Opposition brief: Civil Rights  
Opposition Brief by Drew Magness  


A popular negative argument this year is that Private Property Rights are self-limiting. Essentially, we only limit Private Property Rights in order to protect Private Property Rights.

However, this argument falls short. It misses how Private Property Rights conflict with a myriad of civil rights. Look at laws that stopped segregation. The bus driver absolutely had the private property right to tell Rosa Parks to stand up. But we limited that right because the public needed equality.

This brief is divided up into four parts:

* Right to Equal Employment
* Racial Discrimination
* Worker’s Rights
* Right to a Living Wage

These basic civil rights all must violate private property rights to be enforced. Don’t let negative turn the tables on you. Show the necessity and justice of these civil rights.

Opposition Brief: Civil Rights

# Right to Equal Employment:

Equal Employment Opportunity Commission

The National Archives, This Page Last Updated October 9th 2016, <https://www.archives.gov/education/lessons/civil-rights-act>

Subsequent legislation expanded the role of the EEOC. Today, according to the *U. S. Government Manual of 1998-99*, the EEOC enforces laws that prohibit discrimination based on race, color, religion, sex, national origin, disability, or age in hiring, promoting, firing, setting wages, testing, training, apprenticeship, and all other terms and conditions of employment.

Analysis: The EEOC infringes on a private property owner’s right to hire and fire whomever they want and operate their business, their property, in whatever manner they wish. However, we recognize that this is necessary in order to protect the Civil Rights of Minorities.

Anti-Discrimination Laws Opened Doors for Minorities

The Leadership Conference on Civil and Human Rights No Date Given The Leadership Conference on Civil and Human Rights is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. Through advocacy and outreach to targeted constituencies, The Leadership Conference works toward the goal of a more open and just society – an America as good as its ideals. <http://www.civilrights.org/resources/civilrights101/employment.html?referrer=https://www.google.com/>

TITLE VII's enactment -- aided by the courts' generally broad interpretation of its scope in the 1960s and 1970s -- helped open doors that had previously been closed to African Americans and other minorities. For the first time, minorities and women became police officers, firefighters, principals, and engineers in significant numbers. No longer could employers advertise that "only whites need apply." Harassment based on race, sex, or other protected characteristics, became understood as a form of illegal job discrimination.

Analysis: Once racists knew that you weren’t going to be allowed to harass and discriminate just because of skin color, minorities were able to move forward. If we put property owner’s rights to business above the public need for equality, we’re slamming on societies brakes.

EEOC Helps Businesses

Kevin Johnston No Date Given Kevin Johnston writes for Ameriprise Financial, the Rutgers University MBA Program and Evan Carmichael. He has written about business, marketing, finance, sales and investing for publications such as "The New York Daily News," "Business Age" and "Nation's Business." He is an instructional designer with credits for companies such as ADP, Standard and Poor's and Bank of America. <http://smallbusiness.chron.com/importance-eeoc-63678.html>

Because you're required by law to consider all applicants equally no matter what their backgrounds, you are in a position to evaluate talent for how it can contribute to your business. This compulsory focus on skills and abilities can help you build an effective company. Otherwise, you could end up hiring only people who look or behave like you because they "seem like a good fit," instead of searching for the best skill sets and business attributes.

Equal Employment Laws Are Moral

EEOC Commissioner Paul Steven Miller. Paul Miller was commissioner of the EEOC from 1994-2004. He gave this speech while in office. <https://www.eeoc.gov/eeoc/history/35th/videos/paulmiller-text.html>

I think equal employment opportunity is important because....for two reasons; one, it's the morally right way to conduct oneself in the workplace and secondly, I think it makes business better. The way that I approach civil rights laws and employment civil rights laws, is I really think that they're all related. They're all civil rights laws, anti-discrimination laws in the workplace, whether anti-discrimination on the basis of race, or gender, or disability, or age, or religion, or national origin....they re all rooted in the same bedrock principle ... and that is, that people should be judged in the workplace, based upon their ability to do the job, and not based upon the fears, myths and stereotypes that one may have due to their race, or gender, or disability, or age, religion or national origin.

