

# Bill of Rights [1791]

Congress adopted the Bill of Rights by amendment to the U.S. Constitution. These fundamental rights were meant to be used by citizens to limit the powers of a centralized government and to protect people against acts of oppression or tyranny by the federal government.

However, states decided the qualifications for citizenship such as age, gender, and how much property must be owned to qualify to vote or run for office – and most states only recognized some white men as citizens.

In New Jersey, women who met property and residency requirements could vote when the Constitution was ratified, but the state revoked that right in 1807.

**1791**

**Bill of Rights**

# 13<sup>th</sup> Amendment [1865]

President Lincoln knew his Emancipation Proclamation would need a constitutional amendment to abolish slavery. The Senate passed it in April 1864. To ensure its passage by the House, Lincoln insisted it be added to the Republican Party platform for the next Presidential election. It was adopted in January 1865 before the southern States were restored to the Union. It was ratified in December.

The 13<sup>th</sup> Amendment abolished slavery and involuntary servitude in the U.S. and its states and U.S. territories, except as a punishment for a crime.<sup>\*</sup> The exception led to increased arrests of African Americans, due to state Jim Crow laws, and created slavery of another form – as prisoners of law – from Reconstruction to present. One legacy of Reconstruction was the determined struggle of black and white citizens to make the promise of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments a reality.

<sup>\*</sup> Changed the U.S. Constitution, Article IV, Section 2, Fugitive Slaves Clause

# 1865

## 13<sup>th</sup> Amendment

## abolishes slavery\*

\* except as punishment for a crime

# 14<sup>th</sup> Amendment [1868]

The original intent of the 14<sup>th</sup> Amendment was to grant citizenship to former slaves and to make the Bill of Rights binding upon the states.

14<sup>th</sup> Amendment recognized that all persons born or naturalized in the U.S. as citizens – except Indians who had tribal citizenship.\* It recognized privileges or immunities so that citizens of one state could enjoy equality in another state. It recognized due process and most Bill of Rights protections apply against states. It recognized equal protection of persons under law, which became crucial to protection of civil rights during the mid 1900s when it was held to apply against the federal government. It changed the Three-Fifths Clause to whole persons and added a penalty if eligible male citizens were denied the vote – except for participating in crimes.\*\* Internal wording – like exceptions for crime and state penalties for denying the vote to only male citizens – limited use of these new rights for certain persons.

\*14<sup>th</sup> Amendment did not force U.S. citizenship upon tribal Indians (“excluding Indians not taxed). Dual citizenship in tribal Nations and the U.S. was allowed under the Indian Citizenship Act of 1924.

\* Changed the U.S. Constitution, Article I, Section 2, Three-Fifths Clause

# 1868

**14<sup>th</sup> Amendment**  
**equal protection & due**  
**process against states**

# 15<sup>th</sup> Amendment [1870]

The 15<sup>th</sup> Amendment recognizes voting as a constitutional right of certain classes of citizens in United States: *“The right of citizens... to vote shall not be denied or abridged... on account of race, color, or previous condition of servitude.”*

But the exception for crimes and reference to only males in the 14<sup>th</sup> Amendment, and Jim Crow laws – like literacy tests for voting, exclusion of voting rights to those whose ancestors had not voted in the 1860s, poll taxes, and more – kept African Americans from exercising their voting rights from Reconstruction to present.

# 1870

## 15<sup>th</sup> Amendment

right to vote

NOT denied by race



## **Civil Rights Acts [1866–1875]**

Congress passed 5 acts in 10 years to enforce the Civil War amendments. Three acts – known as Ku Klux Klan Acts – placed all elections under federal control; gave federal courts enforcement power; and gave the president power to suppress state disorders with federal troops and detain in jail after trial members of the Ku Klux Klan and other white supremacy groups. As a result, the Ku Klux Klan was dismantled for over 40 years.

**1866–1875**

**Civil Rights Acts /  
Enforcement Acts**

# 17<sup>th</sup> Amendment [1913]

By the mid-1850s, election of U.S. senators by state legislatures, as required by the Constitution, had become battles of intimidation, bribery, corruption, and control by special interests, dubbed the “Millionaires’ Club” by progressive reformers. Deadlocks occurred in 20 states when different political parties controlled different state houses, and senate vacancies were not filled for months or years.

By 1912, 29 states used the “Oregon system” of direct vote by the people during state primary elections with state legislatures pledging to honor the results. People demanded a constitutional amendment.

The first version passed by the House, but not the Senate, included a race rider to prevent federal intervention in state cases of racial discrimination among voters. The version that passed both houses did not include the race rider. It established that the U.S. Senate is elected by the people, instead of appointed by state legislatures.\*

\* Changed the U.S. Constitution, Article I, Section 3

# 1913

## 17<sup>th</sup> Amendment

### U.S. Senate

### elected by people

# 19<sup>th</sup> Amendment [1920]

The amendment giving women the right to vote was first introduced in Congress in 1878. After the Supreme Court's decision in *Minor v. Happersett*, Suffragists switched tactics from federal to state legal actions to pass suffragist acts in each state and to challenge male-only voting laws in state courts. By 1916, almost all of the suffragist organizations were focused on a constitutional amendment.

