

## **Civil Rights Enforcement Statutes**

### **18 U.S.C. § 248(c)**

#### **Freedom of Access to Clinic Entrances Act (FACE)**

*Civil Interference with Access to Reproductive Health Services* - Section 248 (c) prohibits (1) the use of force or threat of force or physical obstruction, to intentionally injure, intimidate or interfere with or attempt to injure, intimidate or interfere with any person or any class of persons from obtaining or providing reproductive health services; (2) the use of force or threat of force or physical obstruction to intentionally injure, intimidate, or interfere with or attempt to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or (3) the intentional damaging or destruction of the property of a facility, or an attempt to do so, because such facility provides reproductive health services or intentional damaging or destruction of the property of a place of religious worship. This statute does not apply to speech or expressive conduct protected by the First Amendment. Non obstructive demonstrations are legal.

### **42 U.S.C. § 1997 *et seq.***

#### **Civil Rights of Institutionalized Persons Act (CRIPA)**

When there is reasonable cause, the Attorney General has the authority to investigate conditions in public facilities and to initiate a civil action for equitable and corrective relief if a pattern or practice of unlawful actions deprive persons residing in or confined to the facilities of their constitutional or federal statutory rights. Institutions covered under this Act include nursing homes, psychiatric hospitals, mental health facilities, jails, prisons, and juvenile correctional facilities. Privately owned and operated institutions may similarly qualify for such intervention, but may be exempt if certain conditions are met.

### **42 U.S.C. § 14141**

#### **Violent Crime Control And Law Enforcement Act of 1994**

The statute makes it unlawful for any governmental authority, or agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. Appropriate equitable and declaratory relief to eliminate the pattern or practice may be obtained through civil action. Types of misconduct covered include, among others: excessive force; discriminatory harassment; false arrest; coercive sexual conduct; unlawful stops, searches, or arrests.

**42 U.S.C. § 12101 *et seq.***  
**Americans with Disabilities Act (ADA)**

The ADA prohibits discrimination on the basis of disability (as defined by statute) in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications.

**Title I** of the ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment opportunities available to others, restricts questions with respect to an applicant's disability, and requires employers to make reasonable accommodations for known mental or physical limitations, unless it results in undue hardship.

**Title II** of the ADA requires State and local governments to provide people with disabilities an equal opportunity to enjoy their programs, services, and activities. Title II also prohibits public transportation authorities from discriminating against people with disabilities in the provision of their services, and requires such authorities to comply with accessibility requirements for new and used vehicles.

**Title III** of the ADA requires places of public accommodation (*e.g.* restaurants, movie theaters, day care facilities) and commercial facilities to provide people with disabilities an equal opportunity to enjoy programs, services, and activities.

**Title IV** of the ADA requires common carriers to establish interstate and intrastate telecommunications relay services to enable callers with hearing and speech disabilities, and closed captioning for Federally funded public service announcements

**29 U.S.C. § 790 *et seq.***  
**Section 504 of the Rehabilitation Act of 1973 (Rehab Act)**

**Section 504** of the Rehab Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors.

**42 U.S.C. § 3601 *et seq.***  
**Fair Housing Act**

The Fair Housing Act prohibits housing discrimination in private housing, housing that receives Federal financial assistance, and State and local government housing, on the basis of race, color, religion, sex, disability, familial status, and national origin. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. The Act also requires owners of housing facilities to make reasonable exceptions in their policies and operations to allow people with disabilities to have equal housing opportunities. Further, the Act requires landlords to allow tenants with disabilities to make reasonable access-related modifications, and mandates that new multifamily housing units be accessible to persons with disabilities. The Department of Justice is empowered to file cases when there is evidence of a pattern or practice of discrimination.

**15 U.S.C. § 1691 *et seq.***  
**Equal Credit Opportunity Act (ECOA)**

The ECOA prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Department of Justice is empowered to file a lawsuit under ECOA where there is a pattern or practice of discrimination. While other federal agencies have general regulatory authority over certain types of lenders, ECOA requires that they refer matters to the Justice Department when there is reason to believe that a creditor is engaged in a pattern or practice of discrimination which violates the Act.

**50 App. U.S.C. § 501 *et seq.***  
**Servicemembers Civil Relief Act (SCRA)**

The SCRA provides a wide range of protections for individuals entering uniformed service, called to active duty in the military or deployed servicemembers. It is intended to postpone or suspend certain civil obligations, including outstanding credit card debt, mortgage payments, pending trials, taxes, and termination of leases, while deployed. Specifically, the Act protects servicemembers and their families from eviction from housing while on active duty due to non-payment of rent.

**42 U.S.C. § 2000 et seq.  
Civil Rights Act of 1964**

**Title II** prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs and theaters. The Department of Justice can bring a lawsuit under Title II when there is reason to believe that a person has engaged in a pattern or practice of discrimination in violation of Title II. The Department can obtain injunctive, but not monetary, relief in such cases. Individuals can also file suit to enforce their rights under Title II and other federal and state statutes may also provide remedies for discrimination in places of public accommodation.

