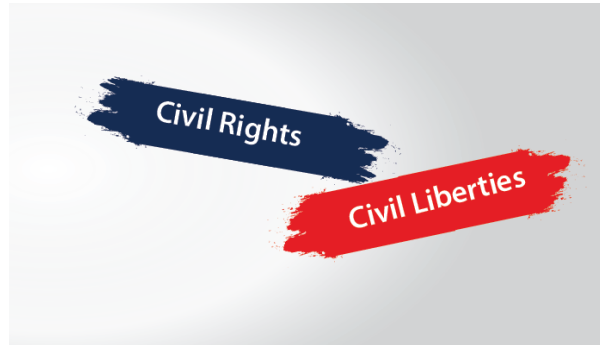


Civil Rights and Civil Liberties



You have the right to remain silent. You have the right to a fair court trial. You also have the right to vote and the right to privacy. Americans are very familiar with these rights, but are they considered civil rights or civil liberties? "Civil rights" and "civil liberties" are terms that are often used synonymously, interchangeably, but the terms are actually very distinct. What is the difference between a liberty and a right? Both words appear in the Declaration of Independence and the Bill of Rights. The distinction between the two has always been blurred, and today the concepts are often used interchangeably. However, they do refer to different kinds of guaranteed protections.

Civil Rights: the rights of citizens to political and social freedom and equality.

Civil rights, refer to positive actions of government should take to create equal conditions for all Americans. The term "civil rights" is often associated with the protection of minority groups, such as African Americans, Hispanics, and women. The government counterbalances the "majority rule" tendency in a democracy that often finds minorities outvoted.

Civil rights concern the basic right to be free from unequal treatment based on certain protected characteristics (race, gender, disability, etc.) in settings such as employment, education, housing, and access to public facilities. A civil rights violation occurs in designated situations where an individual is discriminated against on the basis of a protected characteristic. Most civil rights laws are established through the federal government via federal legislation or case law.

Civil Liberties: the state of being subject only to laws established for the good of the community, especially with regard to freedom of action and speech.

Individual rights protected by law from unjust governmental or other interference.

Civil liberties are protections against government actions. For example, the First Amendment of the Bill of Rights guarantees citizens the right to practice whatever religion they please. Government, then, cannot interfere in an individual's freedom of worship. Amendment 1 gives the individual "liberty" from the actions of the government.

Civil liberties concern basic rights and freedoms that are guaranteed -- either explicitly identified in the Bill of Rights and the Constitution, or interpreted or inferred through the years by legislatures or the courts.

Civil liberties include:

- The right to free speech
- The right to privacy
- The right to remain silent in a police interrogation
- The right to be free from unreasonable searches of your home
- The right to a fair court trial
- The right to marry
- The right to vote

The Legal Issue of Civil Rights v. Civil Liberties

The law differentiates between civil rights, which means the basic right of freedom from discrimination based on certain personal characteristics such as gender, race, or disability, and civil liberties which are basic freedoms. Civil liberties concern the actual basic freedoms; civil rights concern the treatment of an individual regarding certain rights. Unlike civil liberties, where the government grants broad-based rights to individuals, civil rights are not only granted by the government but also contain a protective aspect of those rights based on certain characteristics.

One way to consider the difference between civil rights and civil liberties is to look at

- 1) What right is affected, and
- 2) Whose right is affected?

For example, as an employee, you do not have the legal right to a promotion, mainly because getting a promotion is not a guaranteed "civil liberty." However, as a female employee you do have the legal right to be free from discrimination in being considered for that promotion -- you cannot legally be denied the promotion based on your gender (or race, or disability, etc.). By choosing not to promote a female worker solely because of the employee's gender, the employer has committed a civil rights violation and has engaged in unlawful employment discrimination based on sex or gender.

Here's another example: the right to marry is a civil liberty, while gay marriage is a civil rights matter. If a couple (either same-sex or opposite-sex) is denied a marriage license because the court clerk has decided not to issue them at all, then their civil liberties have been violated. But if the clerk denied marriage licenses only to LGBT couples, it is a civil rights violation.

