

**W.E.B. Du Bois's Double Consciousness:
Has the United States' Federalism
Liberated African Americans or Served
as an Albatross Since the Declaration of
Independence on July 4, 1776?**

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Abstract

Federalism, the division of power among autonomous governing units, is often celebrated as an inevitable pathway to liberty in the United States through foot voting, policy competition, mitigation of racial tension, and checks on governmental overreach. However, for African Americans, federalism has frequently served to entrench rather than alleviate oppression since the Declaration of Independence on July 4, 1776. W.E.B. Du Bois's concept of double consciousness—the internal struggle of being both Black and American—offers a powerful lens for assessing how federalism has regionalized discrimination, restricted mobility, and complicated identity formation, leaving African Americans with the task of reconciling national ideals with regional exclusion. Through Du Bois's

framework, this article evaluates five key metrics of federalism: foot voting, interstate competition, prevention of harmful policies, mitigation of racial tension, and checks on governmental overreach. It demonstrates that federalism has produced both avenues for reform and mechanisms of racial inequality across the Reconstruction era, the Civil Rights Movement, and contemporary crises, such as COVID-19 and environmental injustice. Ultimately, the analysis reveals that liberty in the United States' federal system remains uneven and racially contingent, further suggesting that federalism can cease to be an albatross in the United States if it equally safeguards liberty for all.

Keywords: African Americans, double consciousness, Du Bois, federalism, foot voting, interstate competition, liberty, racial inequality

Introduction

Federalism, a political configuration in which multiple governments have some autonomy from one another, has often been praised as the cornerstone of liberty in the United States of America since the Declaration of Independence on July 4, 1776. Liberty for all gets unleashed in federal systems when the constituent governments

remain so tightly bound as not to compromise foot voting, the free movement of people between state and local governmental jurisdictions. The effectiveness of foot voting is closely tied to access to information that foot voters can use computationally to scrutinize public policies across state and local jurisdictions. At the same time, federalism further provides causal efficacy to liberty when national and subnational governments simultaneously compete and serve as a check on each other, without evoking group tensions and generating harmful policies against the people. This charming DNA of federalism overwhelmingly drives mounting admiration for much of the libertarian and classical liberal reasoning behind the computational congeniality of liberty to federalism in the United States and beyond (Christensen, 2021; Elazar, 1979; Ostrom, 1991; Oyerinde, 2024b; Oyerinde, 2022c; Somin, 2014).

Yet for African Americans in the United States, the federalism calculus has yielded an *albatross* since July 4, 1776, a system that regionalizes discrimination, whitewashes freedom of choice and movement, and overturns justice, while sustaining a forced identity negotiation between being an American citizen and being a racially “other” or

being economically valued but being socially devalued—*double consciousness* (Du Bois, 1903). Consequently, W.E.B. Du Bois’s concept of double consciousness—the internal conflict of being both Black and American—offers a powerful lens for scrutinizing how federalism, after 250 years of the United States’ Declaration of Independence, has disproportionately meant, at least subtly in many cases, layered levels of oppression for African Americans and historically marred the federalism objective of taming governments within tight bounds to safeguard liberty for all. The federalism metrics for evaluation encompass foot voting, interstate competition, racial tension reduction, reduction of harmful public policies, and governments as a check on each other (Somin, 2014, pp. 1-4). Leveraging W.E.B. Du Bois’s framework in empirically assessing the five federalism vectorizations, an obscured analytical approach in the federalism literature, demonstrates that federalism in the United States has both enabled reform for liberty and entrenched oppression across the Reconstruction, the Civil Rights Movement, and contemporary crises such as COVID-19 and environmental injustice.

Federalism Metrics

Federalism typically characterizes political systems consisting of multiple governing units where each enjoys some autonomy from the others. The federal lifeline for liberty threads knottily through foot voting, competition among governing units, racial/ethnic tension reduction, elimination of harmful public policies, and governing units as a check on each other. Federal configurations promote liberty and limit oppressive governing jurisdictions when individuals freely move from one governing jurisdiction to another with public policies congruent to their interests and values. The efficacy of foot voting in limiting oppressive governing units within tight bounds becomes substantially reinforced as governing units compete for foot voters and offer them more favorable policy packages. At the same time, the multiplicity of competitive governing units serves as a check on governmental overreach and provides space where minorities in one subnational jurisdiction become majorities in another, potentially mitigating racial/group tensions and preventing harmful public policies (Elazar, 1979; Ostrom, 1991; Somin, 2014). Against this background, it is often argued that federalism, unlike despotism and totalitarianism,

