

Federalism And Civil Rights

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Before anyone can ascertain the role of federalism in the Civil Rights movement of 1964, there needs to be some clarity regarding what federalism is (Goldscheid and Julie, 2000). Even though there are many interpretations of the concept, most of the time, federalism refers to the system of governance where the sovereignty of the state is divided among the Federal Government as well as its constituencies (Rodriguez and Weingast, 2003).

These constituencies are also termed as the states (Rodriguez and Weingast, 2003). Another important thing that needs to be noted is that the United States is referred to as a Federal Nation, and the powers of the government are divided between the Federal government and the state government at the same time (Rodriguez and Weingast, 2003). In this context, it is important to understand the role of the Federal government during the course of the movement that was carried out in 1964 (Goldscheid and Julie, 2000).

Role Of Federalism In The Civil Rights Movement Of The 1964

Now, as clarity is developed regarding the role of several states in the United States and their role, the key thing that needs to be kept in mind is what were the government practices at that point in time and how these government powers being used (Rodriguez and Weingast, 2003). What happened during the events of 1964, which had a huge impact on the way the civil rights movement paved out, was when the practice of the segregation of African American communities was carried out (Goldscheid and Julie, 2000). One of the prime examples of segregation was when the National Guard of the Arkansas Government prevented nine black students from entering the school in Little Rock, Arkansas (Patterson et al. 2001). As a matter of fact, the matter was escalated to the extent that the Presidential Orders had to be there to make sure that the entry of these nine students was made possible into the school (Goldscheid and Julie, 2000). It was not the only instance in which the value of Federalism was eclipsed to a certain extent (Goldscheid and Julie, 2000). There were some other instances that led the nation to believe that the values of federalism were on the decline as Americans became more and more aware of their civil rights (Goldscheid and Julie, 2000).

Development Of The Unitary System And The Role Of Civil Rights In The Propagation Of That System

Looking closely at some of the objectives of the civil rights movement, the conclusion can be reached

that the unitary democratic system was one of the key objectives of the whole democratic system (Patterson et al. 2001). The development of such a system would have been really difficult if the three levels of the governmental systems were working in that time period. One of the key prerequisites of the unitary system that the civil rights movement was trying to impose was to make sure that all three types of governmental systems were being developed. At times, the argument has been made that the local and the state governments do not have any say over the decision-making that is carried out in the said time period (Goldscheid and Julie, 2000).

Political Renaissance Of The Values Of Federalism

During the course of the end of the 1960s, there was a time period where the renaissance was identified. The movement especially gained momentum during the reign of Ronald Reagan. One of the key things that the Renaissance brought to the fore was the way in which the judicial expression of the debate was carried out, especially if one talks about the overall reaches of the judicial power (Blumstein and James, 1994). The debate over the nature of substantive civil rights was also protected by the government (Blumstein and James, 1994). Thus, there were at least two instances in the given time period of legal credibility where it was witnessed that the values of federalism were being upheld (Patterson et al. 2001). The first instance was when the ruling was carried out by the Burger court, and later on, the decisions that were made by the Rehnquist court also seem to have enforced the same opinion (Patterson et al. 2001).

Concept Of The Civil Rights And Federalism

The way the narrative was being panned out in the given time period, one could not have been mistaken to believe the fact that how the concept of civil rights and federalism were more or less at the loggerheads in the given time period (Patterson et al. 2001). This was the case for the laws that emanated from the construction (Blumstein and James, 1994). The idea was to make sure to protect the person mainly from the exercise of governmental authority at the given time period (Patterson et al. 2001). The persistent image that one gets to see during the given time period is that of the way the exercise of governmental authority is being carried out. If that is the perspective that needs to be kept in mind, it does not make much of a difference with regards to the government power being exercised and the way interpretation of the civil and Federal rights were witnessed in the given time period (Patterson et al. 2001). Despite this fact, the notion of federalism is comprised of the proposition that how, at times, it is usually preferable to exercise power at the local level rather than opting at the national level (Blumstein and James, 1994). To develop a better understanding of the whole concept, it is important to make sure that some sort of understanding of the underlying rationales for this preference is being developed (Patterson et al. 2001). It means that it can go from the feeling of efficiency to the way transformation is supposed to be carried out (Patterson et al. 2001). There are a couple of justifications that need to be carried out in this regard with regard to the responsive values that are claimed during the course of the realization of civil rights (Patterson et al.

2001).

Federalism And The Articles Of Confederation

One of the reasons that federalism was still witnessed as a major concept during the given time period was the fact that it was somewhat a practical solution regarding the way problems related to the Articles of Confederation were going to work out (Blumstein and James, 1994). What they tended to do was give little or no practical authority to the federal government (Blumstein and James, 1994). As a matter of fact, one of the premises of the civil rights movement was the weak Federal government and how its presence was detrimental to the civil rights of the people during that time period (Patterson et al. 2001). Now, if one talks about the instance when the civil rights movement gained momentum, the consensus is that it really gathered steam during the Shays Rebellion (Patterson et al. 2001). It was the armed uprising of the yeoman farmers on the western side of Massachusetts (Patterson et al. 2001). One of the reasons that the rebellion was fuelled was due to the fact that the economy was really poor at that time period. Also, the lack of ability of the federal government to deal with these instances really raised questions about the strength of the government at that time period (Rodriguez and Weingast, 2003). As a matter of fact, the Federal Government was criticized for its lack of ability to raise an army in order to quell the rebellion (Blumstein and James, 1994).

