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# Loving v. Virginia

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Channary Kit

*“I am still not a political person, but I am proud that Richard’s and my name is on a court case that can help reinforce the love, the commitment, the fairness, and the family that so many people, black or white, young or old, gay or straight seek in life. I support the freedom to marry for all. That’s what Loving, and loving, are all about.”*

*~ Mildred Loving, plaintiff in Loving v. Virginia*



*Loving v. Virginia* is a 1967 Supreme Court case that ensured that people have the right to marry who they love no matter their race.

**W**hat if you were told you couldn't marry someone you loved because you looked different and would be treated differently than someone else who lives in the same country and in the same place as you, because of the color of your skins? Does it surprise you to find out that this happens all the time in America?

In the mid 1950's, Mildred Delores Jeter, an African-American, European-American and Native-American young girl met a white boy, Richard Loving, when they were in high school in Virginia. They went to separate schools because of school segregation. At first, she did not like him at all, but the two eventually fell in love and began dating. Mildred became pregnant at 18, and she and Richard decided to get married. In June 1958, the couple traveled to Washington, D.C. to marry because there was a law in Virginia called Virginia's Racial Integrity Act of 1924 that made marriage between white and non-white people a crime. When they came back to Virginia to live with their family, the police found out that they were married and put them in jail. They were only allowed to remain married if they left the state. The Loving couple traveled to Washington, D.C and lived with their cousin for five years, but they often returned to Virginia to visit their family even though they weren't allowed to under the court's decision. Still, they returned to Virginia because they missed their families. The Lovings were caught by the police for traveling together and told to never return to Virginia. They finally brought their case all the way to the Supreme Court. In 1967, the Supreme Court ruled 9-0 in *Loving v. Virginia*. The court decided that it is unconstitutional for states to prevent couples of different races from marrying.

The Court found that in *Loving v. Virginia*, the Virginia state law violated the Equal Protection Clause of the Fourteenth Amendment because restricting who can marry who based on people's race was discriminatory. The Court also found it violated the Due Process Clause of the Fourteenth Amendment because the Court stated that marriage is an individual freedom and the State can not take away the right of people of different races who want to get married. *Loving v. Virginia* took place in the middle of the Civil Rights Movement, and is an important part of the fight for racial justice and equality in America.

*Loving v. Virginia* is one of a few very important Supreme Court cases that have taken steps towards expanding people's rights to love and marry someone no matter their race, ethnicity, religion, and gender. Most recently, in 2015, *Obergefell v. Hodges* gave gays and lesbian couples the right to marry.

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# Obergefell v. Hodges

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Sam Ramsden

*“In forming a marital union, two people become something greater than once they were. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. Their hope is not to be condemned to live in loneliness, excluded from one of civilization’s oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.”*

*~ Justice Anthony Kennedy’s Court opinion in Obergefell v. Hodges*



***Obergefell v. Hodges*** is the Supreme Court case in 2015 that guarantees same-sex couples the right to marry in the United States.

Jim Obergefell met John Arthur through a mutual friend and fell in love almost instantly. After twenty years of dating, Obergefell and Arthur decided that it was finally time to tie the knot, and they were married in Maryland in 2013. They then moved back to Ohio, where Obergefell had been born. Horribly, a few years later, Arthur fell seriously ill and died. But when Obergefell tried to collect insurance money, the State of Ohio refused. In 2004, the State of Ohio had passed a law saying it did not recognize same-sex marriage and would not give same-sex couples the same rights they gave straight married couples. Obergefell decided to sue Ohio. “It was all about our dignity and the respect we expect from the state we call home,” Obergefell told a reporter.

Before Jim Obergefell brought his case to the Supreme Court, it was common for same-sex marriages to not be recognized by their home states. Although 37 states had made their own laws supporting marriage equality, there were still 13 states that said gay marriage was illegal, and there was no federal law protecting marriage equality. There was also an earlier federal law called the Defense of Marriage Act (DOMA) that defined marriage as only between a man and woman. The Supreme Court case *Edie Windsor v. United States* struck down DOMA but left it to the states to define what marriage was and who could marry. Obergefell’s case, called *Obergefell v. Hodges*, was heard by the Supreme Court in 2015. In June 2015 the Supreme Court ruled 5-4, that the Ohio law was unconstitutional and that same-sex couples had an equal right to marry as straight people in all 50 states.