has the rare opportunity to enhance liberty for all through its mechanisms for group tension mitigation (Diamond, Linz, & Lipset, 1995, pp. 44-45) without a majority having the perpetual ability to dominate or exclude other people (Kincaid, 2016, p. 568) in endless shifting configurations of competition and collaboration (McGinnis, Baldwin, & Thiel, 2020, p. 3) intolerable of harmful policies against minorities (Somin, 2014).

The symbiotic relationship between federalism and liberty, however, remains contentious, at least in terms of its epigenomics—the impact of structurally (or genetically) varying federalism metrics in context, without altering the theorized overlapping benefits in the middle of the vent diagram of federalism. Interjurisdictional competition within federal systems can trigger policy packages that favor some individuals over others. The disadvantaged typically range from oppressed minorities, the disabled, and other vulnerable groups, for whom Hayek (1976, p. 87) advocates “a clear moral duty of all to assist, within the organized community, those who cannot help themselves,” an egregious stance to liberty advocates (von Mises, 2007). It is also possible that the subnational governments can become powerful

enough to weaken the national government's enforcement of freedom of movement, as well as repress minorities in favor of majority populations (Christensen, 2021), escalating group tensions (Maddox, 1941, p. 1123) and fueling concealed regional despotism of potentially unfathomable proportions (Oyerinde, 2024a).

Another downside of federalism is that foot voters can become stuck in oppressive public policies within governmental jurisdictions. On the one hand, governing authorities, acting alone or in collaboration with those in other jurisdictions (national and/or subnational), may raise the transaction costs of movement in ways unbearable for foot voters and, in the process, smother Pareto optimality that requires improving one's liberty without worsening another's. The tyrannical costs or Pareto suboptimality can take hold when governing authorities directly or surreptitiously proscribe the free movement of people and the exchange of information about better public policies in other jurisdictions. Such despotic behavior tends to hit the roof more aggressively in political arrangements where subnational and national leaders strategically court majorities for political and economic insurance, necessitating, as expected

to unleash, the inescapable repression of the liberty of the minorities (Treisman, 2007, p. 271).

In addition, foot voters themselves may become worse off, with their benefit-cost computationalities yielding a governmental jurisdiction with less favorable public policies as the best option a posteriori, birthing a dissonance of survival and aspiration and a forced negotiation of self-worth for oppressed foot voters—W.E.B. Du Bois’s concept of double consciousness. Consequently, it is often argued that the effectiveness of foot voting for liberty depends not least on the cognitive calculus of the foot voter (Somin, 2014), on closely monitoring governing authorities to prevent their overreach (Christensen, 2021; Ostrom, 1991), and on the structurally permitted human interaction and its negotiation and renegotiation (Ostrom, 1991, p. 225), implicating a revisit of Du Bois’s double consciousness for evaluating federalism metrics, an analytical approach hitherto remains obscured in the federalism literature.

Federalism Metrics and W.E.B. Du Bois’s Double Consciousness

W.E.B. Du Bois’s concept of double consciousness—the internal conflict of being both

Black and American—offers a framework for evaluating federalism metrics, an approach hardly emphasized in the federalism literature. As poignantly articulated by Du Bois, African Americans are not just “two souls” within a single body but citizens who face different treatment in the United States. The promise of national citizenship, for African Americans, clashes with harmful policies of local disenfranchisement, reflecting and amplifying the fragmented self Du Bois describes. National and state governments exercise autonomy with each other, not only as federal arenas of democracy but also as fortresses of oppressive exclusion.

With a consciousness split between survival and aspiration, the need for African Americans to move from one subnational government to another is not just about choosing a place. It is also about negotiating identity in hostile terrain that reinforces the duality of national belonging and regional rejection, and that fueled “the Mis-Education of the Negro,” a psychological warfare of the early 20th century by which the American education system began to tilt education more aggressively toward racial hierarchies rather than the equality of all (Woodson, 1990). Consequently, African Americans

exercise rights under governments that often compete to undermine them, forcing a negotiation of self-worth (Du Bois, 1903) within a nation that declared 250 years ago that "[w]e hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" (US, 1776). Without disputing the alluring DNA of federalism for liberty for all, the consciousness split offers an analytical tool for epigenetically diagnosing liberty castration in the United States through an assessment of five federalism metrics—limiting harmful policies, foot voting, interjurisdictional competition, checks on governmental overreach, and reduction of racial tension.

