

*This is another one of my 8th grade works, regarding laws and their impact on discrimination. Below is the prompt I was given in order to write the essay included in the portfolio. (My response to this prompt is on the next page)*

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**Class: 805**

**Unit 8.1 Reconstruction End of Unit Essay Prompt**  
**Argumentative Essay**

**“Are laws the most important factor in  
overcoming discrimination?”**

**Task:** Given your study of Reconstruction in the United States following the Civil War, **respond to the prompt in a well organized essay.**

## Is law the most important factor in overcoming discrimination?

For centuries, discrimination has always been prevalent in America. We, as a society, a democracy, and a country as a whole, try to push inequality out of our system. We pride ourselves as the land of the “free” and we do much to try to live up to our name. Yet, we’ve also, become comfortable with the idea that a government has the ability to dictate what’s right or what’s wrong, and we give it all the power to do so. However, that’s not strictly true. The strongest source of change is us- the people. Laws have never been the most important factor in overcoming discrimination, but rather, it is the people who make those laws. Those who recognize injustice and decide to do something about it are the most impactful when overcoming discrimination. Furthermore, laws won’t achieve anything if the public does not follow them, if the people don’t agree with them, or if they are, simply put, impossible to enforce. Additionally, in many cases, laws can be counterproductive to overcoming discrimination, and they may instead, perpetuate inequality.

A fiery voice will forever speak louder volumes than those same phrases printed on paper. Laws would have never existed had it not been for those who said out loud, “This isn’t right.” In 1964, the U.S outlawed discrimination based on race, color, religion, sex, or national origin. Title VI of The Civil Rights Act of 1964 made it official- the US took the position as a country that it does not tolerate prejudice, bigotry or any form of favoritism/bias. (History.com Staff, “Civil Rights Act”) However, who really made this law as famous and important as it was today? How did the Civil Rights Act endure, when just 10 years ago, black and white children could not even drink from the same water fountain? It was those who chose to follow it, support it who gave the law it’s strength. It was those who drafted and passed this revolutionary law that made it so easily recognized and well integrated into our modern society today. Another example goes even further back- into the late 1860s where black men were now legally allowed to vote. The Fifteenth Amendment was introduced in 1869, and declared that 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 race, color, or previous condition of servitude.” The House of Representatives passed the amendment on February 15th, 1869 by a vote of 144 to 44. The Senate passed the 15th Amendment on February 26, 1869, by a vote of 39 to 13. (Researchers of the Library of Congress, “Primary Documents in American History”) Had it not been for this ratio, for the 100 people in the House of Representatives, or for the 26 individuals in the Senate, we would have been less developed today in overcoming discrimination. These two examples lead us to believe that it’s not laws that give power, but rather people.

A law that nobody follows is essentially useless, because as we’ve discussed before, it’s the people who give power to the law. The law is defined as “a rule made by a government that states how people may and may not behave in society and in business, and that often orders particular punishments if they do not obey, or a system of such rules.” (Cambridge Dictionary, “Definition of Law”) However, if a rule is no longer enforced, or followed enough, it no longer becomes a rule. If enough people break that rule or go against it, in numbers where it is impossible to punish every individual, then the people have more power than the law itself. This is because the people are overriding that law, granted, with enough organization. Rebellion against a law is typically known as a “protest” and we’ve had many of those in American history. One of the most famous is the March on Washington for Jobs and Freedom. This uprising was widely known primarily because of

Martin Luther King Jr's "I Have A Dream" speech. This defiant yet peaceful protest played a huge factor in congressional passage of the civil rights legislation. Another iconic example is the 1913 suffrage parade which granted the right for women to equal political participation. (Skarda, "Top 10 American Protest Movements.") However, breaking laws doesn't always deconstruct discrimination. It can prolong it too. For instance, though the 13th Amendment outlawed slavery, yet black people were basically still in enslaved, through southern laws like the Black Codes and practices such as sharecropping. The Thirteenth Amendment stated that- "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." (The Library of Congress, "13 Amendment to the U.S Constitution.") The Fourteenth Amendment had established or attempted to establish equality within the law. It declares that- "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (Legal Information Institute, "14th Amendment.") To summarize, the Fourteenth Amendment's primary purpose was to eradicate discrimination from the judicial system as well as the entire country. However, documents such as the Black Codes or Sharecropping suggested otherwise, which brings up another point.

Laws can be counterproductive to overcoming discrimination. They can actually cause more, for instance, racial inequality, which was the case regarding the Black Codes and the concept of Sharecropping. Both concepts were, in essence, slavery with new names. The Black Codes, practiced mainly in the South, was created after the Thirteenth and Fourteenth Amendments, and its main purpose was to prevent black citizens from gaining any power. For instance, the St. Landry Parish Black Codes stated that- "Every negro is required to be in the regular service of some white person, or former owner, who shall be held responsible for the conduct of said negro." Sharecropping, another method used to oppress and control black people, required that freedpeople work in the fields. In return, they would generally receive a small amount of that land to farm. However, because they had no tools or seeds, they would have to work for their former owners or other wealthy white landowners in order to receive the materials for farming, as well as some type of currency or asset in order to provide food, shelter, clothes and other needs in order to survive. In the journal of Henry Adams, "a freedman," he describes his experiences with Sharecropping. In the fifth paragraph, or entry, Adams is targeted by a group of white supremacists. He writes- "I met four white men about six miles south of Keachie, De Soto Parish. One of them asked me who I belonged to. I told him no one. So him and two others struck me with a stick and told me they were going to kill me and every other Negro who told them that they did not belong to anyone." These two examples of the opposite of freedom are very much in contradiction to the Thirteenth and Fourteenth Amendments. However, it's very noteworthy that these laws were legal, and in a government system, at least in the south, this was, acceptable. One could argue that this argument is irrelevant because of how old these examples are. Yet, even still today, there is a vast variety of laws that discriminate against individual groups. For instance, on January 27, 2017, the U.S literally instituted a ban that prevented migrants from six predominantly muslim countries from entering America. It didn't matter if you were a citizen, or born in the U.S prior to the ban, if you were at that moment, in Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen, whether for business, or family tragedy or a vacation, you could not reenter the U.S. (Almasy, Simon, "A Timeline of President Trump's Travel Bans.") What made this Muslim Ban even more problematic is the fact that no warning whatsoever was given prior to the initiation. Thankfully, it was superseded by an

Executive Order in March 16th, 2017 which gave a lot of relief to those who thought that they were going to be uprooted from their American homes. Even so, this law is attempting to make a second appearance, and it's just another example of how a law can provoke discrimination, this time, through religion.

The answer to the question of how much power law has is- relatively little. It is not the law who decides which person has power, but rather how much power we give to the law. We, as a democratic government, a country of free thinkers and open voices, have the ability to exercise our right to rebel, to speak freely, to stand and to rise when something is wrong. It's crucial to remember this if we want a better America, a better society, a better community tomorrow. We as the people make the laws. We choose to follow them, and we choose what they represent. We rule what is discriminatory, and what is equal. The side that prevails are not the ones with the loudest voices, but those with the most logical voices. Thus, to conclude, laws have never have and never will overcome discrimination. It is up to us.

Citations:

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