# Worker’s Rights:

Fair Labor Standards Act

AFL-CIO “Your Rights at Work” The AFL-CIO, created in 1955 by the merger of the AFL and the CIO, is a democratic, voluntary federation of 55 national and international labor unions that represent 12.5 million working people. We are teachers and miners, firefighters and farm workers, bakers and engineers, pilots and public employees, doctors and nurses, teachers, painters and plumbers—and more, including 3.2 Million members of our community affiliate Working America, which represents people who do not have a union at work. We have partnerships with groups of people whose work usually does not have the protection of many labor laws and who often are mistreated on the job, including taxi workers, carwash workers in Los Angeles, guest workers, nannies, housekeepers and in-home caretakers. <http://www.aflcio.org/content/download/11731/145661/RT%40WK.pdf>

The federal Fair Labor Standards Act (FLSA) (www.dol.gov/compliance/laws/comp-flsa.htm) requires that employees, unless specifically exempted—such as managers, certain sales employees and professionals— must be paid overtime (www.dol.gov/WHD/overtime\_ pay.htm) if they work more than 40 hours in a week. The overtime rate must be one-and-one-half times your normal rate of pay after 40 hours of work in a workweek. Normally, overtime pay earned in a particular workweek must be paid on the regular pay day for the pay period in which the wages were earned. Effective July 24, 2009, covered nonexempt workers are entitled to a minimum wage of not less than $7.25 per hour.

Analysis: Laws that require you pay employees overtime violate your private property right over your business and how you use your money.

Religious Freedom in the Workplace

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Title VII prohibits employers from discriminating against workers on the basis of religion in hiring and other conditions of employment. The law requires an employer to reasonably accommodate an employee’s religious beliefs or practices, unless doing so would cause an undue hardship on the employer

OSHA Regulations

Occupational Safety and Health Administration 2016, “Worker’s Rights” <https://www.osha.gov/Publications/osha3021.pdf> The OSH Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and workers.

You have the right to a safe workplace. The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or otherwise harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The OSH Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and workers.

OSHA Standards

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These standards also limit the amount of hazardous chemicals, substances, or noise that workers can be exposed to; require the use of certain safe work practices and equipment; and require employers to monitor certain hazards and keep records of workplace injuries and illnesses. Examples of OSHA standards include requirements to:

■ Provide fall protection, such as a safety harness and lifeline;

■ Prevent trenching cave-ins;

■ Ensure the safety of workers who enter confined spaces such as manholes or grain bins;

■ Prevent exposure to high levels of noise that can damage hearing;

■ Put guards on machines;

■ Prevent exposure to harmful levels of substances like asbestos and lead;

■ Provide workers with respirators and other needed safety equipment (in almost all cases, free of charge); OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION 8

■ Provide healthcare workers with needles and sharp instruments that have built-in safety features to prevent skin punctures or cuts that could cause exposure to infectious diseases.

■ Train workers using a language and vocabulary they understand about hazards and how to protect themselves.

Employers must also comply with the General Duty Clause of the OSH Act. This clause requires employers to keep their workplaces free of serious recognized hazards and is generally cited when no specific OSHA standard applies to the hazard.

OSHA Inspections

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OSHA conducts on-site inspections of worksites to enforce the OSHA law that protects workers and their rights. Inspections are initiated without advance notice, conducted using on-site or telephone and facsimile investigations, and performed by highly trained compliance officers.

# Racial Discrimination:

All Americans Deserve Equal Rights

President John F. Kennedy in his Civil Rights Address, June 11th 1963, <http://www.americanrhetoric.com/speeches/jfkcivilrights.htm>

The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who will represent him, if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay?

Analysis: The Civil Rights Act of 1964 violated businesses private property rights by requiring them to serve black people in the same places as white people. It required businesses to promote equity when tey labeled their bathrooms, when they were determining bus seats etc. It was a clear violation of private property rights for the public need.

Right to desegregation is an elementary right

President John F. Kennedy in his Civil Rights Address, June 11th 1963, <http://www.americanrhetoric.com/speeches/jfkcivilrights.htm>

I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities which are open to the public -- hotels, restaurants, theaters, retail stores, and similar establishments. This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure, but many do.

Racial Discrimination in the Workplace

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Racial Discrimination involves treating someone unfavorably because of the person’s race or personal characteristics associated with race. The law forbids discrimination in any aspect of employment, including hiring, firing, pay and benefits. It is also unlawful to harass a person because of that person’s race. Although an employer may implement a policy that applies to everyone regardless of race or color, the policy can still be unlawful if it has a negative impact on the employment of people of a particular race or color, is not related to the job and necessary to the operation of the business.

# Right to a Living Wage

Low Wages Create a Poverty Trap

Stina Eriksson in her Master’s Thesis on International Law in the Spring of 2015, “The Right to A Living Wage” <http://www.diva-portal.org/smash/get/diva2:846161/FULLTEXT01.pdf>

It is a pressing issue that workers globally, are paid salaries considered below poverty lines and therefore are caught in a poverty trap.1 Many States have set their statutory minimum wages at levels insufficient to provide workers with a decent standard of living. This issue has called for action to be taken by both governments and employers to take responsibility and undertake measures to increase wages for workers.

A Living Wage Protects Human Rights

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Analysis: Minimum wage laws violate a business’s private property right to pay the employee whatever amount they deem correct. They also violate an individual’s private property right to trade labor for capital.