Prevention of Harmful Policies

Federalism, as often argued, prevents the implementation of harmful policies (Elazar, 1979). However, the opposite largely applies in the United States for African Americans. From the onset, federalism in the United States deliberately subjected African Americans to the horrific institution of slavery, enduring the denial of basic human rights and forced labor, with many more

rollouts of race-based policies that have worked against African Americans. The depraved exploitation of humankind proceeded unchecked at all governmental levels following the 1808 abolition of the transatlantic slave trade. With the support of state governments after 1808, slaveholders brutally bred African Americans for sale, subjecting them to the most depraved breaking up of families. The trauma of slavery has had long-lasting and intergenerational impacts, influencing mental health and socioeconomic well-being today (TalkAfricana, 2025). Unfortunately, Reconstruction promises of equal protection and the guarantee of citizenship did little to remedy the brutality of the resultant identity split. The promises instead crumbled as the southern states rolled back rights for African Americans. The relentless attack on liberty by the southern states during the Reconstruction and Jim Crow eras catastrophically unleashed more complicated cruelty on African Americans through the demeaning policies of segregated schools, separate waiting rooms and restrooms in public places, restrictions on voting rights, and prohibitions against interracial marriage (Wright, Hubbard, & Darity Jr., 2022). The crisis of discrimination echoes Du Bois's consciousness split concerning

how regional and local autonomy in a federal system can serve as a liberty-caged mechanism, ironically promoting national citizenship for individuals who simultaneously confront local rejection from subnational governments that are not kept within tight bounds for the liberty of all.

Over time, Jim Crow social disorder was seemingly dismantled with legislation like the Civil Rights Act of 1964 and the Voting Rights Act of 1965, affirming African Americans as full political participants and community stakeholders and thereby reducing the psychic split. In contemporary times, however, Jim Crow laws disproportionately remain as the subtle hallmark of voting rights laws, natural disaster responses, health access legislation, policing, prosecution, and incarceration. For instance, the Supreme Court's decision in *Shelby County v. Holder* (2013) evoked the deplorable memories of Jim Crow laws by chipping away at voting rights gains. The apex court's ruling emboldened states that quickly passed voter ID laws suppressing African American voters. In addition, when Hurricane Katrina hit the majority-Black city of New Orleans, Louisiana, in August 2005, "the working-class poor, mostly African-Americans, were abandoned to their fate" (Belkhir &

Charlemaine, 2007, p. 126). Similarly, at the height of COVID-19, national and state governments rolled out policies that left African American communities vulnerable, even though African Americans dominated essential front-line jobs that largely powered the economy before and during the pandemic. Regarding the calamities of COVID-19 and Hurricane Katrina, the national-state-local-level coordination left African Americans waiting for life-saving aid that never arrived (Grigsby, et al., 2020; Johnson, 2008; Stivers, 2007), defiling the needed welfare support expected of liberty-promoting federations (Hayek, 1976, p. 87) and reinforcing the identity split African Americans daily face as individuals who are economically valued but socially disdained—Du Bois’s double consciousness.

The game of harmful policies also plays out in the criminal justice system (Miller, 2010). Without mincing words, the treatment of crimes committed by African Americans in the legal system is not based on the same principles of justice and due process as those for individuals from other racial communities. Billions of dollars disappear annually due to white-collar crimes. Even though 80% of white-collar criminals are men and 67% of the

offenders are white, “people of color are sentenced for longer prison time more often than white people” (LaBrie, 2022). Without equivocation, expanded voting rights and criminal justice reforms have benefited marginalized communities, including African Americans, in states like California and New York City (Staudt, 2023), offering glimpses into what federalism can achieve when public policies treat individuals as equals. However, the formal recognition of African Americans as full citizens, aligning the “American” self with constitutional ideals, contrasts sharply with the persistence of layered levels of oppression against African American bodies punished differently depending on geography, echoing Du Bois’s identity split in terms of the internal conflict of being both citizen and suspect.

