

services. The ADA requires "reasonable accommodation" for people with disabilities in workplaces and public facilities (Collins & Matthews, 2012). The law has given much needed civil rights protections to people with disabilities. It has increased accessibility in buildings and transportation, particularly in new construction. The law has also spurred the development and distribution of technologies that help people with a variety of disabilities interact more effectively with their environments. However, after more than 20 years since its passage, people with disabilities still face challenges with regard to the law. One of the biggest challenges is in enforcement. When the law was passed, no federal agency was established to investigate and enforce claims of discrimination, as was the case under the Civil Rights Act. This means that if people believe they have experienced discrimination based on disability, they must take individual action, such as filing a lawsuit, to have the law enforced.

Civil Rights for Lesbians, Gay Men, Bisexuals, and Transgender Persons

Lesbians, gay men, bisexuals, and transgender individuals (LGBT) still have no federal protection from discrimination, although some states and municipalities have enacted antidiscrimination legislation on their behalf. As of 2016, 20 states and the District of Columbia prohibited discrimination on the basis of both sexual orientation and gender identity or expression (American Civil Liberties Union [ACLU], 2017). In most jurisdictions, however, LGBT individuals can be fired from jobs, evicted from housing, and refused services in public accommodations on the basis of their sexual orientation. Activists around the country have fought and continue to organize and advocate for civil rights protection for the LGBT community. For many years, the LGBT community has fought battles over the right to serve openly in the military, the right to equal access to health and other partner benefits, and the right to marry. After years of effort, change has occurred in all of these areas.

However, forward progress on civil rights can be reversed. In 2016, the Obama administration announced that transgender people would be recruited and could serve openly in the military. This policy came after a number of years of research that found that allowing transgender people to serve would not have a negative impact on unit readiness. In a message on Twitter, Mr. Trump reversed the Obama policy. He tweeted, "The United States government will not accept or allow transgender individuals to serve in any capacity in the U.S. military" (Bromwich, 2017). He later modified this to say that transgender people would not be accepted into the military, leaving open the question about what would happen to those already serving. As of the writing of this book, whether transgender people will be allowed to serve in the U.S. military has yet to be resolved. This is a reminder, however, that civil rights are not something we can ever take for granted. Without ongoing organizing and effort, the rights that have been hard won can be taken away. Service in the military for members of the LGBT community has been fraught with difficulty and a lack of protections based on their sexual

orientation. Originally banned from military service in 1993, the policy was altered slightly through then-President Clinton's directive to the military not to ask about sexual orientation. This policy became known as "Don't Ask, Don't Tell" and was in full force until repeal legislation was passed by Congress and signed into law in December 2010 (Lee, 2010).

LGBT activists have been fighting for passage of the federal **Employment Non-Discrimination Act (ENDA)**, which would prohibit employers from using sexual orientation as the basis for employment decisions such as hiring, firing, promotion, and compensation. Currently, no federal law protects LGBT individuals from employment discrimination, although hundreds of companies, including 69 percent of Fortune 500 companies, have nondiscrimination policies that cover sexual orientation. Additionally, 66 percent of Fortune 500 companies prohibit discrimination based on gender identity (Human Rights Campaign, 2015). ENDA was initially introduced in Congress in 1994 and was defeated in the Senate by one vote in 1996. Advocates continue to introduce ENDA in Congress in the hope that it will someday be passed and thereby ensure that civil rights are not derived on the basis of sexual orientation and gender identity.

Legally recognized marriage is another civil rights issue raised by LGBT couples and advocates. Marriage laws are state governed, but with the federal protection that what is sanctioned in one state is recognized by all other states. Historically, this law meant that a marriage license awarded in one state was transferable anywhere in the country. Efforts to legalize gay marriage changed this policy through the 1996 **Defense of Marriage Act (DOMA)**. The law did two things: it defined marriage as between one man and one woman, and it allowed states not to recognize as a marriage a union of a same-sex couple that may be considered a marriage in another state. In June 2013, the Supreme Court ruled that Section 3 of DOMA, which defined marriage between one man and one woman, was unconstitutional. In June 2015, the Supreme Court ruled that the constitution guarantees a right to same-sex marriage. This decision made marriage equality a reality across the United States.

Hate Crimes Prevention Act

As discussed in the beginning of this chapter, thousands of hate crimes—victimizations of people based on aspects of their identities—are committed each year. In 2009, after 12 years of congressional debate and unsuccessful attempts at enactment, the **Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act** (HCPA, PL 111-84) was signed into law. This law empowers the Department of Justice to investigate and prosecute bias-motivated violence, to aid state and local jurisdictions with investigations and prosecutions of bias-motivated crimes, and to provide grants to cover the extra expenses often required for investigation and prosecution of hate crimes. The HCPA also requires the Federal Bureau of Investigation to include among the categories of statistics on hate crimes that it records those crimes committed based on gender and gender identity.