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The Divided States of America: Is America Truly Equal?

“We the People”. These famous three words precede what may be arguably the most important document ever written. When the founding fathers of the United States gathered to transcribe the Constitution of the United States, the goal was to create a government with enough power to act on a national level, but without so much power that fundamental rights would be at risk (The Constitution). Was their attempt a failure? It’s no secret that throughout its history, the United States has greatly neglected in its duty to achieve equality for all of its citizens. For most of its history, the United States has failed the women and minorities of this country when it comes to equal rights. Throughout the course of this paper my goal is to show that despite its many shortcomings, the United States has championed civil and women’s rights through the passing of laws and policies that promote equality for all.

I will achieve this by showing the evolution of the laws regarding women and civil rights. I will use statistics, examples of literature and film, and laws from other countries to further show how America used to view these issues and how, through much hard work and effort, these laws were changed. I will divide this paper into two sections and each section will have subsequent sections within it. In the first section I will discuss how women have been viewed historically, not just in America, but throughout the world. I will detail the laws that were changed and written to help women achieve

equality. Finally, I will discuss the many groups and Federal programs that have been organized to help maintain and promote women's rights. In the second section of this paper I will discuss slavery and the civil rights movement. I will show how America has implemented programs and laws to promote civil rights. I will use historical cases and literature to illustrate my points. I will conclude this paper with statistics that show how there is still much work needed to be done to achieve equality for all in America.

WOMEN IN SOCIETY

Women have always held a subordinate place to men throughout history. Right or wrong, it has been so since the earliest recorded texts. In ancient Greece, women were married at puberty to grown men, remained the property of their father for life, lived in segregation, could not leave the house without a chaperone, could not buy or sell land, and if a woman was raped, her husband would have to divorce her (Wojtczak). These are but a few of many of the cruel and unusual hardships endured by women all over the world throughout history. Early in America's history, the treatment of woman was not much better. However, both women and men have fought throughout American history to grant women the same rights that were bestowed on men.

Suffrage. The first major political movement involving woman's rights in America was the right for suffrage. Suffrage is the ability to vote in a general election. Originally started in 1848 at the Seneca Falls Convention, the convention was the first of its kind and would help spawn other conventions to promote women's rights (Mead). The movement was slowed shortly after forming as many of the activists involved re-

dedicated their time to the Abolitionist movement that had begun. Shortly after, in 1866, Susan B. Anthony and Elizabeth Cady Stanton helped to form the American Equal Rights Association which was an organization of men and women, white and black, whose goal was suffrage for all people. Only three years later, Wyoming became the first State to grant women the right to vote and on September 6, 1870, Louisa Ann Swain became the first woman to vote in a general election in America (Beeton 11). It was a good victory for suffrage but it was far from perfect. It would take another fifty years before women's fight for suffrage would finally be won. On August 18, 1920, the Nineteenth Amendment to the U.S. Constitution was ratified giving the right to vote to all women. This Amendment simply states, "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 sex. Congress shall have power to enforce this article by appropriate legislation" (The Constitution). Achieving this milestone required a lengthy and difficult struggle. Beginning in the mid-19th century, several generations of men and women of all colors who were suffrage supporters lectured, wrote, marched, lobbied, and practiced civil disobedience to achieve what many Americans considered a radical change of the Constitution. Few early supporters lived to see final victory (archives.gov).

Feminism. Suffrage could be labeled as the first or initial wave of the feminist movement. The second wave of feminism took place from the early 1960's until the late 1980's. The feminist movement of this time is described as "While first-wave feminism of the 19th and early 20th centuries focused on women's legal rights, such as the right to vote, the second-wave feminism of the "women's movement" peaked in the 1960s

and '70s and touched on every area of women's experience—including family, sexuality, and work" (Women's Movement). One of the major failures of America before this time was the restriction imposed on women to not receive the same education as a man was entitled to. This changed in 1972 as America passed Title IX to the Education Amendments. This Amendment stated, "Title IX of the Education Amendments bans sex discrimination in schools. It states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance" (Title IX). This was a historic decision in America and a major victory for feminism.