Most Forceful Defense Of The New Constitution

One of the most forceful defenses of the new construction was the instance when the Federalist paper was released (Blumstein and James, 1994). These are the collection of about 85 anonymous essays, and the main premise of these essays was to make sure that the people were able to rise for the ratification of their rights. Most of these articles were known to be written by Alexander Hamilton and James Madison (Blumstein and James, 1994). The common theme across most of these articles was about the importance of the new proposed constitution (Blumstein and James, 1994). These papers seem to have analyzed the political theories that were seen in that time period (Patterson et al. 2001). They also analyzed the political theory and the function of the various articles to make users aware that the constriction is being laid out in the right manner (Blumstein and James, 1994). The Federalist Papers remain one of the more influential documents in American history, and the spectrum across political science is also well known (Patterson et al. 2001). It was one of the starkest defenses of the thought process that seemed to have propagated Federalism and was considered to be an important cornerstone as far as the Anti-Federalist movement was supposed to be carried out (Blumstein and James, 1994).

Representation Of The Local And The State Government

It has to be noted if the state and the local government did not exist, that does not automatically imply that they are not going to be represented (Blumstein and James, 1994). Some sort of thorough perspective was provided towards the whole thing, and the key idea of the whole movement was to make sure that the democratic and unitary systems could be developed (Patterson et al. 2001). The common perception in that era was that such a system would have done well when it came to making sure that some sort of voice needed to be given to the common man (Patterson et al. 2001). The issue was gaining momentum due to the fact that the civil rights movement was really gaining momentum in the United States (Patterson et al. 2001). Despite the way it was carried out, though, most people had a fair idea that it was going to be resolved in that manner (Patterson et al. 2001). The key argument or giveaway from the whole debate is that if Federalism as a system was not working in the United States, the whole Civil Rights movement would not have occurred (Patterson et al. 2001). As a matter of fact, the impending issues related to slavery and racial discrimination would also not have been witnessed, and the whole issue of racial segregation and discrimination could have been worked out in a much more amicable manner (Patterson et al. 2001).

Plessey V. Ferguson And Its Impact On The Civil Rights Movement

There are certain legal decisions that have long-term implications over the makeup of society as well as their ability to shape the movement. If one talks about the civil rights movement, Plessey v. Ferguson is one of the cases where equal protection is provided under the law (Blumstein and James, 1994). The impact was especially evident in the states, the key thing that is needed to be kept in mind the way law was formulated in the Southern States (Blumstein and James, 1994). The way lawmaking and policy making was carried out in the Southern State, it was evident that the effort was needed to be there to make sure that these laws were challenged at the level of the Federal Courts (Blumstein and James, 1994). In the context of the racial climate that was witnessed in the United States in that time period, it was one of the instances when the racial segregation laws were upheld in the United States (Patterson et al. 2001). The decision is regarded as one of the most controversial rulings in the history of the United States due to the fact that it sort of upheld the racial discrimination that was long felt to be witnessed in the United States (Blumstein and James, 1994).

Why Plessey V. Ferguson Is The Most Controversial

Decision By The Courts

Before one can go ascertain the fact that how this decision helped in the establishment of the Civil War, it is important that one understands why it is considered to be one of the most controversial decisions that have ever been given by the United States courts (Blumstein and James, 1994). The Plessey was one of the first decisions that sorts of legitimized the states that were establishing racial segregation in the said time period. Especially in the Southern States, which were quite racially charged in their outlook, they had much amplification for this decision. (Blumstein and James, 1994) The other thing that it did was that legislative achievements that were won during the Reconstruction Era were erased by means of the doctrine that claimed to be separate but equal in its outlook (Blumstein and James, 1994). What the ruling had done was that it had basically allowed the state's legislative immunity in the cases when the dealings with the question of race were carried out. The requirement that was put forth by them was only about making sure that they were supposed to be equal in the given time period (Blumstein and James, 1994).

How It Affected The Events Of The Civil War

Even though the case was concerned with the Civil War, the Plessey decision had quite a lot of implications specially the way events related to the Civil War had transpired (Patterson et al. 2001). What has happened that the Plessey decisions had simply validated the justice system that was perceived to be racially charged at that given point of time, and as the decision was never overruled, it laid the basis of the radical change that was needed to be brought towards the American society. Now there was a realization among the African Americans that even though they were turning to the courts of the validation of their rights, the fact was the the whole justice system was partisan to say the least (Blumstein and James, 1994). The court had simply challenged the legislation that was related to the Civil Rights in the United States (Patterson et al. 2001). It was one of the major reasons that the unrest that people had about the Federal Government reached its melting point and culminated in the Civil War (Blumstein and James, 1994).

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