**Title IV** prohibits discrimination (including harassment) on the basis of race, color, religion, sex, or national origin in public schools, including K-12 and colleges and universities

**Title VI** prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance

**Title VII** makes it unlawful for covered employers to discriminate with respect to compensation, terms, conditions, or privileges of employment on the basis of race, color, religion, sex, or national origin. The Act further prohibits discrimination against an individual because his or her association with another individual of a particular race, color, religion, sex, or national origin, as well as an individual's interracial association with another.

**38 U.S.C. § 4301 et seq.  
Uniformed Services Employment and Reemployment Rights Act (USERRA)**

The Act makes it unlawful to deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person who is a member of, applies to be a member or, performs, has performed, applies to perform, or has an obligation to perform uniformed service on the basis of that service. An employer may not discriminate in employment or take any adverse employment action against a person because he or she has taken action to enforce a protection enumerated in the Act, testified or made a statement in connection with a proceeding under the Act, assisted or participated in an investigation under the Act, or exercised a right provided by the Act. An employer is deemed to have engaged in a prohibited action if an individual's uniformed service or actions to preserve rights granted by the Act is a motivating factor in the employer's action. Upon referral from the Secretary of Labor, if the Attorney General is reasonably satisfied that person on whose behalf the complaint is referred is entitled to the rights or benefits sought, he or she may commence an action for relief.

**20 U.S.C. § 1703**  
**Equal Education Opportunities Act of 1974 (EEOA)**

The EEOA prohibits deliberate segregation of students on the basis of race, color, sex, or national origin.

Section 1703(f) of the EEOA requires state and local education agencies to take appropriate action to overcome language barriers that impede equal participation by students in the agencies' instructional program.

**20 U.S.C. § 1681**  
**Title IX of the Education Amendments of 1972**

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. The Department of Education has issued regulations on the requirements of Title IX, 34 C.F.R. § 106.1et seq. The Title IX common rule published on August 30, 2000 covers education program providers/recipients that are funded by other federal agencies.

**52 U.S.C. §§ 10301-10313**  
**Voting Rights Act of 1965**

The Voting Rights Act prohibits voting practices and procedures (including redistricting plans and at-large election systems, poll worker hiring, and voter registration procedures) that discriminate on the basis of race, color or membership in a language minority group. Section 2 prohibits not only election-related practices and procedures and monitors elections that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory result.

**52 U.S.C. §§ 20301-20311****Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)**

UOCAVA protects the rights of members of the United States Uniformed Services and merchant marine; their family members; and United States citizens residing outside the United States to vote absentee in elections for Federal office. Among its key provisions, UOCAVA provides for an application called the Federal Post Card Application that qualified service members and overseas citizens can use to register to vote and request an absentee ballot simultaneously. The law also allows for the use of a "back-up" ballot for federal offices, called the Federal Write-In Absentee Ballot. This ballot may be cast by voters covered by the Act who have made timely application for, but have not received, their regular ballot from their state or territory, subject to certain conditions.

## **Criminal Civil Rights Enforcement Statutes**

### **18 U.S.C. §§ 241, 242**

*Civil Rights Conspiracy Statute* - Section 241 makes it unlawful for two or more persons to agree to injure, threaten, or intimidate an individual in the free exercise or enjoyment of his or her constitutionally protected rights.

*Deprivation of Rights under the Color of Law* - Section 242 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States, including acts done by federal, state, or local officials within their lawful authority, as well as acts done beyond that authority, if they are done while the official is purporting to or pretending to act in the performance of his or her official duties.

### **42 U.S.C. § 3631**

#### **Civil Rights of Act of 1968**

*Hate Crimes: Criminal Interference with Fair Housing Rights* - Section 3631 makes it unlawful for an individual to use force or threaten to use force to injure, intimidate, or interfere with any person's housing rights because of that person's race, color, religion, sex, handicap, familial status, or national origin. The statute also makes it unlawful to similarly use force or threaten to use force against anyone who is assisting an individual or class of persons in the exercise of their housing rights.

### **18 U.S.C. § 245**

#### **Civil Rights Act of 1968**

*Hate Crimes: Criminal Interference with Federally Protected Rights* - Section 245 makes it unlawful to willfully injure, intimidate, or interfere with any person, or attempt to do so by force or threat of force, because of that person's race, color, religion, national origin, or because of that individual's activities as outlined by statute.

### **18 U.S.C. § 249**

#### **Matthew Shepard James Byrd Hate Crimes Prevention Act**

*Hate Crimes* - Section 249 criminalizes willfully causing bodily injury (or attempting to do so with fire, firearm, or other dangerous weapon) when (1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person, or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person. The statute criminalizes only violent acts resulting in bodily injury or attempts to inflict bodily injury, NOT threats of violence (which may be prosecutable under other hate crimes statutes).

## **29 U.S.C. §§ 875, 876**

### **Threatening Communication Act and the Cochran-Hull Act**

*Hate Crimes: Bias Motivated Communication of Threats* - Section 875 makes it a crime to demand or request a ransom or reward for the release of a kidnapped person. The statute also makes illegal the transmission of any communication in interstate or foreign commerce that threatens to kidnap or injure the person of another. Further, the statute makes unlawful the transmission in interstate or foreign commerce any communication containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, as well as threats to accuse the addressee or another of a crime.

