

# Civil Rights and States' Rights: A Unifying History of American Law



## The Mississippi State Sovereignty Commission: Civil Rights and States' Rights by Yasuhiro Katagiri

★★★★☆ 4.7 out of 5

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The tension between civil rights and states' rights has been a defining feature of American history. From the founding of the nation, the question of how to balance the rights of individuals against the powers of the states has been a source of debate and conflict. This debate has shaped the course of American law and politics, and it continues to be a relevant issue today.

## The Founding of the Nation

The Founding Fathers were deeply divided on the issue of slavery. Some, like Thomas Jefferson, believed that slavery was a moral evil that should be abolished. Others, like George Washington, believed that slavery was a necessary evil that should be tolerated. The Constitution, as originally drafted, did not explicitly mention slavery. However, the Three-Fifths Compromise, which counted slaves as three-fifths of a person for the

purposes of representation and taxation, recognized the existence of slavery.

The debate over slavery intensified in the years leading up to the Civil War. In 1857, the Supreme Court ruled in *Dred Scott v. Sandford* that slaves were not citizens and could not sue in federal court. This decision further inflamed tensions between the North and the South, and contributed to the outbreak of the Civil War in 1861.

## **Reconstruction and the Civil Rights Era**

The Civil War ended with the abolition of slavery and the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. These amendments granted citizenship to all persons born or naturalized in the United States, and prohibited states from depriving persons of life, liberty, or property without due process of law. However, the South resisted the implementation of these amendments, and passed laws that restricted the rights of African Americans.

In 1875, the Supreme Court ruled in *United States v. Cruikshank* that the Fourteenth Amendment did not apply to private individuals. This decision made it difficult to enforce civil rights laws against white supremacists. As a result, the Reconstruction era was marked by violence and discrimination against African Americans.

The Civil Rights Era of the 1950s and 1960s saw a resurgence of the civil rights movement. In 1954, the Supreme Court ruled in *Brown v. Board of Education* that racial segregation of public schools was unconstitutional. This decision sparked a wave of protests and legal challenges to segregation. In 1964, Congress passed the Civil Rights Act, which

outlawed discrimination based on race, color, religion, sex, or national origin.

## The Modern Era

Since the Civil Rights Era, the debate over civil rights and states' rights has continued. In recent years, the Supreme Court has issued several rulings that have limited the scope of affirmative action programs and voting rights protections. These decisions have been met with protests from civil rights groups, who argue that they undermine the progress that has been made since the Civil Rights Era.

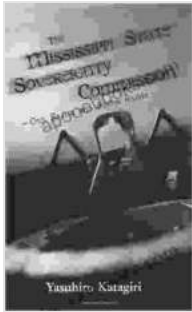
The tension between civil rights and states' rights is a complex and ongoing issue in American history. There is no easy answer to the question of how to balance the rights of individuals against the powers of the states. However, the debate over this issue has shaped the course of American law and politics, and it is likely to continue to do so for years to come.

The book *Civil Rights and States' Rights: A Unifying History of American Law* provides a comprehensive overview of the complex interplay between civil rights and states' rights in American history. The book traces the development of civil rights law from the founding of the nation to the present day, and examines the major Supreme Court cases that have shaped the debate over this issue. *Civil Rights and States' Rights* is an essential resource for anyone who wants to understand the history of civil rights in America.

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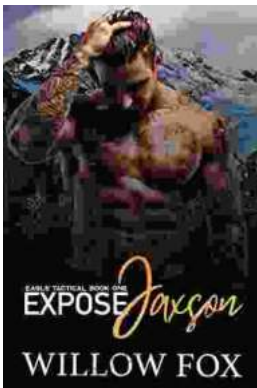


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