This wave of feminism produced many of the most out-spoken feminists. One of the most outspoken feminists was Gloria Steinham. Steinham was journalist and activist who became the face of feminism during this period. In 1979 she reported on the barbaric practice of female genital mutilation (FGM). The article entitled "The International Crime of Female Genital Mutilation" shed light on this topic that most Americans were unaware of. "75 million women are suffering with the results of genital mutilation" (Steinham 65). Steinham also wrote that, "The real reasons for genital mutilation can only be understood in the context of the patriarchy: men must control women's bodies as the means of production, and thus repress the independent power of women's sexuality" (Steinham 65). This is a practice that still happens in many counties across the world. In 1996, America made it illegal to perform FGM and in 2006, Khalid Adem, an Ethiopian immigrant, was the first person convicted of performing FGM in the U.S.ⁱ after prosecutors alleged he cut his daughter's clitoris with a pair of scissors

(Westcott). The law protecting American women from this procedure is 18 U.S. Code § 116 'Female Genital Mutilation.' It shows that America does not turn a blind eye to the atrocities that are performed on women throughout the world. America is at the forefront of educating other countries in the dangers of performing FGM. The responsibility of preventing these atrocities not only fall on governments, but also on the women who aid or turn a blind eye regarding this practice. "Women can eradicate this, mothers are responsible for refusing this practice" (Khaleeli 313).

Perhaps the most important change to American law in regards to women's rights was the right to choose. It's disturbing when governments, or individuals for that matter, feel that they can tell a person what to do with their own body. There is no more of a fundamental right of being a human than to do with your body as you please as long as it does not affect another. Unfortunately, this practice still takes place in many countries. Countries like Chile have an absolute no abortion policy while China has a "one child" policy. America has no such policies. American women enjoy the right to choose. They can have one baby or ten babies if they so choose. They can also choose to get an abortion if the baby is unwanted. The landmark decision by the U.S. Supreme Court in the matter of *Roe v. Wade*ⁱⁱ in 1973 guaranteed the legal right for a woman to choose. Five years later, America passed the Pregnancy Discrimination Act for women who decided to keep their babies and made it illegal to be fired from their job because they got pregnant.

Modern American Women. The struggles of the amazing women of the past in their fight for equality has certainly paid dividends to today's modern American woman. Most of

the barriers that separated men from women as far as equality go have been broken. Women are no longer segregated from men in the military. Jobs that were once thought of as for men only such as firemen and astronauts are now co-ed. Women hold major executive positions in every top corporation in America. Although there has not been one yet, women can run for President of the United States if they choose. The law of America is structured in a way to promote total equality for women. The problem is that personal agendas and biases will always exist. The same freedom that gives every American the rights as one another, also gives people the right to choose who they are comfortable being around. An example is that women still receive on average less pay than men do. Depending on where you look, the range is from nine percent less (How) to seventy-seven percent of what a man makes that President Obama said in his State of the Union address in 2014. One must be careful when analyzing data such as this though.

For instance, men and women historically enter certain fields more than others -- a phenomenon known as "occupational segregation." Women more often choose to be receptionists, nurses and teachers, while men pursue paths as truck drivers, managers and computer software engineers, according to the Institute for Women's Policy Research. When data from all these fields is combined together, as in the Census and BLS studies, the gap is at least partially explained by the predominance of women in lower-paying fields, rather than women necessarily being paid less for the same job than men are. (Jacobsen).

Whatever the reasons for the difference in pay, it is not because America allows it. As a matter of fact, it is illegal to pay a woman less than a man thanks to a 1963 Act in which Congress passed the Equal Pay Act, an amendment to the Fair Labor Standards Act of 1938, requiring employers to pay all employees equally for equal work, regardless of their gender. The act prohibits unequal pay for equal or substantially equal work performed by men and women in the same establishment who are performing under similar working conditions. This was further strengthened in 2009 when President Obama signed the Lily Ledbetter Fair Pay Restoration Act, which allows victims of pay discrimination to file a complaint with the government against their employer within 180 days of their last paycheck.

THE STRUGGLE FOR CIVIL RIGHTS

Civil rights is one of the more controversial subjects in America today. The history of America is not very pretty when it comes to civil rights. For way too many years, the black people of this country were unfairly and unlawfully treated. The basic rights that were penned into the Constitution did not include the slaves and even after freed, freedom would take way to long and take its toll on the many people that fought and struggled to see slavery ended.

Slavery in America. Although freed from slavery by the Abolition Act in 1834, the black people in America were not truly freed until Abraham Lincoln issued the Emancipation Proclamation in 1863. Slavery is a despicable thing. To take a human being, against their will and torture them, rape them, and all without any repercussions is abhorrent.