Similarly, Section 876 makes illegal the mailing of threatening communications. The statute makes it unlawful to deposit in any post office or authorized depository any communication demanding or requesting a ransom or reward for the release of any kidnapped person, threats to kidnap or to injure, and threats to injure the property or reputation of the addressee or of another, the reputation of a deceased person, or any threat to accuse another of a crime.

## **18 U.S.C. § 247**

### **Church Arson Prevention Act of 1996**

*Damage to Religious Property* - Section 247 prohibits anyone from intentionally defacing, damaging, or destroying religious property because of the religious nature of the property, so long as the crime is committed in or affects interstate commerce. It also prohibits anyone from intentionally obstructing or attempting to obstruct, by force or threat of force, an individual's enjoyment of his or her religious beliefs. Finally, the statute prohibits anyone from intentionally defacing, damaging, or destroying any religious real property because of the race, color, or ethnic characteristics of any individual associated with the property.

## **18 U.S.C. § 248**

### **Freedom of Access to Clinic Entrances Act of 1994 (FACE)**

*Criminal Interference with Access to Reproductive Health Services* - Section 248 makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure or intimidate a person (1) because he or she has been obtaining or providing reproductive health services, or (2) because he or she is lawfully exercising the right of religious freedom at a place of worship. The statute also makes it unlawful for a person to intentionally damage or destroy the property of a facility because it provides reproductive health services, or because it is a place of worship. FACE also contains a Civil Enforcement provision, which is discussed in the Civil Enforcement Laws section.



## **18 U.S.C. §§ 1581, 1584, 1589**

### **Trafficking Protection Act of 2000**

*Human Trafficking: Peonage, Involuntary Servitude, and Forced Labor* - Section 1581 makes it unlawful to hold a person in “debt servitude,” or peonage, which is closely related to involuntary servitude. The victim’s involuntary servitude must be tied to the payment of a debt. The statute also prohibits using force, the threat of force, or the threat of legal coercion to compel a person to work against his or her will.

Section 1584 makes it unlawful to hold a person in a condition of slavery (a condition of compulsory service or labor) against his or her will. The statute also prohibits compelling a person to work against his or her will by creating a “climate of fear” through the use of force, the threat of force, or the threat of legal coercion. Conviction for such an offense requires that the victim be held against his or her will by actual force, threats of force, or threats of legal coercion.

Section 1589 is broader and makes it unlawful to provide or obtain the labor or services of a person through force or threat of force; threats of serious harm, including psychological and financial harm sufficiently serious to a compel a person of the same background and circumstances to perform labor or services in order to avoid incurring that harm; and abuse or threatened abuse of law or legal process.

## **18 U.S.C. §§ 1591, 1592**

### **Trafficking Victims Protection Act of 2000**

*Human Trafficking: Sex Trafficking* - Section 1591 criminalizes sex trafficking, which is defined as causing a person to engage in a commercial sex act (that is, any sex act on account of which anything of value is given to or received by any person) under certain conditions enumerated by statute. The specific conditions are the use of force, fraud, or coercion, or conduct involving persons under the age of 18.

*Human Trafficking: Document Seizure* - Section 1592 makes it illegal to seize documents in order to force others to work. The statute includes false documents as well as official documents.

## **18 U.S.C. §§ 2421-2424**

### **Mann Act**

*Transportation for Illegal Sexual Activity - Transportation Generally* - Section 2421 makes it illegal to knowingly transport any individual in interstate or foreign commerce with intent that such individual engage in prostitution or in any sexual activity that can be criminally charged.

*Coercion and Enticement* - Section 2422 makes it illegal to knowingly persuade, induce, entice or coerce any individual to travel in interstate or foreign commerce to engage in prostitution, or in any sexual activity for which the person can be charge with a criminally charge. Section 2422

also makes it illegal to use the mail certain technology, including internet or telephone, or means of interstate or foreign commerce to knowingly persuade, induce, entice or coerce an individual under the age of 18 to engage in prostitution or any sexual activity that can be criminally charged.

*Transportation of Minors* - Section 2423 makes it illegal to knowingly transport an individual under the age of 18 with intent that the minor engage in prostitution or any sexual activity that can be criminal charged. Section 2423 also makes it illegal for persons to travel into the U.S. for purpose of engaging in sexual conduct with minors. Similarly, it is illegal for a U.S. citizen or alien admitted for permanent residence to travel in foreign commerce to engage in sexual conduct with a minor. Those with the purpose of commercial advantage or private financial gain, who arrange, induce, procure or facilitate the travel of a minor in interstate or foreign commerce are subject to prosecution under this statute. This section also covers conspiracy.

*Filing Factual Statement About Alien Individual* - Section 2434 makes it illegal to keep, maintain, control, support or harbor in any house or place for the purpose of prostitution or for other immoral purpose, any individual, knowingly or in reckless disregard of the fact that the individual is an alien shall file with the Commissioner of Immigration and Naturalization a written statement with key information about that individual within specific time frames.