Record Nr. UNINA9910154281803321 Autore Sloss David Titolo The death of treaty supremacy: an invisible constitutional change // David L. Sloss [[electronic resource]] New York, NY:,: Oxford University Press,, 2016 Pubbl/distr/stampa 0-19-936404-4 **ISBN** 0-19-936405-2 Edizione [First edition.] Descrizione fisica 1 online resource Disciplina 342.730412 Treaty-making power - United States - States Soggetti Federal government - United States Constitutional law - United States - States States' rights (American politics) - History Separation of powers - United States United States Foreign relations Law and legislation Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia This edition previously issued in print: 2016. Note generali Nota di bibliografia Includes bibliographical references and index. The origins of Treaty Supremacy: 1776-1787 -- State ratification Nota di contenuto debates -- Treaty Supremacy in the 1790s -- Foster v. Neilson --Treaties and state law -- Self-execution in the political branches --Self-execution in the Federal Courts -- Seeds of change -- Human rights activism in the United States: 1946-1948 -- The nationalists strike back: 1949-1951 -- Fujii, Brown, and Bricker: 1952-1954 --Business as usual in the courts: 1946-1965 -- The American law institute and the restatement of foreign relations law -- Treaty Supremacy in the twenty-first Century -- Invisible constitutional change. Sommario/riassunto Traditionally, the Constitution's treaty supremacy rule provided that all treaties supersede conflicting state laws. The rule was designed to prevent treaty violations by state governments. From the Founding until World War II, treaty supremacy and self-execution were independent

doctrines. Treaty supremacy was an aspect of federal supremacy; it governed the relationship between treaties and state law. Self-execution governed the division of power over treaty implementation

between Congress and the president. In 1945, the United States ratified the U.N. Charter, which obligates nations to promote 'human rights - for all without distinction as to race.' In 1950, a California court applied the Charter's human rights provisions and the traditional treaty supremacy rule to invalidate a state law that discriminated against Japanese nationals.