

Rodney king incident essay

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Since the time of the Rodney King incident, there has been a growing public interest in ensuring that people in authority do not overstep their bounds.

While Section 1983 is not a new addition or development to the Civil Rights Act of 1871, it certainly reinforces the protections that have been laid down since the abuses of the Ku Klux Klan. Title 42, Section 1983 of the United States Code is commonly known as section 1983 (Ross 2003). It basically guarantees the protection of any individual who, under the colorable authority of state or local legislation, personally deprives or causes another to be deprived of rights granted by the United States Constitution or any Federal Law, should be held liable to that person so deprived or caused to be deprived. Title 42, Section 1983 is historically a part of the Civil Rights Act of 1871 and is also known as the Ku Klux Klan Act of 1871.

Congress had initially passed this as section 1 of the Ku Klux Klan Act. This was originally intended to act as a remedy for the abuse that were committed in the South during this time (Ross 2003). However, this section did not have the effect that it currently has as it was only in 1961, in the landmark case of *Monroe V Pape* that it was put into effect.

In the case of *Monroe V Pape*, the Supreme Court of the United States categorically held that there are three (3) main reasons for the passage of such a law, the first being that it was to “override certain kinds of state laws[1];” the next reason for the law was that it was seen as a way of providing a remedy in cases where the state law was deemed inadequate; the final reason was that there was a pressing need to give a federal remedy when the state remedy could not be availed of at that time or in practice.

Another impact that this case had on the development of Title 42, section 1983 is the fact that it resolved two important issues pertaining to the enforcement of the Fourteenth Amendment. It held that the actions that were committed by state government officials are presumed to be valid acts, “ under the color of law.

” The implication of which is that the presumption under section 1983 then becomes applicable (Ross 2003). The second development is the doctrine that while those who have been injured have a remedy under Federal law, section 1983 still allows recovery even if the same action that caused the injury also violates state law. As such, this means that section 1983 is intended to become a supplementary remedy that is made available to all individuals who suffer that kind of abuse. The development of section 1983, from its initial passage as a section under the Ku Klux Klan Act and an extension of the Civil Rights Act, also springs from the jurisprudential development as laid down by the Supreme Court in the case of *Monroe V Pape* (Ross 2003). According to Congress in its deliberations held in 1871, state courts were not capable of protecting the Fourteenth Amendment rights because of their “ prejudice, passion, neglect, [and] intolerance. [2]” Currently, Section 1983 is now one of the most powerful statutes that are used to regulate State and Federal Officials. It is also used to protect those individuals whose rights may have been abused by such officials.

Section 1983 currently extends to violations on the prohibitions related to public sector employment, issues such as racial discrimination. It must be remembered, however, that the applicability of such statute only extends to

public employees and rarely to private employers. References: Ross, Darrell L. (2003). Civil Liability in Criminal Justice Third Edition. Anderson Publishing Co Monroe v.

Pape, 365 U. S. 167 (1961).[1] Monroe v. Pape, 365 U. S. 167 (1961).

[2] Monroe v. Pape, 365 U. S. 167 (1961).