Foot Voting

The specter of harmful public policies challenges not only the United States but many other federal systems worldwide. Nevertheless, it is often argued that the imbroglia becomes lessened with the federal ingredient of foot voting, which allows people to relocate to states and localities with better policies (Ostrom, 1991). In the United States,

however, structural barriers have largely limited this liberty for African Americans since the Emancipation era.

Following the Emancipation Proclamation, which officially terminated slavery in the United States, the northward Great Migration of African Americans seemingly presented itself as the foot-voting liberty golden era for African Americans. During the massive movement, millions of African Americans fled the Jim Crow South for northern cities with better conditions. The foot voting liberty, however, faced restrictions on many fronts. First, the southern states paralyzed interstate movement for African Americans through pre-emancipation anti-literacy laws (Anele, 2023; Miller, 2010). The oppressive policies blocked African Americans' access to information about better conditions in northern states, delaying their exercise of foot voting liberty. When African Americans eventually migrated northward, their benefit-cost computationalities behind their movement, unfortunately, yielded Pareto suboptimality. In northern cities, their "situation in their domestic lives was no better; they were shunted into overpriced, segregated residential neighborhoods and forced to live in crowded and

unsanitary conditions” (Wright, Hubbard, & Darity Jr., 2022, p. 12). The liberty to move consequently became a forced negotiation of identity and survival, mirroring Du Bois’s idea of the psychic split of being Black and American in spaces that reject both.

Foot voting remains twisted in contemporary times. During Hurricane Katrina, displacement was involuntary for African Americans who lacked cars to evacuate. The federal-state-local coordination failure left many stranded, exposing the illusion of mobility (Belkhir & Charlemaine, 2007). Similarly, gentrification has, since 1980, pushed African Americans out of historically African American neighborhoods, not through choice but economic coercion. The same neighborhoods have added over 3 million Latino, Asian, and white residents, transforming American cities like Atlanta, Washington, New York, and San Francisco (Mahoney, 2025). Yet even in new localities, African Americans encounter police brutality and economic marginalization (Grigsby, et al., 2020; Human Rights Watch, 2024; Wright, Hubbard, & Darity Jr., 2022), forcing them to navigate spaces that promise freedom but deliver exclusion, as implicated in Du Bois’s double consciousness.

Interstate Competition

Federalism also encourages states to compete for residents by improving services and, in the process, enhances liberty for all by limiting oppressive public policies and reinforcing foot voting (Ostrom, 1991). Yet this competition has often incentivized exclusionary policies in the United States. As explained earlier, a groundswell of aggressive competition burst open among states during the Reconstruction and Jim Crow eras, and limited liberty for African Americans through anti-literacy and Jim Crow laws (Wright, Hubbard, & Darity Jr., 2022). The oppressive pattern roared back to life recently with the *Shelby County v. Holder* (2013) ruling by the Supreme Court, which triggered unhealthy competition among states and led to a wave of voter ID laws, polling place closures, and purges of voter rolls, disproportionately affecting African American voters. Although voter reforms in states like California and New York (Staudt, 2023) have created bright grounds for hope regarding the positive outcomes of interjurisdictional competition, the right to vote exists in theory in the United States, driving African Americans to reconcile national identity with local exclusion in

circumstances that echo Du Bois's double consciousness.

In the heat of COVID-19 in 2020, states competed for PPE and vaccines, with poorer, Black-majority areas often losing out due to underfunded infrastructure and political neglect (Wright & Merritt, 2020). Another instance of interjurisdictional oppression is Reserve, Louisiana, a town predominantly populated by African Americans and the Cancer Alley of the United States. Amidst competition by federal, state, and local governments for jurisdiction, residents of Reserve have suffered for decades from toxic emissions from the Denka plant. Hardly is there any household in that area without an individual with a type of cancer from the plant's toxic emissions. At the same time, home equity has become so worthless that people can hardly attract home buyers, preventing residents from voting with their feet and relocating elsewhere. Despite federal environmental standards, local and state governments have failed to act decisively, while federal government agencies remain slow to intervene (Human Rights Watch, 2024). Similarly, in Flint, Michigan, interjurisdictional competition and cost-cutting led officials to switch from

Detroit's water to the polluted Flint River, exposing over 100,000 mostly African American residents to lead contamination—a crisis the Michigan Civil Rights Commission attributed to systemic racism (Denchak, 2025). In these instances, African Americans have been caught between competing authorities, each claiming jurisdiction but none claiming responsibility, deepening the internal conflict of belonging and exclusion that mirrors Du Bois's double consciousness.

