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Civil War to Civil Rights

Introduction
A general area of interest in relation to the role of education includes societies that are coping with the arrival of new ethnic communities. In these cases the traditional priority has been in trying to find ways of assimilating the new communities into the host community. A slightly different set of issues face ‘migration societies’ where the majority is comprised of inward migrants or their descendants. In this case the priority often revolves around some form of ‘melting-pot’ within which diverse peoples can be moulded into a new common identity. Perhaps the best example of the ‘melting-pot’ approach can be found in the USA and it is to features of this example that we turn over the next two chapters. This chapter will examine the general features of policy in relation to ethnic diversity up to the mid-1960s and largely address issues around the segregation and desegregation of schools. The next chapter will examine the debates and disputes following the mid-1960s which were marked mainly by disputes over busing and other anti-segregation measures, and the continuing debate over affirmative action.

Government in the US
In order to understand political change in the US it is useful to be aware of the particularities of its political system as laid out in the US constitution. The framers of the constitution saw themselves as the standard bearers of liberalism, a radical philosophy at a time when the rights of free citizens were being cast in opposition to monarchical rule. This was the time when the US, and later France, was beginning to demonstrate that a state could exist without a King at its head. In
keeping with their liberal ideology the framers of the constitution attempted to find a balance between the two, potentially competing, principles of ‘equality’ and ‘freedom’. The principle of equality implied the need for a strong central authority in order to ensure that conditions of equity were maintained among citizens. On the other hand, the principle of ‘liberty’ implied the need for a weak central authority in order to minimise the danger of tyrannical government. Opposition to arbitrary government was, after all, one of the reasons why the US came into being. In practice the way in which these potentially competing concerns were resolved was to build a series of ‘checks and balances’ in the political system.

The checks and balances in the system can be seen in three main areas. First, political power was decentralised by the establishment of a federal system of government. Under this system a central federal government was established, but with clearly defined roles and responsibilities (and limits). Alongside the federal government, however, was the decentralisation of significant powers and responsibilities to the individual states that made up the federation, and even to city authorities. Under the constitution the main responsibility of the federal government at the centre was to promote the defence and welfare of the community. The constitution does not accord the federal government any defined role in education. As we will see below, this constrained the ability of Presidents to push through changes in the education system. Responsibility for education was firmly located at the state and local levels. In practice, however, the main way in which the federal government tried to legitimise its role in education was through its responsibility for ensuring equality.

A second basis for maintaining a check and balance in the system of government lay in the ‘separation of powers’. In order to limit the danger that government might abuse its power or exceed its authority, a clear division was created between the different functions. Thus, legislative responsibility was given to the two houses of Congress, and they were to be elected under different mechanisms to reflect population and geography across the country. Executive responsibility was vested in the President who could propose legislation, but in order to be enacted it required the support of Congress. The third element of the separation of powers lay with the Judiciary which was responsible for defining the applicability of specific laws. The written constitution provided the basis upon which the entire edifice was constructed, and the final arbiter on the meaning and definition of the constitution was vested in the highest court, the Supreme Court. From a practical point