

What are “Civil Liberties”

the freedom of a citizen to exercise customary rights, such as speech or assembly, without unwarranted or arbitrary interference by the government.

What are “Civil Rights”

rights of all citizens to civil liberties; established by the 13th and 14th Amendments to the U.S. Constitution and certain Congressional acts

13th Amendment

- ◆ Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
- ◆ Section 2. Congress shall have power to enforce this article by appropriate legislation.

14th Amendment

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being 21 years of age...the basis of representation therein shall be reduced...

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

15th Amendment

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Question

- ◆ What additional Acts of Congress were required to enforce these rights?

Civil Rights applied by the Courts

- ◆ Rational basis test (exceptions allowed for *proper* governmental purpose)
 - ◆ Age
 - ◆ Mental capacity
- ◆ Strict Scrutiny test (exceptions allowed for *compelling* government interest)
 - ◆ Race
 - ◆ Gender
 - ◆ National origin