



EXPLORING RACE IN SOCIETY

SOLUTION ESSAY

Involve Community to Ensure Equitable Treatment

By Julie Schwietert Collazo

Throughout several years of American history, the federal government has made multiple attempts to ensure equitable treatment of all Americans. These efforts have often been enshrined through Civil Rights Acts, legislation intended to dismantle systemic race-based discrimination. While some acts have been ambitious in intent and scale, they have only been partial in achieving their goals. The main reason, say some scholars, is that while legislation may prohibit practices like voter suppression or redlining (withholding services for residents of certain communities based on race), it does not eliminate underlying racism informing such practices.

The first Civil Rights Act was passed in 1866, a significant—and contentious—victory during the post-slavery Reconstruction era. This act was a milestone; however, as scholar George Rutherglen noted in *Civil Rights in the Shadow of Slavery: The Constitution, Common Law, and the Civil Rights Act of 1866* (2013), “We should look to the Civil Rights Act of 1866 as a locus of disputes of continuing significance rather than as a source of solutions.” The declaration of equal rights was crucial, but not definitive; the work of this Civil Rights Act struggled in embodying Civil Rights Acts’ ambitious declarations.

In the following years, nearly a dozen Civil Rights Acts were passed and enacted by Congress, including a raft of laws that do not carry the name “Civil Rights Act” but emphasize equity and equality; these include the Voting Rights Acts of 1965 and amendments in 1970, 1975, and 1982. Nonetheless, as many historians and activists point out, the full promise of these acts has rarely been fulfilled. If future Civil Rights Acts are to overcome this weakness, the intent of the acts must move beyond Congress and into the community.

Legislation Must Be Paired with Informational Campaigns

A primary reason why civil rights legislation falls short, says scholar Heather McGhee in *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together* (2021), is because policies to ensure equity for people of color are often understood by White people as policies that will take something from White citizens. McGhee calls this “the racial zero-sum story”; until new narratives are written, it will continue to be deployed and will undermine intended gains of Civil Rights Acts.

With this in mind, new legislation must be paired with informational campaigns that reinforce the purpose and spirit of Civil Rights Acts. McGhee suggests that can only occur by writing a new shared story, one that emphasizes a “Solidarity Dividend” theme—that equality and equity for all means just that—rather than a zero sum. Without mass support, civil rights legislation will always face resistance that will undermine its positive impacts for all people.

Advocacy Groups Must Activate People Power

Civil Rights Acts have advanced rights and access for historically marginalized people; however, experts suggest that when legislation suffers from an ivory tower effect (i.e., remaining within halls of government rather than embodied among citizens where they live, work, and socialize), it cannot achieve optimal effects.

To this end, informational campaigns must be accompanied by advocacy groups rallying people to support Civil Rights Acts and to involve them in accountability



Civil Rights Act of 1964, fiftieth anniversary commemoration held in Arizona, 2014.

US Department of Education, CC BY 2.0, via Flickr.

processes of implementing and upholding such acts. Civil Rights Acts cannot exist merely on paper; they must be enacted throughout the community so all citizens can benefit.

State Governments Must Be Held Accountable for Uniform Implementation and Enforcement

One of the persistent challenges of Civil Rights Acts is that federal legislation has been implemented and enforced inconsistently by states. When a federal law with clearly defined mandates has been enacted, states must comply. Historically, carrot- and stick-style inducements have been made by the federal government for states to comply with Civil Rights Acts; however, this method often hurts the very people whose equity is the goal of such Acts. Penalizing a noncompliant state by withholding funding, for example, ends up punishing already vulnerable communities.

The solution—uniform implementation and enforcement—is challenging; however, experts suggest that providing clear standards and guidelines for implementation encourages state compliance and avoids costly litigation that can continue for years.

About the Author

Julie Schwieter Collazo is a bilingual (English-Spanish) writer, editor, translator, and fact-checker who has written or worked for *California Sunday Magazine*, *Discover*, the *Guardian*, *Longreads*, National Geographic Channel, *Scientific American*, *MS.*, and the *New York Times*, among many others. She is the coauthor of *The Book of Rosy/El Libro de Rosy*, published simultaneously in English and Spanish by HarperOne and HarperCollins Español in 2020, which was listed as a starred selection by *Kirkus*, a must-read by *Time* magazine, and one of the top one hundred books of 2020 by the Chicago Public Library.

Bibliography

“The Civil Rights Act of 1964: A Long Struggle for Freedom.” *Library of Congress*, www.loc.gov/exhibits/civil-rights-act/epilogue.html. Accessed 4 Mar. 2021.

“The Civil Rights Bill of 1866.” *United States House of Representatives*, history.house.gov/Historical-Highlights/1851-1900/The-Civil-Rights-Bill-of-1866/. Accessed 4 Mar. 2021.

“Legal Highlight: The Civil Rights Act of 1964.” *US Department of Labor*, www.dol.gov/agencies/oasam/civil-rights-center/statutes/civil-rights-act-of-1964. Accessed 4 Mar. 2021.

McGhee, Heather. *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together*. One World, 2021.

Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright, 2017.

Rothstein, Richard. “The Fair Housing Act at 50: Not Sufficiently Powerful to Reverse Residential Racial Segregation.” *Social Education*, vol. 82, no. 2, 2018, pp. 68–72.

Rutherglen, George. *Civil Rights in the Shadow of Slavery: The Constitution, Common Law, and The Civil Rights Act of 1866*. Oxford UP, 2013.

■ These essays and any opinions, information, or representations contained therein are the creation of the particular author and do not necessarily reflect the opinion of EBSCO Information Services.