Why did the Court find Ohio’s law unconstitutional? The 14th Amendment of the Constitution states that under the Equal Protection Clause, every citizen of the US has the same rights, privileges, and protections. The Supreme Court interprets this to mean that the government cannot discriminate against any US citizen, including discrimination based on their sexuality. The Court found that, by not recognizing Obergefell’s marriage, the Ohio law was violating the Equal Protection Clause of the Constitution.

It took the work of hundreds of thousands of advocates and activists fighting to ensure that members of the LGBTQ community have the same rights as straight people. *Obergefell v. Hodges* is a landmark case for same-sex couples, allowing them the right and freedom to marry who they love. But, advocates say, there is still much more work to do to ensure equal protection and equal rights for the entire LGBTQ community.

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# 14th Amendment

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Yulissa Rivera

*“Don’t just get involved. Fight for your seat at the table. Better yet, fight for a seat at the head of the table.”*

*~ Barack H. Obama*



The *14th Amendment* to the U.S. Constitution, ratified in 1868, defined national citizenship, the Due Process Clause, and the Equal Protection Clause, forbidding the states to restrict the basic rights of citizens or other persons.

**D**id you know that many civil rights cases, like *Brown v. Board of Education*, which ended school segregation; *Griswold v. Connecticut*, which made it legal for married couples to use contraception; or *Obergefell v. Hodges*, which made same-sex marriage legal; and many others - rest on one particular Amendment of the U.S. Constitution - the Fourteenth Amendment? If you are like me, this might be surprising. Why is this Amendment so important to ensuring equality to all Americans? After all, it is just a Reconstruction Amendment, or is it?

The end of the Civil War brought the end of slavery with the ratification of the 13th Amendment to the U.S. Constitution. But was this enough? The Amendment said nothing about African Americans being citizens or about protecting their rights. What was to stop Southern states from continuing to treat African Americans as if they still were slaves? Nearly 150 years ago, on July 28, 1868, Congress ratified the 14th Amendment, three years after the Civil War. The Amendment was created in an effort to protect African Americans and provide them the full rights of American citizens. The 13th, 14th, and 15th Amendments are all Reconstruction Amendments, ratified during the Reconstruction Period (1865-1877). These Amendments were also created to help reshape the Southern states after slavery and the Civil War.

What exactly did the 14th Amendment do? The 14th Amendment has many parts, but there are three important parts that everyone should know: the Due Process Clause; the Equal Protection Clause; and the Citizenship Clause. The Due Process Clause acts as a safeguard to help ensure that state governments treat all citizens fairly. The clause says that state governments cannot take away a person's life, liberty, or property without a fair trial. The Equal Protection Clause goes hand in hand with the Due Process Clause by stating that state governments cannot discriminate against certain citizens, specifically given the time period, state governments can't treat African Americans and white citizens differently under the law. Finally, there is the Citizenship Clause. Before the Civil War, African Americans could not become citizens. This limited the rights of former slaves who had been able to escape slavery and achieve freedom in the North. Under the Citizenship Clause, if you are born in the United States, or on United States soil - for example, a U.S. army base located outside of the U.S. - you are a U.S. citizen.

Even with the 14<sup>th</sup> Amendment, we still need to fight for equal treatment for all: for the LGBTQ community, for the incarcerated, for those with disabilities, and many others. The United States is still working to become the country it set out to be in the Declaration of Independence.

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# Violence Against Women Act

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Carla Duran Capellan

*We must unite. Violence against women cannot be tolerated, in any form, in any context, in any circumstance, by any political leader or by any government.*

*~ Ban Ki-Moon; Secretary-General of the United Nations*



The *Violence Against Women Act* is a 1994 law that provides strong protection for the crimes committed against women.

Approximately 1 in 5 women between the ages 18-24 in the United States has been sexually assaulted. In the United States, on average roughly 20 people per minute are abused by their partners - that equals over 10 million people being hurt by someone they are in a relationship within just one year! While both men and women are abused, the majority of domestic assaults are committed by men. The U.S. federal legislation recognizes all domestic and sexual assaults as crimes and provides funds to keep local communities engaged in responses to put a stop to these violent attacks.

