

Rights in Conflict

Goals

Students gain a greater understanding of the relations between federal authority, local control, property rights, and civil rights, and clarify their beliefs about the role of government.

Central Questions

When, if ever, should the authority of the US government in Washington overrule the right of local people to decide how they live?

Background Information

Government-sponsored segregation was dismantled by a series of court cases culminating in the Civil Rights Act of 1964. The 1954 Supreme Court ruling in *Brown v. Board* made segregated schools illegal, and in 1957 federal troops went into Little Rock, Arkansas, to make sure Black students were allowed to enroll in the city's best high school. In 1963, federal troops were called out again to force the University of Mississippi to open its doors to African Americans.

State leaders like Mississippi governor Ross Barnett argued that they had the right to run their states however they saw fit, including maintaining segregation. Cities and towns, likewise, argued that they had the freedom to run schools, libraries, and other programs any way their voters wanted. Southern leaders publicly urged citizens to disobey the federal civil rights laws.

Beside the issue of states' rights, segregationists also believed that business owners had the freedom to decide who they served in their stores and restaurants. They considered those places to be private property and thought the federal laws were an attack on personal property rights. Some also believed that the federal government had taken away their individual rights as private citizens.

Lawmakers in Washington insisted that the US Constitution guaranteed all Americans certain basic civil rights, and that these took priority over local laws that varied from place to place. But they did little or nothing to enforce the new laws. Officials of the US Justice Department asserted that law enforcement was the responsibility of local police and sheriffs, and usually refused to get involved when civil rights workers were harassed. Black residents and civil rights activists technically had the legal protection of the new laws, but they lived under the constant threat of harassment from local police and violence from white-supremacist groups.

Documents Used in This Lesson:

1. Excerpts from the 14th Amendment, *Brown v. Board* (1954), and the Civil Rights Act of 1964
<http://ourdocuments.gov/>
2. Excerpt from a speech by Mississippi Governor Ross R. Barnett, March 7, 1960.
<http://wihist.org/1ACEEtX>
3. *Klan Ledger: An Official Publication of the White Knights of the Ku Klux Klan of Mississippi*, Sept. 1964.
<http://wihist.org/1Bo2Sem>

Questions

Document 1: Excerpts from the 14th Amendment, *Brown v. Board* (1954) and Civil Rights Act of 1964.

With a partner, read each of these quotations and rewrite its main point in a short sentence or phrase that somebody younger than you could understand.

1868, 14th Amendment: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

1954 *Brown v. Board of Education* ruling: “Segregation of white and colored children in public schools has a detrimental effect upon the colored children ... We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

1964 Civil Rights Act: “All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin... No person shall withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by [this act]...”

Document 2: Excerpt from a speech by Mississippi Governor Ross R. Barnett, March 7, 1960.
<http://wihist.org/1ACEEtX>

Gov. Barnett was a firm segregationist and states' rights advocate. He helped run the Mississippi Sovereignty Commission, a state agency that fought against the Civil Rights Movement. Barnett gave this speech in New Orleans to a regional meeting of Citizens' Councils, a sort of segregationist Chamber of Commerce. They printed it as a pamphlet, including their two logos shown below.

there are those in our National Government who would once again place New Orleans and the entire South at the mercy of the NAACP and other modern-day Carpetbaggers. At this very moment, our Southern leaders in Congress are battling heroically against vicious Force Bills which would destroy individual freedom.

A willful group of evil men are behind these Force Bills. They would trade the individual freedom and the racial integrity of the South for a few thousand left wing votes in big Northern cities. They have enlisted the aid of powerful and wealthy organizations and are waging constant propaganda warfare against us.

The law which created the Mississippi State Sovereignty Commission stated the Commission's functions in this manner:

"It shall be the duty of the Commission to do and perform any and all acts and things deemed necessary and proper to protect the sovereignty of the State of Mississippi, and her sister states, from encroachment thereon by the Federal Government or any branch, department or agency thereof, and to resist the usurpation of the rights and powers reserved to this state and our sister states by the Federal Government or any branch, department or agency thereof."



Document 3: *Klan Ledger*: An Official Publication of the White Knights of the Ku Klux Klan of Mississippi, Sept. 1964.

<http://wihist.org/1Bo2Sem>

Tyranny, Treachery, Trickery, Treason is the order of the day in Washington, D.C. Honor, Integrity, Race, Country, America's Christian Religion, are becoming out moded.

Your most precious blood bought individual Freedom --- of choice, of association, of individual independence, of free speech and free press, of control over your children's welfare, of the sacredness of your home and private property, right to run your own business --- of the "right to be let alone by Government", ALL ARE being insidiously but surely eroded and usurped by your overpaid public SERVANTS in an all-powerful central government. Your national Sovereignty and Security have been bartered away by these same U.N. (Not U.S.) public servants. More and more you become a regimental number in a Socialist-Communist Dictatorship. Satan and Antichrist stalk the land. American citizens once were CONSTITUTIONALLY masters, of their Government, including the courts --- but not now.

Questions

Documents 2 and 3: Excerpt from a speech by Mississippi Governor Ross R. Barnett, March 7, 1960 and *Klan Ledger*.

1. Who did the governor consider his enemy?
2. Who did the governor think should control whether a state could practice segregation?
3. In your own words, restate the governor's main message in a single short sentence that somebody younger than you could understand.
4. Who are the people in the first logo symbols for? What's happening there?
5. Use different words to state the mission of the Citizen's Council, as shown in the second logo.
6. What did the Ku Klux Klan writer think was threatened by the federal government in Washington?
7. Which authorities did the Ku Klux Klan writer appeal to?

8. What's the proper role for government?

Put a check mark under each branch of government (or none) that you think should be able to do the thing listed in the first column. You can check more than one column. When you're done, total up each column.

Which level of government should be able to...	federal	state	local	none
start a war with other countries				
decide who gets to vote				
draft people into the military				
collect taxes from people				
allow or prohibit abortions				
decide bus routes and fares				
make people buy pet insurance				
allow or prohibit discrimination by race				
decide highway speed limits				
allow or prohibit marijuana				
decide which neighborhood people can live in				
arrest people for violent crimes				
censor what people write on the web				
decide the drinking age				
make people buy car insurance				
allow or prohibit gun ownership				
decide how much people pay in taxes				
decide what gets shown on television				
spy on people they think are terrorists				
decide what church you go to				
make people buy health insurance				
make people pay their debts				
spy on everyone in order to identify terrorists				
allow or prohibit gay marriage				
decide the price of groceries				
decide what the minimum wage is				
decide what's taught in your school				
Totals:				

In a short sentence, write your opinion of the proper role of each level of government:

("Local government should be the only one who can..." "The federal government should be able to...")

Look at the rows you where you checked "none." Write a single sentence summarizing the parts of life that you think *all* government should stay out of.