Slavery is not limited just to America's past. Slavery has been implemented by every society and culture throughout history. There are indications of slavery as far back as ancient Greece and Rome. Conquering nations would take prisoners of war as slaves after battle and openly sell them on the marketplace. Slavery was used to steal a person's individualism and turned that person into a piece of property to be sold or bartered with. In the early 17th century, European settlers in North America turned to African slaves as a cheaper, more plentiful labor source than indentured servants who were mostly poorer Europeans (Slavery in America). Not all Americans agreed with the policy of slavery and many white Northerners helped to establish the Underground Railroad used to help slaves escape to the North. With the election of Abraham Lincoln for President, many of the Southern States began to secede from the Union. Soon after, in 1861, America would become the first and only country to ever fight a Civil war to help free the enslaved (America). America also passed the Thirteenth and Fourteenth Amendments to the Constitution which officially freed the slaves and granted freed slaves citizenship respectively. Though the struggle was far from over.

Civil Rights Movement. Although freed, black people in America had endured hundreds of years of abuse, inequality, and racism. The Civil Rights Movement hoped to change that. Shortly after the Southern States disenfranchised black Americans, they began to pass what were known as "the Jim Crow" laws and the 1896 Supreme Court decision in *Plessy v. Ferguson*ⁱⁱⁱ upheld the doctrine of separate but equal in regards to white and black people. This doctrine would remain widely unchallenged until the decision of *Brown v Board of Ed.*^{iv} in 1954 overturned *Plessy* and granted segregation for black and

white students to attend the same schools. This decision would lead to more dissatisfaction from the South and years of violent and illegal acts soon occurred in the South. In 1964, a group of 18 men were charged with conspiring with the Ku Klux Klan in a plot to murder three civil right workers. The trial would come to be known as the Mississippi Burning^v trials. The District Court originally dismissed the indictments but the Supreme Court of the U.S. reversed the decision. Less than two weeks after this trial began, America passed the Civil Rights Act of 1964 which banned discrimination based on "race, color, religion, sex or national origin" in employment practices and public accommodations. Another right that was being denied to black people was the right to vote. This issue was resolved on August 6, 1965 by the Voting Rights Act of 1965. This historic Act helped to speed the process of change in the South as Southern blacks were now able to vote and began to vote in black officials.

As the Civil Rights movement began to accumulate victories for black people, there were still some antiquated laws in the South surrounding inter-racial relations. 1967's Loving v. Virginia^{vi} challenged the State of Virginia's anti-miscegenation laws which made it illegal for inter-racial couples to marry. The Supreme Court's unanimous decision held this law was unconstitutional and ended all race-based legal restrictions on marriage in the United States.

CONCLUSION

The purpose of this paper was to show how America, although not perfect, has attempted to right the wrongs that it has committed in its past to its citizens and has made every effort to achieve equality for all of its citizens. I believe that I have showed

this by using laws that have been passed and changed. I have also shown how America tries to educate not only its own citizens, but the citizens of other countries when it comes to treatment of its citizens. From slavery to the women's right movement to the civil rights movement, America has shown that it is willing to listen to its citizens and learn from its mistakes. The changing of laws and passing of new laws and amendments to promote equality is evident by its history. There are travesties that are happening all over the world by governments to its own citizens. In Indonesia the military is conducting "virginity tests" on female military recruits (women's rights). In Darfur, the atrocities that the people there are subjected to are inhumane. Rape, torture, and mass genocide is all allowed and performed by the government. People in America should be grateful and happy that the country listens to them and cares enough about its citizens that it does address the needs of all, even if that procedure is slow and sometimes seems that might not get done at all. Ignorance and reliability on other people's opinions skew the opinion of this great country. As Ralph Waldo Emerson wrote in his essay, "*Self-Reliance*", "To believe your own thought, to believe that what is true for you in your private heart is true for all men, — that is genius" (Emerson 1). Emerson is saying that believe in what you believe. Do not be swayed by the thought of others. Make up your own mind and don't be influenced by the masses and the media and what is on social networks. That is true genius.

I believe that Emerson meant his message to be applied to all men and women of all colors and ethnicities. America has its flaws, there's no denying that. Racial tension is still raging and our economy is bad but even with these flaws, America is still the greatest country on the planet. Even though the individuals might not always

practice equality, America makes it the law that its citizens are treated equally.

Recently, America has again showed that it promotes equality. The upcoming U.S.

Supreme Court vote on allowing the legalization of homosexual marriage further proves that America is still trying to evolve and treat all of her people equally.

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Notes

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- ⁱ *Adem v. State*, 686 SE 2d 339 (2006)
ⁱⁱ *Roe v. Wade*, 410 US 113 (1973)
ⁱⁱⁱ *Plessy v. Ferguson*, 163 US 537 (1896)
^{iv} *Brown v. Board of Education*, 347 US 483 (1954)
^v *United States v. Price et al.*, 383 US 787 (1966)
^{vi} *Loving v. Virginia*, 388 US 1 (1967)