<https://civilrights.findlaw.com/civil-rights-overview/civil-rights-vs-civil-liberties.html>



Most Americans think of civil rights and liberties as principles that protect freedoms all the time. However, the truth is that rights listed in the Constitution and the Bill of Rights are usually competing rights. Most civil liberties and rights court cases involve the plaintiff's right vs. another right that the defendant claims has been violated.

For example, in 1971, the *New York Times* published the "Pentagon Papers" that revealed some negative actions of the government during the Vietnam War. The government sued the newspaper, claiming that the reports endangered national security. *The New York Times* countered with the argument that the public had the right to know and that its freedom of the press should be upheld. So, the situation was national security v. freedom of the press. A tough call, but the Court chose to uphold the rights of the press.

Protection of civil liberties and civil rights is basic to American political values, but the process is far from easy. Protecting one person's right may involve violating those of another. How far should the government go to take "positive action" to protect minorities? The answers often come from individuals who brush most closely with the law, whose cases help to continually redefine American civil liberties and rights.

The ACLU – The American Civil Liberties Union

In the years following World War I, America was gripped by the fear that the Communist Revolution that had taken place in Russia would spread to the United States. In November 1919 and January 1920, in what notoriously became known as the "Palmer Raids," Attorney General Mitchell Palmer began rounding up and deporting so-called radicals. Thousands of people were arrested without warrants and without regard to constitutional protections against unlawful search and seizure. Those arrested were brutally treated and held in horrible conditions. A small group of people decided to take a stand, and thus was born the American Civil Liberties Union.

The ACLU has evolved in the years since from this small group of idealists into the nation's premier defender of the rights enshrined in the U.S. Constitution. With more than 1.75 million members, nearly 300 staff attorneys, thousands of volunteer attorneys, and offices throughout the nation, the ACLU of today continues to fight government abuse and to vigorously defend individual freedoms including speech and religion, a woman's right to choose, the right to due process, citizens' rights to privacy and much more. The ACLU stands up for these rights even when the cause is unpopular, and sometimes when nobody else will. While not always in agreement with us on every issue, Americans have come to count on the ACLU for its unyielding dedication to principle. The ACLU has become so ingrained in American society that it is hard to imagine an America without it.

One of the ACLU's earliest battles was the Scopes Trial of 1925. When the state of Tennessee passed a law banning the teaching of evolution, the ACLU recruited biology teacher John T. Scopes to challenge the law by teaching the banned subject in his class. When Scopes was eventually prosecuted, the ACLU partnered with celebrated attorney Clarence Darrow to defend him. Although Scopes was found guilty (the verdict was later overturned because of a sentencing error), the trial made national headlines and helped persuade the public on the importance of academic freedom.

After the Japanese attack on Pearl Harbor, President Franklin Roosevelt ordered all people of Japanese descent, most of whom were American citizens, be sent to “war relocation camps.” Eventually more than 110,000 Japanese Americans were sent to these internment camps. The ACLU, led by its California affiliates, stood alone in speaking out about this atrocity.

In 1954, the ACLU joined forces with the NAACP to challenge racial segregation in public schools. The resulting Supreme Court decision in ***Brown v. Board of Education*** that ended the era of “separate but equal” was a major victory for racial justice.

The ACLU was also involved in the 1973 the Supreme Court victories in ***Roe v. Wade*** and ***Doe v. Bolton***, which held that the right to privacy encompasses a woman's right to decide whether she will terminate or continue a pregnancy. In 2003, the ACLU helped persuade the Supreme Court in ***Lawrence v. Texas*** to expand upon the privacy rights established in ***Roe*** when it struck down a Texas law making sexual intimacy between same-sex couples a crime.

Since the tragic terrorist attacks of 9/11, the ACLU has been working vigorously to oppose policies that sacrifice our fundamental freedoms in the name of national security. From opposing the Patriot Act to challenging warrantless spying to challenging the indefinite detention of terrorism suspects without charge or trial, the ACLU is committed to restoring fundamental freedoms lost as a result of policies that expand the government's power to invade privacy, imprison people without due process and punish dissent.

Much of their work today focuses on equality for people of color, women, gay and transgender people, prisoners, immigrants, and people with disabilities.

Extracted from: <https://www.aclu.org/about/aclu-history>

