

CIVIL RIGHTS NOTES

DEFINITION

Civil Rights are those rights that guarantee citizens “equal protection” under the law. That is, they protect us from discrimination based on race, sexual gender, religion, age, skin color, creed (political or social beliefs), national origin, or mental and/or physical disability. The civil rights movement began with the struggle for legal equality between the races, then spread to the other categories.

RACIAL DISCRIMINATION

The original US Constitution implied that slavery and racial discrimination were legal. After the Civil War, however, amendments were added to the Constitution that outlawed slavery and made former slaves citizens. The 14th Amendment also guaranteed citizens “equal protection” under the law.

In the infamous case *Plessy v. Ferguson* (1892), the Supreme Court got around the 14th Amendment by saying the races could be legally separated (segregation) as long as Black and White facilities were “separate but equal.” It wasn’t until the *Brown v. Board of Education* case in 1954 that the *Plessy* precedent was overturned. But despite the decision of the Supreme Court, many states continued segregation and racial discrimination against African-Americans through “Jim Crow” laws.

The Civil Rights movement gathered momentum during the period after *Brown*, and finally achieved some of its goals during the 1960’s. The government’s decision to finally obey the Supreme Court was probably due to their fear of increasingly violent protests over discrimination. The Civil Rights Act of 1964 prohibited discrimination in schools, voting, public accommodations and employment. The 24th Amendment prohibited poll taxes that kept poor Whites and Blacks from voting. The Voting Rights Act of 1965 prevented other racial restrictions on voting.

Today, the US Civil Rights Commission and the EEOC (Equal Employment Opportunity Commission) are the Federal Executive Branch offices that make sure that racial and/or other types of discrimination do not take place. The Bush Administration gave these offices a very low priority, but civil rights enforcement has increased in the Obama Administration.

WOMEN’S RIGHTS

The government classifies women as a minority even though they outnumber men in the population. This is because, in the past, both women and children were legally considered to be the property of their father or husband.

The 19th Amendment finally gave women the right to vote in 1920. Under pressure from the Women’s Liberation Movement, many equal rights were extended to women during the 1960’s. However, the ERA (Equal Rights Amendment), which would have given the genders total equality under the law, failed to be ratified by the state legislatures.

Today, Title VII of the Civil Rights Act of 1964 prevents sex-based discrimination at work. Despite some progress, however, women still earn only 69% of what comparable men earn. Sexual harassment is another form of sexual discrimination. Courts have ruled that employers must exercise “reasonable care” to prevent sexual discrimination or allowing a “hostile work environment” to exist.

RELIGION

The Establishment Clause prohibits any religious discrimination.

RIGHTS OF THE DISABLED

The Americans with Disabilities Act of 1990 prohibits discrimination based on physical or mental disabilities. The law has been used to force many institutions to make “reasonable accommodations” available for the disabled (for instance, wheelchair ramps for building entrances). In recent years, the law has become increasingly controversial because other groups besides the severely handicapped have demanded that they be classified as “disabled.” For instance, those people suffering from drug or alcohol addiction are now considered disabled, and therefore may not be fired from work unless a lengthy process to cure them is made available.

COLOR

Skin color is not the same as race. For instance, people that the government classifies as “White” such as Arabs, Indians & Pakistanis, etc. may have dark skin color. But all people are protected from discrimination based on this factor.

AGE

Although it may seem unfair, present Federal law only protects those of old age from age discrimination.

AFFIRMATIVE ACTION

Affirmative Action pertains to programs that give historically disadvantaged groups like minorities and women special preferences in order to make up for past discrimination in areas like hiring, school admissions, and government contracting.

These programs date back to 1965 when President Johnson signed an executive order creating Affirmative Action for the federal government. Today, many private institutions and businesses have also adopted Affirmative Action programs in order to make the membership of their organizations closer to that of the general population.

Many people consider Affirmative Action a form of “reverse discrimination” every bit as immoral as the old fashioned form of discrimination. In 2003, the US Supreme Court reaffirmed the constitutionality of Affirmative Action programs, but the court implied that the need for such programs may not last forever. In 2009, the Court began “chipping away” at Affirmative Action.

GAY AND LESBIAN RIGHTS

Although many states and local governments give civil rights protection to homosexuals, Federal laws and courts have NOT yet established a constitutionally protected right of sexual orientation.

Gay rights have been an important political issue during recent Presidential elections, with President George W. Bush calling for a Constitutional Amendment “protecting” traditional marriage. However, Congress never proposed such an amendment, and both Obama and McCain supported same-sex “civil unions” in the 2008 election. In 2010, Congress repealed the military’s “don’t ask, don’t tell” policy, allowing homosexuals to now serve openly in the armed forces. Finally, in 2015, the Supreme Court established marriage as a basic human right for all couples, regardless of gender. At the state level, political controversy currently centers on the balance between Gay Rights vs. the Religious Freedom to discriminate.