By 1920, Congress had passed the amendment and 35 of the required 36 states had ratified it. Tennessee called a special session in summer. Young state Senator Harry Burns changed his mind and broke the tie vote upon receiving a letter from his mother asking him to vote in favor of the amendment.

The 19<sup>th</sup> Amendment recognizes women's right to vote 72 years after first women's rights convention in Seneca Falls, New York, in 1848. However, states continued to restrict privileges and immunities of women of color to deny the vote for another 40 years until the 1960s. That's when the Supreme Court started interpreting the 14<sup>th</sup> Amendment equal protection clause to include voting rights.

# 1920

**19<sup>th</sup> Amendment**  
**right to vote: women**

# **National Labor Relations Act [1935]**

A Congress sympathetic to labor unions passed the National Labor Relations (or Wagner's) Act to restrain private employers who were using violent, unfair methods to disrupt and interfere with union formation and business. Confrontations between militant workers trying to form unions and police and private security forces often turned violent and were disrupting interstate and foreign commerce.

The law established the rights of workers to self-organization; to form, join, or assist labor organizations; to bargain collectively through representatives of their own choosing; and to engage in activities related to collective bargaining and protection. It created a federally-appointed board to arbitrate disputes, ensure democratic union elections, and penalize unfair labor practices by employers.

The act led to huge increases in union membership, including women, and made labor a vital economic and political force.

# 1935

# National Labor Relations Act



# ***West Coast Hotel Co. v. Parrish [1937]***

Washington state established a minimum wage for women and minors in the late 1930s. When a hotel maid was paid less than the minimum wage, she sued her employer to recover what she was owed – and won. West Coast Hotel Co. appealed the ruling to the Supreme Court.

After the Depression, the Court reconsidered whether wage and hour laws violate due process under the Constitution. Court reasoned that certain workers (women and children) were economically disadvantaged in terms of bargaining power and that exploitation of these workers was not in the best interest of their health or the economic health of the community. Court upheld Washington state law.\*

Subsequently, the Fair Labor Standards Act of 1938 established the right to a minimum wage, “time-and-a-half” overtime pay for over 40-hours a week, and it prohibited most employment of minors.

\* Ruling overturned *Lochner* decision.

# 1937

**minimum wage  
for women and  
children**

# ***Brown v. Board of Educ. of Topeka [1954]***

Supreme Court recognized separate is not equal and ruled public schools cannot be racially segregated. However, the Board did not say how to end racial discrimination.

In 1955, in *Brown II*, the Supreme Court ordered district courts to desegregate schools with “all deliberate speed.” Southern states used this to resist desegregation of public schools for years. Prince Edward County, Virginia, closed public schools for 5 years, claiming lack of funds but funded white students to attend white-only private schools.

In 1964, the Supreme Court overturned *Brown II*, ruling “the time for mere ‘deliberate speed’ has run out.” (*Griffin v. County School Board of Prince Edward County*)

In 1978, Oliver Brown’s daughter, Linda, reopened *Brown III* to demand a plan for desegregating public schools. It wasn’t until 1998 that Topeka schools finally met court standards of racial balance.

\* Rulings overturned *Plessy* decision.

1954

separate is

NOT equal

## 24<sup>th</sup> Amendment [1964]

After the 15<sup>th</sup> Amendment passed, many southern states passed poll taxes – fees to qualify to vote. Poll taxes were used to prevent African Americans from voting, along with literacy tests and other restrictions, and physical harassment, intimidation, economic retaliation, and physical violence.

The 24<sup>th</sup> Amendment prohibited the practice of using failure to pay poll taxes as an excuse to deny African Americans and others the right to vote: *“The right... to vote ... shall not be denied... by reason of failure to pay any poll tax or other tax.”*

# 1964

## 24<sup>th</sup> Amendment

abolishes use of poll  
taxes to deny vote

# Civil Rights Act [1964]

In June 1963, President John Kennedy addressed the nation to urge people to take action toward guaranteeing equal treatment of every American regardless of race.

After Kennedy's assassination, the work begun by blacks and whites over a century earlier to end major forms of discrimination led to passage of the Civil Rights Act over strong opposition in both houses of Congress. The law intended to end discrimination on the grounds of race, color, religion, or national origin.

It provided key enforcement measures. It authorized federal district courts to provide remedies against discrimination in public places. It authorized the Attorney General to bring lawsuits to protect constitutional rights in public education and public places. It authorized the Civil Rights Commission to prevent discrimination in federally assisted programs. And it created the Commission on Equal Employment Opportunity.

**1964**

**CIVIL**

**RIGHTS ACT**



# Voting Rights Act [1965]

95 years after the 15<sup>th</sup> Amendment had passed, President Lyndon Johnson urged Congress to pass a bill to “make it impossible to thwart the 15<sup>th</sup> Amendment... (W)e cannot have government for all the people until we first make certain it is government of and by all the people.”