Violence against women is not a new issue, but only recently has our government started taking it seriously. Since the 1970's, organizations, non-profits, and politicians have been fighting to create stronger programs and laws to protect women from sexual violence, domestic violence, and stalking throughout the country. It was not until the Education Amendments of 1972, and specifically *Title IX*, that schools were required to address sexual harassment at their school and required to have a coordinator whose job is to make sure the school follows the law and keeps kids safe.

But until the early 1990's, too few attackers were convicted, and too many victims were hurt and even sometimes murdered by their partner. A number of organizations fought to support women who were abused by creating crisis centers and counseling programs. Funding was limited, though, and there was still the issue that few men who abused women were being sentenced to prison. In the early 1990s, then-Senator Joseph Biden (who later became the Vice President) and Senator Barbara Boxer started fighting for a new law to create stronger protections for women and, in 1994, Congress finally passed *The Violence Against Women Act*.

*The Violence Against Women Act* was the first time that federal law acknowledged domestic violence and sexual assault as a crime. The law acknowledged these as severe crimes instead of private family issues. The law provided funding for sexual violence training for law enforcement and created special sexual and domestic violence local police units. The law also created a number of other programs that helped provide services to victims of sexual violence and domestic violence crimes.

We still have a lot more work to do to fight violence against women. We continue to see more cases of violence towards women all around the country and the world. Disturbingly, we even see this attitude from political figures. This violence against women cannot be tolerated. We must put a stop to this by teaching our generation how to treat women with respect, and by extension how to respectfully treat all people.

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# Privilege

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Stephane Silva

*The privilege of a lifetime is being who you are.*

*~ Joseph Campbell, Writer*



A specific right, advantage, immunity or favor granted only to one specific person or a specific group.

**H**ow often does a white person worry about being followed around by the clerk when they enter a store? How often does a man worry about being respected by female co-workers? How often do American-borns have to worry that they can't communicate with people in English? How often does an able-bodied person worry about being able to navigate a city or a building? The reason many of these people usually don't have to worry about these everyday interactions is because they have certain privileges.

I often don't think about the many privileges I have everyday: the fact that I was born with the privilege of being able to speak and walk, or that I have a place to live, a family that loves me, and a school to go to while others don't. Privileges are the advantages that you have, many of which you are born with it. They could be the social class of your family, or your skin color, or your sexuality, or the country you were born in. Many of these are things you can't change. But each can give you advantages or disadvantages when you interact with others.

Privilege isn't a bad thing, but it is important to not take it for granted. If you have one of these privileges you might not realize the different ways that people treat you compared to others. Sometimes privilege shows itself in what doesn't happen: a white person walking down a street likely *doesn't* get stopped by the police; a person wearing a necklace with a cross is *unlikely* to get called a terrorist. How often does a person who is healthy think about people who have health issues and spend a lot of time in hospitals? These are all examples of privilege. If you don't have these types of privilege, like if you were an African American walking down a street, you might worry about getting stopped, or if you were wearing a headscarf, you might worry about being called a terrorist. At other times, privilege shows itself in what *does* happen: If you are older, you may be more likely to be listened to and respected by others. If you have money, people might think you are also smart and knowledgeable.

We should all have the responsibility to understand our privileges, to understand the advantages that life gives us. I also believe that we have the responsibility to try to ensure that others are treated equally and fairly. We can and should use our privilege to increase equity for others by using our voices to stand up for all.

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# Unconscious Bias

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Monineth Hang

*“Now discrimination is more subtle. It’s more unconscious. I think unconscious bias is one of the hardest things to get at.”*

*~ Ruth Bader Ginsburg, Supreme Court Justice*



Unconscious bias is an assumption that a person makes about another person without realizing it, and which often results in unfair treatment.

**H**ave you ever been treated unfairly because of your race, your religion, how much money your family makes, or what gender or sexuality you are? Obviously, everyone is different; however, some people are discriminated against because they are different. This might be because people have a bias against you. A bias is when someone has an opinion about you because of your race, class, age, gender, etc. that often results in unfair treatment. Usually, people with a bias think one group of people is better than another, even if that is not true.

