



**Term Paper: Evaluation of American Government Concepts: Federalism, Second  
Amendment, and Minority Groups**

Student's Name

**COURSE: POLS 2301**

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## **Evaluation of American Government Concepts: Federalism, Second Amendment, and Minority Groups**

Constitutional principles guide the American government to promote civil engagement, federalism, and individual agency and actions. Based on my exploration of the course POLS 2301, the interesting three subjects include competitive federalism; interpretation of the Second Amendment; civil rights on equal protection of the minority groups. Competitive federalism entails the increased dynamic changing of roles of the states and federal government concerning contemporary issues. On the hand, the Second Amendment provides individual freedoms concerning the right of a person to possess arms in the USA, which the government lacks the power to infringe. Civil rights on the equal protection of other groups have heightened the influence of the civil rights movement on achieving fairness and equality for the minority groups, persons with disabilities, and the lesbian, gay, bisexual, transgender and queer (LGBTQ) community. At the present, the LGBTQ significantly faces housing discrimination. The federal government requires adopting state laws prohibiting sexual discrimination against the LGBTQ community to access housing.

### **Competitive Federalism**

Competitive federalism has promoted policy development on contemporary issues, which are contrary to the functions of the states and federal government. Traditionally, competitive federalism has shifted the roles of the states to policy-making on functions of the federal government. The subject of immigration policies has recently become a contending issue on



competitive federalism because the roles of the state and federal governments in policy development have changed (Somin, 2017). The existence of cooperative federalism and

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new federalism that involve exclusive responsibilities of the two levels of government to enhance the efficiency of policy administration has enhanced states to appreciate competitive

**federalism through the system of checks and balances on immigration federalism. The states have been championing rights to establish immigration policies, which is attributed to their power to exercise jurisdictional authority to restrict undocumented immigrants from accessing welfare benefits, healthcare, and education (Kretz et al., 2021). The states argue that the highlighted restrictions on undocumented immigrants are states' responsibilities under reserved powers, which can involve diverse perspectives from states concerning the understanding of the issue. For instance, California invested \$75 million in the state's immigrant resilience fund for**



### **Improving the care of the undocumented immigrants in the state who lacked eligibility for**

national COVID-19 programs (Bernstein et al., 2020; Krutz et al., 2021). Contrary to the traditional role of immigration federalism, states have acknowledged competitive federalism to redefine their role in immigration policy to suit the diverse needs of the states.

### **Interpretation of the Second Amendment**

Interpretation of the Second Amendment on individuals' possession of arms is a fascinating subject in prevailing interests of securing basic freedom. The Second Amendment limits the states from infringing the rights of the individuals to bearing and keeping arms while regulating militia to maintain state security (Kalinowski, 2018). **The amendment was inherited**

**from the common law right used before the Civil war that required all the freemen to possess arms and suppress rebellions. It is worth appreciating that before the civil war the constitution failed to limit state power. However, the increased gun violence and school shooting have heightened conflicts over the Second Amendment, which has politically changed the issue of gun rights. The interpretation of the Second Amendment has raised two questions whether the text implies protection of the rights of the citizens to bear arms individually or protection of the right of the state to arm and organize regulated militia to defend civilians (Eaton et al., 2021). In the past decades, Supreme Court has expressed mixed reactions on whether the state's gun control laws have violated the Second Amendment concerning their regulation of the private ownership**



**of arms. In 1984, *United States v. Miller* ruled that the Second Amendment failed to protect the**

individual right and it was constitutional for the states to promote militia while *McDonald v. Chicago* (2010) found in some cases including self-defense, it was unconstitutional for the state to regulate firearms (Cleveland, 2020; Emmert, 2018). The gun-rights issues have attracted the concern of the interest groups and lobbying groups to emphasize the fundamental right of bearing arms for individuals to be protected from the State's regulation.

### **Civil Rights on Equal Protection of the Minority Groups**

The development of Civil rights is a fascinating subject based on its growing diversity of interests of citizens and the specific needs of the involved groups. The civil rights movements advocated for the rights of the African American community including ending racial discrimination and provision of voting rights. Most importantly, the 1964 Civil Rights Act **established provisions for affirmative actions involving prohibiting discrimination in employment on grounds of religion, origin, color, race, and sex (Katz et al., 2021). The act inspired the struggles of the National Organization of Women to advocate for equal treatment in employment opportunities. More so, the minority groups including Asian Americans, Latinos, and Hispanics have been exposed to racial discrimination, which influenced the groups to advocate for their civil rights and seek recognition and power. The groups have used civil rights movements to end racial discrimination; call for the integration of their language and culture in the American education and health system; suppress the adversity of the immigration reforms (Katz et al.,**



**2021). Besides, minority religious groups and persons with disabilities have leveraged civil rights movements to advocate for their protection, representation, and welfare.**

**The lack of clarity on national law concerning equal protection of transgendered persons makes the civil rights of the LGBTQ community a contemporary political issue in the USA. The civil rights movements for the LGBTQ community have significantly achieved rights for the protection of the group against discrimination including employment and violence against them based on the Hate Crime Prevention Act (Schwartzman et al., 2020). However, there lacks a national law concerning protection of the transgendered persons from housing discrimination. Despite the U.S. Department of Housing and Urban Development (HUD) interpreting sex discrimination in the Fair Housing Act and federally-funded housing rules to prohibit housing discrimination on basis of sexual orientation and gender identity, housing discrimination in home sales and private rental properties outside federal programs based on racial status or sexual orientation fail to fall under this protection (Feldman, 2021; Easta et al., 2021). The lack of**

clarity on national policy protecting transgendered persons from housing discrimination suggests the affected persons will continue being vulnerable in cases where states lack housing protection laws. Therefore, there is a need for advocating for civil rights in the housing of transgendered persons at a national level.



## Conclusion

The resolution for providing full protection to transgendered persons from housing discrimination involves adopting the state and local governments' nondiscrimination laws. It is worth appreciating that federal housing laws fail to account for home sales and private property. The federal program can adopt strict housing policies against sex discrimination in Washington, New Jersey, **Minnesota, Massachusetts, Illinois, Colorado, and California (Feldman, 2021).**

**The success of the housing rules in the state to protect transgendered persons from sexual discrimination demonstrates that states have addressed the housing issue based on the interests and specific needs of the LGBTQ community in their jurisdiction. Therefore, the current administration can propose policies under the Fair Housing Act to check on the accessibility of home sales and private rentals to LGBTQ persons. Notably, transgendered persons significantly experience discrimination from the religious minority groups including modern conservative Christians and Muslims. The minority religious groups believe that co-existing with the LGBTQ and recognizing their beliefs threatens their freedoms in religion. Therefore, the federal government requires emphasizing that protection against sex discrimination in housing practices fails to compromise the individual's religious freedom and be interpreted as disparate treatment**

(Feldman, 2021; Hutt, 2017). Besides, future court rulings on the protection against sex discrimination attributed to religious beliefs can prohibit private persons from using religious freedoms to discriminate against LGBTQ.



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