Checks on Governmental Overreach

Checks on governmental overreach represent another precious gem of federalism. This mechanism promotes liberty when governments serve as counterweights to each other's overreach. As subnational governments compete for foot voters, people can choose to vote with their feet to live in states and localities that have government policies they find desirable. At the same time, the check mechanism can swing both ways across governmental levels to enhance liberty for all (Ostrom, 1991). However, the experiences of African Americans in the United States with horizontal and vertical checks on governmental overreach have undeniably been complex and

marked by both immense hardship and fleeting triumph.

Following the 1865 abolition of slavery in the United States, the southern states resisted civil rights mandates with brutal Jim Crow laws under the guise of regional autonomy. It took more legislative interventions by the national government before the Jim Crow disorder gradually crumbled. Notable laws by the national government include *Brown v. Board of Education* (1954), the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. Echoing Du Bois's consciousness in reverse, these public policies significantly reduced the psychic split by legally protecting equality in schools, voting, employment, and housing, incredible instances where the national government successfully served as an effective check on state government overreach (Wright, Hubbard, & Darity Jr., 2022).

However, ongoing racial prejudice against African Americans persists and demonstrates that being American may be institutionally validated but is still socially contested. For instance, the 1960s-1970s federal welfare program targeted poverty, education, and health disparities and

expanded material conditions for African Americans. Yet stigmatization of welfare programs reinforced stereotypes, keeping the Black identity marked as undeserving (Brown, 2013). As explained earlier, *Shelby County v. Holder* (2013) weakened the Voting Rights Act of 1965, which earlier national government oversight provisions had protected to prevent suppressing African American voters. In crises like Katrina and COVID-19, state-level mismanagement went unchecked, delayed aid, and exposed vulnerable populations, including African Americans. In Reserve, local resistance to federal environmental standards has left African American residents unprotected in “a sacrifice zone” (Belkhir & Charlemaine, 2007; Human Rights Watch, 2024). These dynamics force African Americans into perpetual tension with layered authorities, echoing the psychic dissonance of being “American” yet marginalized by both local and national power. The check on power then becomes a check on justice. As predicted by Du Bois’s double consciousness, African Americans are left negotiating between multiple authorities, none of which fully recognize their humanity, complicating racial tensions in the United States.

Reduction of Racial Tensions

It is often argued that federalism prevents a majority from having the perpetual ability to dominate or exclude other people (Kincaid, 2016, p. 568) and guarantees cultural autonomy that can further ease racial tensions (Diamond, Linz, & Lipset, 1995). In the United States, however, federalism has entrenched segregation.

Local control over schools and zoning, as well as policing, has perpetuated racial divides. Gentrification displaces African American communities, while environmental racism (Wright, Hubbard, & Darity Jr., 2022) isolates them in “sacrifice zones” like Flint, Michigan, and Reserve, Louisiana—the Cancer Alley of the United States—exacerbating racial divisions, not healing them. Du Bois’s (1903) insight is clear: peace through separation is not harmony. It is the concealment of hostility. African Americans are forced to manage perception and identity across racialized spaces, reinforcing the psychic labor of *double consciousness*.

Conclusion

While federalism in the United States holds the structural potential to promote liberty through the analyzed metrics, it has often failed to deliver equitable outcomes for African Americans since the Declaration of Independence on July 4, 1776. The very mechanisms intended to protect liberty, such as foot voting and interjurisdictional competition, have been weaponized to preserve regional discrimination, restrict access to opportunity, and fracture national solidarity. Du Bois's concept of double consciousness aptly captures this paradox: the simultaneous promise and denial of liberty within a system that claims to serve all but, in reality, operates unevenly along racial lines.

To move beyond the ongoing contradiction, federalism must be allowed by all to intentionally dismantle the racialized barriers it has helped sustain. Equitable federalism requires not only formal autonomy among states but also accountability in ensuring that no governing unit becomes a haven for oppression. By embedding racial justice as a core evaluative criterion in federalist design, the United States can begin to reconcile its dual commitments to unity and liberty.

Only then can federalism transcend its role as an albatross for African Americans and evolve into a true guarantor of liberty for all.

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