

Why does the issue of civil rights continue to provoke controversy? (60)

Civil rights in America have been extremely controversial for the past 60 years. Civil rights are a set of rights that belong to a person or group by reason of citizenship, and are fundamental for freedom of the individual and communities. In America they are guaranteed by the constitution, such as in the 1st amendment with the 'basic' rights to freedom of speech, religion, press, petition and assembly. They are also protected for certain groups, as in the 19th amendment with women's suffrage, the 15th amendment with the enfranchisement of blacks, and the civil rights acts of 1964 and 1994. Civil rights are aimed to give the American people an "equal chance to be unequal" regardless of their race, gender, or beliefs; there have been many issues however where this has found not to be true and people are not given the "equal chance to be unequal" usually due to discrimination. There are many organisations to help with discrimination such as the American civil liberties union whose aim is "to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States." There is also the U.S. Commission on Civil Rights which is an independent, federal commission charged with the responsibility for investigating, reporting on, and making recommendations concerning the civil rights issues in America.

The debate between liberals and conservatives (often seen as between Democrats and Republicans) about civil rights is a constant thing. Democrats see that there should be a large government, and therefore more intervention to provide equality of results, whereas Republicans want a small government with minimalist intervention, to provide individual rights, and to provide equality of opportunity. Democrats generally support altering systems to help discriminated people, such as Justice Stevens' approach. The main argument between Democrats and Republicans is over affirmative action. Democrats believe that affirmative action is a positive step toward full racial integration, where republicans view this as a form of discrimination which should not take place in America.

Racial bias has been a scar in the American culture due to many of its unpleasentries in its history, such as slavery in the 19th century and segregation in the 20th century. Due to new interpretations of the constitution, however, both of these systems were ruled unconstitutional. These changes created a steam roller effect for the civil rights movement, and have given people a voice enabling them to push for equality. The movement was sparked by one of the most prominent civil rights cases; Brown vs. board of education of Topeka, 1954. This case paved the way for integration, and allowed more people to question injustices in the rights of racial minorities even today. More than fifty years after the Brown v. Board of Education case, many students of colour throughout the United States continued to struggle in racially isolated, under-funded and inadequate schools. De jure segregation has been bought to its end, yet American society has still not fully integrated. Segregation was so deeply seated, that it became a way of life. Even now, in many American cities, despite there being no segregation laws, there are whole neighbourhoods of purely one race, and the next neighbourhood of another. This must show that the reason for this is not because blacks or other racial minorities are forced to have separate lives, but often that they choose to. However there are many disputes that arise over this. In these neighbourhoods there is often seen to be less opportunity than in a white neighbourhood, and therefore unequal chances; this helped to bring about affirmative action.

Affirmative action has provoked controversy for many years. There is a divide between people who think that it is a positive discrimination that helps give equality by results, and others that think it is an unnecessary evil, advocating that discrimination should not be present. These people argue that it is not helping the situation. Affirmative action is intended to remedy the effect of discrimination to minority groups, especially blacks or women. In some peoples views it has been a big success, with programmes such as bussing and also employment in government. In the 2003 landmark decision of *Gratz vs. Bollinger* the Supreme Court upheld the constitutionality of the law school in Michigan using race as a factor in admissions decisions (using a form of affirmative action). In this ruling the court confirmed the importance of affirmative action in today's society; affirmative action has come under attack, however, as people say that it is harming other people civil rights in protection of minorities. Several states in America have banned affirmative action on this basis including Michigan, Missouri and California.

In the federal government there are 40 black members in congress with 8% representation of the country's population. This employment ratio in government is still not entirely representing the fact that 12% of the population are black, but considering that there has been a large jump in such a short time, it shows that America is improving with black representation, even if it is as a result of affirmative action. In other areas of employment, there has been less of a notable change; such as in the managerial and professionals sector the percentage of blacks rose from 5.5 to 7.5 % between 1982 and 1997, which is not representing the black percentage of the population. Also the median income of a black family in 1978 was 60 percent of the median income of a white family; today it is 66 percent of white-family income. I agree with the view point that this minimal change is not good enough, and that there should be higher representation for minorities; there are many reasons suggested for this, such as lower education standards in schools, and the culture of certain areas and black neighbourhoods.

