement is known as the **equal protection clause**. It requires states to apply the law the same way for one person that they would for another person in the same circumstances. Although the amendment originally applied only to freed slaves, the Supreme Court has expanded the meaning to all people. It has

thus become an important tool in the fight for civil rights.

There are times when it is legal to distinguish between groups of people. This is known as reasonable distinction, and the courts have developed several tests to determine if reasonable distinction exists.

**Reasonable Distinction** Classifications that seem random or without a valid purpose are not allowed. For example, a park could not refuse admittance to all people with green eyes. There are three main guidelines the courts use to decide if the government has made fair distinctions between groups: the rational basis test, the intermediate scrutiny test, and the strict scrutiny test.

**Rational Basis Test** Governments often have a rational basis, or good reason, to treat different groups of people differently. Laws

must establish reasonable methods of accomplishing a legitimate goal of government, however. For example, in making the driving age 16, the legitimate goal of government is protecting public safety. People below that age may not have the maturity and experience to drive a car.

**Intermediate Scrutiny Test** Courts sometimes have to use a higher standard when determining if laws violate the equal protection clause. The intermediate scrutiny test has been used on laws such as those regarding classifications based on sex. The government must show an important reason for having a law based on sex, such as the Selective Service requirement that only men register for future drafts for military service.

**Strict Scrutiny Test** The strict scrutiny test is used when a fundamental right is being restricted or a classification is made based on race or national origin. A classification based on race or national origin is called a **suspect classification**. To meet the strict scrutiny test, the government must show that there is “a compelling [convincing] reason” that is in the public interest for the group classification.

The Supreme Court applied the strict scrutiny test to *Korematsu v. United States* (1944), a case in which a Japanese American man claimed that the internment of people of Japanese descent during World War II was unfair racial discrimination. The Court disagreed, saying that the United States had a compelling interest in protect the public from sabotage while at war with Japan. In *Loving v. Virginia* (1967) the Court struck down a Virginia law prohibiting marriages between whites and African Americans, saying the state had no compelling interest to prevent such marriages.

**Reading Check Identifying the Main Idea** How does the Court interpret the equal protection clause?

## Laws and Segregation after the Civil War (pp. 328–329)

The Fourteenth Amendment, passed after the Civil War, failed to protect African Americans’ civil rights. After Reconstruction ended in 1877, state governments in the South passed new laws in direct violation of the new constitutional amendments and laws designed to protect African Americans.

**Post–Civil War Laws** The Thirteenth, Fourteenth, and Fifteenth Amendments were passed between 1865 and 1870. The Thirteenth Amendment banned slavery in the United States. The Fourteenth Amendment made all people born in the United States citizens and required states to guarantee “due process” and “equal protection of the laws” to all people. The Fifteenth Amendment guaranteed the right to vote to African American men. Congress also passed a series of federal civil rights laws. Racism and prejudice were so deeply rooted, however, that the amendments and laws were not enough to prevent discrimination.

**Racial Segregation** Two factors that allowed a new system of discrimination to develop were the end of Reconstruction in the South and Supreme Court decisions that upheld racial discrimination. Though African Americans made many political gains during Reconstruction, these came to an end with the election of President Rutherford B. Hayes. Hayes ended the military occupation of the South. Violent groups such as the Ku Klux Klan began using violence against African Americans to keep them from pursuing their civil rights. White-dominated governments passed

segregation laws and laws preventing African Americans from participating in government. **Segregation** is the separation of racial groups. Most of these segregation laws, known as **Jim Crow laws** after a popular racist song, were passed in the late 1800s and early 1900s.

Several Supreme Court decisions upheld discriminatory practices. The Court ruled in 1883 that the Civil Rights Act of 1875 was unconstitutional. In *Plessy v. Ferguson* (1886), the Court established the **separate-but-equal doctrine**, the policy that laws requiring separate facilities for racial groups could be legal so long as the facilities were “equal.” This ruling gave legal authority to racial discrimination. Facilities in reality were almost never equal.

**Reading Check Identifying the Main Idea** What two factors during the 1800s led state governments to create a new system of inequality?

**Voting Rights for Women** (pp. 330–331)

Many women had fought to end slavery. They began to demand equal rights for themselves, too. One of the main goals of this struggle was women’s **suffrage**, or the right to vote.

**The Women’s Movement Begins** In 1848 a group of people led by Lucretia Mott and Elizabeth Cady Stanton held the **Seneca Falls Convention**, the first national women’s rights convention in the United States. Delegates to the convention adopted the Declaration of Sentiments that demanded voting and equal rights for women.

Many women in the movement believed that the Fifteenth Amendment’s language should include women. When women were purposefully excluded from the amendment, some activists, such as Susan B. Anthony,

refused to support it. Others began to fight for suffrage on a state-by-state basis, first winning the right to vote in Wyoming Territory. Women’s voting rights in other western states and territories followed. However, no federal laws or protections existed.

**Winning the Vote** Women’s rights activists marched, picketed, and went on hunger strikes to fight for suffrage. Finally, in 1920 the United States ratified the Nineteenth Amendment, giving all women in the United States the right to vote.

**Reading Check Sequencing** What were some key events in the fight for women’s suffrage?

**Rolling Back Segregation** (pp. 330–332)

The *Plessy* ruling had laid the foundation for **de jure segregation**, segregation by law. Segregation remained legal for the first half of the 1900s. African American activists began to pursue a legal strategy of challenging segregation in court.

**Early Legal Challenges** Two attorneys for the National Association for the Advancement of Colored People (NAACP), Charles Hamilton Houston and Thurgood Marshall, led the fight in the courts. The first case to successfully challenge segregation was *Gaines v. Canada* (1938), in which the Supreme Court ruled that the equal protection clause required states to either provide equal educational facilities for African Americans or admit them to white schools. In *Sweatt v. Painter* (1950) the Court ruled that by requiring African Americans to attend an inferior all-black law school, the University of Texas violated equal protection of the law.

***Brown v. Board of Education of Topeka, Kansas*** This case was filed on behalf of all African American students who were denied entry to public schools. It challenged the separate-but-equal rule. In its ruling, the Court overturned *Plessy* and declared segregation in public schools illegal under the equal protection clause. It was now illegal for state or local governments to provide separate facilities based solely on race.

**School Desegregation** As a result of the *Brown* decision, school districts began the process of **desegregation**, or ending the formal separation of groups based on race. In many places, whites broke the law. Numerous court cases at the local level

eventually brought an end to de jure segregation in public schools by the 1970s.

Another type of segregation still exists, however. **De facto segregation** is segregation in fact, even without laws that require segregation. It is usually caused by school attendance rules and housing patterns that reflect social and economic differences among groups. Attempts at busing students from one area to another have been upheld by the Supreme Court. The Court has also sharply limited using race and ethnicity to determine school assignments.

**Reading Check Summarizing** How did legalized separation in the United States finally end?

## SECTION 2 ASSESSMENT

1. **Identify** State the purpose of the Fourteenth Amendment.
2. **Define** Define the following terms: **segregation, Jim Crow laws, separate-but-equal doctrine.**
3. **Identify** Which amendment gave women the right to vote in the United States, and when was it passed?
4. **Describe** What legal strategy did the NAACP use to roll back segregation in the United States?