The Voting Rights Act abolished Jim Crow laws and authorized federal supervision of voter registration where necessary. The act had strong enforcement measures. The “coverage formula” determined which states had discriminatory voting practices. Those states were required to obtain “preclearance” – approval by federal judges – of any changes to voting laws before the changes could be enforced. These federal enforcement measures were key to reducing racial discrimination in state voting practices.

By the end of 1965, over a quarter million new black voters were registered, one-third with federal assistance. By the end of 1966, only 4 of 13 southern states had less than half of its African American residents registered to vote. The act was strengthened in 1970, 1975, and 1982.

**1965**

**VOTING**

**RIGHTS ACT**

# ***Loving v. Virginia* [1967]**

In 1958, childhood sweethearts Mildred and Richard Loving married in Washington, DC. Then, 24 states banned interracial marriages. When the couple returned to Virginia, they were arrested with unlawful cohabitation and jailed. They moved to Washington, DC, but were arrested 5 years later, while traveling together to visit family in Virginia. Mildred wrote to U.S. Attorney General Robert Kennedy for help and was referred to the American Civil Liberties Union.

Supreme Court invalidated state laws prohibiting interracial marriage under the 14<sup>th</sup> Amendment Equal Protection Clause. Virginia argued its state law, making interracial marriage a felony, equally punished both white and black people, and so it did not violate the Equal Protection Clause. Court held it is not possible for a state law to be valid, which makes the criminality of an act depend upon the race of the actor.\*

\* Court recognizes a new fundamental right.

# 1967

**Right to interracial  
marriage**

# **Fair Housing Act [1968]**

Pressure to pass this legislation through Congress was building from both black and white organizations and was fueled by discriminatory housing practices against families of African American soldiers who had been killed in Vietnam. The act was signed into law during the King assassination riots.

The law protects buyers and renters of housing from discrimination by sellers, landlords, or financial institutions. It prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, family status, disability, or gender.

**1968**

**FAIR**

**HOUSING ACT**

## **26th Amendment [1971]**

During the Vietnam War, students (18–21) were being drafted into military service without a say – a vote – in their future. They took to the streets for months in mass demonstrations and protests.

Under this intense pressure, Congress was forced to realize that, if 18-year-olds could be drafted into military service, they should be allowed to vote.

The 26<sup>th</sup> Amendment recognizes a citizen's right to vote at 18 years of age. It was ratified in just over 2 months, a record time for any U.S. amendment.

# 1971

## 26th Amendment

## voting age: 18



## ***Roe v. Wade* [1973]**

Supreme Court invalidated Texas law and other state laws that prohibited a woman's right to choice regarding her pregnancy.

This ruling recognized women's right to privacy under the 1<sup>st</sup> Amendment right to freedom of religion, the 4<sup>th</sup> Amendment right to protection against unreasonable search and seizure, the 5<sup>th</sup> Amendment right to due process, the 9<sup>th</sup> Amendment right to privacy, and 14<sup>th</sup> Amendment right to due process and equal protection.

\* Court recognizes a new fundamental right for women concerning their own bodies.

**1973**

**women's right  
to privacy**

# Securing public health and worker health with environmental laws

- Environmental Protection Agency, formed 1970
- Clean Air Act, passed in 1963, amended 1970
- Clean Water Act, passed in 1948, redone 1972
- National Environmental Policy Act, 1970
- Occupational Safety & Health Act, 1970
- Safe Drinking Water Act, 1974
- Toxic Substances Control Act, 1976
- Resource Conservation & Recovery Act, 1976
- Surface Mining Control & Reclamation Act, 1977
- First fuel economy standards for cars, 1975
- + much more

**1960s–1970s**

**Securing public  
health with  
environmental laws**

# ***Obergefell v. Hodges* [2015]**

This case consolidated six appeals court cases from Ohio, Michigan, Kentucky, and Tennessee. It originally involved 16 same-sex couples, 7 of their children, a widower, and others. A split between the four circuit courts led to a Supreme Court review.

Supreme Court ruled the fundamental right to marry is guaranteed by the 14<sup>th</sup> Amendment Due Process Clause and Equal Protection Clause.\*

The majority held: "*(M)arriage is a keystone of our social order... There is no difference between same- and opposite-sex couples with respect to this principle.*"

\* Court recognizes new fundamental right.

**2015**

**right to same-  
sex marriage**

# ***Evenwel v. Abbott* [2016]**

State constitutions require state legislatures to reapportion political district boundaries after every federal census (10 years). Political parties in power at the time of redrawing district boundaries often try to “gerrymander” or manipulate boundaries of a voting constituency to favor their party or class. This history predates the Constitution.

Sue Evenwel and others filed suit in U.S. District Court in Texas over boundaries of political districts. They argued their vote was diluted because of districting based on the total population. Critics claimed the case was gerrymandering to protect the white vote.

Supreme Court ruled unanimously the “one person, one vote” principle of the 14<sup>th</sup> Amendment Equal Protection Clause allows states to continue basing legislative districts on the whole population, counting kids, prisoners, and other persons who are not registered to vote, not just citizens eligible to vote.

# 2016

**Legislative districts  
based on whole  
population**