American women have accomplished a lot in terms of women's rights and civil rights. The enfranchisement of women in the 1920's, along with many more attempts to make them equal in both the workplace and society, contributed to this. One of these projects, however, was the failed Equal rights amendment which was intended to guarantee equal rights under the law for Americans regardless of sex. The ERA failed to gain ratification before its deadline even though it had been reintroduced in every Congress since 1982. Women comprise of 51% of the American population yet only 15% of the members of Congress - *Women's Research and Education Institute*. This shows how poorly represented women are in the USA. As a result, there are many campaigns (not all necessarily led by feminists as one might think) to correct this balance. There is also the problem of the qualifications which women earn, as well as the type of employment they go into. Many women face discrimination disallowing them to get as high as they can on the employment ladder. With 29% of men earning a bachelor degree, and only 26% of women, such statistics both suggest and create bias. Certain professions are also typically discriminatory, such as secretarial jobs consisting of 74% women (both sourced from the U.S census bureau). There have been many accomplishments over the last 10 years for women's rights, and not all have been unsuccessful such as the Equal Rights amendment. In 1994 the violence against women act tightened federal penalties for sex offenders, funds services for victims of rape and domestic violence, and provides for special training of police officers to help with the problems, helping the large proportion of women in certain areas of the USA being physically treated poorly. Also in 1997 the Supreme Court ruled that college athletics

programs must actively involve roughly equal numbers of men and women to qualify for federal support, meaning that females get as much consideration in male dominated areas, giving them equal chance. This ruling however was very controversial as many people ruled that certain people will be taking places of others who are better at the sport, and therefore should have the right to take part over the women who is chosen just for federal support.

Gay rights have recently come into the spotlight as a controversial civil right. The main issue is gay marriage, where in many states of the USA it is found illegal. There has been some serious controversy in California with Proposition 8 passed on 4th November 2008 most recently. The California Supreme Court granted for a review in the legal challenges to Proposition 8, which passed by a narrow margin of 52%. As it was allowed to stand Proposition 8 has been the first time an initiative has successfully been used to change the California Constitution and to take away an existing right only for a particular group. This is very controversial as some argue that this would defeat the purpose of a constitution that aims to protect everyone's rights. Also according to the California Constitution, a revision of this magnitude of the state constitution cannot happen through a majority vote, but must first be approved by two-thirds of the legislature, and this was not adhered to.

More recently there have been important cases about detention, with the Supreme Court agreeing to review the Bush's administration claim that it can indefinitely imprison a legal resident of the United States without charge or trial. This goes against a controversial civil right; the right to due process - fair treatment by the government whenever the loss of your liberty or property is at stake.. The case was filed on behalf of Ali Saleh Kahlal al-Marri, who has been detained in solitary confinement at a Navy brig in South Carolina since June 2003. Al-Marri asked the Court to reverse a federal appeals court decision that gave the president sweeping power to deprive individuals in the United States of their most basic constitutional rights by designating them as "enemy combatants". This goes against many people's ideas of civil rights by indefinitely imprisoning and arrested person just by asserting they are linked to terrorism. This is an ongoing case, and as of yet has still not been resolved, as the debates for both views are persuasive.

In conclusion Civil rights in America are continuing to provoking controversy about different issues than 50 years ago; such as segregation is not forced upon people but there areas still segregated especially in district such as Chicago's inner city. There are always going to be civil rights issues in any country, as there will be threats to areas such as terrorist threats, or there will be a new rising of a minority group. They are continuing to provoke controversy through modern issues such as the right to gay marriage, and the issue of detaining persons accused of terrorism. These issues will probably continue to provoke controversy over a long period of time until the civil right of America guarantee equality to everybody, although this would be a near on impossible feat to overcome.