One type of bias that is particularly problematic is called “unconscious bias.” Here, unconscious means “not aware of.” Unlike biases that are out in the open, an unconscious bias is difficult to spot because people don’t even know they have it. An unconscious bias is a bias that you might have against someone that you don’t really realize you have. How does it work? It could be that when you see a person wearing glasses, you assume, without realizing it, that that person is smart. Your mind just does it! Then you might treat the person differently because you “think” they are smart.

The problem with unconscious bias is that it can lead to people being treated unfairly. In one experiment at Yale University, science professors were given fake student resumes to judge how competent the student would be in science and mathematics fields. Half of the resumes had female-sounding names and half had male-sounding names, but the resumes were otherwise identical. They found that more often, both male and female professors thought that the resumes with “male names” were more capable. The American Economic Review did a similar study with identical resumes, except that some had a stereotypically “white-sounding name” and others an “African-American-sounding name.” They found that resumes with “white-sounding names” received 50% more callbacks for interviews, again even though the resumes were identical.

Unconscious bias leads to inequalities and unfairness in the workplace and school. How can we stop unconscious biases from controlling us? First, we need to be aware of our biases. This can be really challenging because we don’t even know that we have them! However, we could start by thinking about assumptions we might have made - big or small. You saw a tall guy in the hall: did you instantly think he must be a basketball player? Ask yourself: “Is this bias fair? Is it worth having? Does it help or hurt anyone?” Now face your biases head on with an open mind. Find facts and try to learn more about what you have biases against. If we can work to understand and move past our biases, all people will be treated more fairly.

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# Diversity

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Onotse Omoyeni

*“If our democracy is to work in this increasingly diverse nation, each one of us must try to heed the advice of one of the great characters in American fiction, Atticus Finch, who said, ‘You never really understand a person until you consider things from his point of view until you climb into his skin and walk around in it.’”*

*~ Barack Obama*



**Diversity:** In the context of the United States, an array of individuals who represent host of different religions, ethnicities, nationalities, socioeconomic status, sexualities, genders, beliefs, abilities, etc.

**T**he first thing one should know about diversity is that it tends to be difficult, not only in practice, but in understanding. Diversity is a big word, one that encompasses millions of individuals, their experiences, and their differences. It's a term that validates something we all hope to be true, that everyone is very distinct in their mannerisms, their beliefs, their hopes and dreams.

Diversity is a term used to categorize and understand the human experience, and it helps explain the multitude of ways people live their lives. Diversity is a term that encompasses differences and peculiarities in race, gender, sexuality, religion, age, political beliefs, ideologies, socio-economic status, and more. By definition, it is meant to be boundless, that is, something that can be used an umbrella to reference all people and a legion of differences.

Why is it then, that when people use the term 'diverse' a very specific image of black and brown kids comes to mind for many? Why is it, that when companies state they're looking to hire more diverse people, what they *actually* mean is that they are looking to hire 'non-white people'? It seems that 'diversity' has been reduced to refer to only a particular group of people, to become interchangeable with minority groups.

Diversity is not only recognizing our differences, but also our ability to co-exist. A diverse community cannot really be diverse if the groups inhabiting it don't interact or conflict arises when they do. It refers to our willingness to accept these differences in one another. America is often described as a melting pot of individuals, a metaphor drawn from the playwright Israel Zangwill in the title of his play, *The Melting Pot* (1908). We often use this term to describe the way multitudes of people from many different backgrounds are linked together in American society.

Americans are inherently diverse. The United States was the first country established, not by religion, or ethnicity or language, but by ideals. Still, we struggle with our diversity. In the last twenty-five years, the United States has seen a dramatic change in its population make-up, with minority groups fast tracking to become majority groups. This shift has forced many to rethink what it means to be American, particularly those who were once in the majority. For some, it has been uncomfortable to realize "America" represents something much more complex and varied than they grew up believing. But it's this discomfort that makes understanding and appreciating American diversity all the more important. By recognizing and finding strength in our differences, we open the door to correct inequity and ensure all of us are given the opportunity to pursue our American dream.