

GIRARDEAU A. SPANN

RACE

AGAINST

THE COURT

• *The Supreme Court & Minorities* •
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Race Against The Court The Supreme Court And Minorities In Contemporary America

Ian Haney López



Race Against The Court The Supreme Court And Minorities In Contemporary America:

Race Against the Court Girardeau A. Spann, 1994-02-01 Must reading for anyone who seeks a better understanding of the U S Supreme Court's role in race relations policy Choice Beware Those committed to the Supreme Court as the ultimate defender of minority rights should not read Race Against the Court Through a systematic peeling away of antimajoritarian myth Spann reveals why the measure of relief the Court grants victims of racial injustice is determined less by the character of harm suffered by blacks than the degree of disadvantage the relief sought will impose on whites A truly pathbreaking work Derrick Bell As persuasive as it is bold Race Against The Court stands as a necessary warning to a generation of progressives who have come to depend on the Supreme Court of the perils of such dependency It joins with Bruce Ackerman's We the People and John Brigham's Cult of the Court as the best in contemporary work on the Supreme Court Austin Sarat William Nelson Cromwell Professor of Jurisprudence and Political Science Amherst College The controversies surrounding the nominations confirmations and rejections of recent Supreme Court justices and the increasingly conservative nature of the Court have focused attention on the Supreme Court as never before Although the Supreme Court is commonly understood to be the guardian of minority rights against the tyranny of the majority Race Against The Court argues that the Court has never successfully performed this function Rather the actual function of the Court has been to perpetuate the subordination of racial minorities by operating as an undetected agent of majoritarian preferences in the political preferences In this provocative controversial and timely work Girardeau Spann illustrates how the selection process for Supreme Court justices ensures that they will share the political preferences of the elite majority that runs the nation Customary safeguards that are designed to protect the judicial process from majoritarian predispositions Spann contends cannot successfully insulate judicial decisionmaking from the pervasive societal pressures that exist to discount racial minority interests The case most often cited as the icon of Court sensitivity to minority rights Brown v Board of Education has more recently served to lull minorities into believing that efforts at political self determination are futile fostering a seductive dependence and overreliance on the Court as the caretaker of minority rights Race Against The Court demonstrates how the Court has centralized the law of affirmative action in a way that stymies minority efforts for meaningful political and economic gain and how it has legitimated the legal status quo in a way that causes minorities never even to question the inevitability of their subordinate social status Spann contends that racial minorities would be better off seeking to advance their interests in the pluralist political process and proposes a novel strategy for minorities to pursue in order to extricate themselves from the seemingly inescapable grasp of Supreme Court protection Certain to generate lively heated debate Race Against The Court exposes the veiled majoritarianism of the Supreme Court and the dangers of allowing the Court to formulate our national racial policy

From the Grassroots to the Supreme Court Peter F. Lau, 2004-12-07 Combines legal and historical analysis to address the implications of Brown v Board of Education showing that the resolution of racial segregation in

schools transformed the lives of ordinary citizens in broader ways than has previously been assessed. **American Politics and the African American Quest for Universal Freedom** Hanes Walton, Robert C. Smith, 2015-10-16 This dynamic and comprehensive text from two nationally renowned scholars continues to demonstrate the profound influence African Americans have had and continue to have on American politics. Through the use of two interrelated themes, the idea of universal freedom and the concept of minority-majority coalitions, the text demonstrates how the presence of Africans in the United States affected the founding of the Republic and its political institutions and processes. The authors show that through the quest for their own freedom in the United States, African Americans have universalized and expanded the freedoms of all Americans.

The Oxford Handbook of the U.S. Constitution Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U.S. Constitution offers a comprehensive overview and introduction to the U.S. Constitution from the perspectives of history, political science, law, rights, and constitutional themes, while focusing on its development, structures, rights, and role in the U.S. political system and culture. This Handbook enables readers within and beyond the U.S. to develop a critical comprehension of the literature on the Constitution along with accessible and up-to-date analysis. Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U.S. constitutionalism today.

The Rodrigo Chronicles Richard Delgado, 1996-10-01 Dubbed a pioneer of critical race theory, Delgado offers a book of compelling conversations about race in America. Richard Delgado is one of the most evocative and forceful voices writing on the subject of race and law in America today. The New York Times has described him as a pioneer of critical race theory, the bold and provocative movement that, according to the Times, will be influencing the practice of law for years to come. In *The Rodrigo Chronicles*, Delgado, adopting his trademark storytelling approach, casts aside the dense, dry language so commonly associated with legal writing and offers up a series of incisive and compelling conversations about race in America. Rodrigo, a brash and brilliant African American law graduate, has been living in Italy and has just arrived in the office of a professor when we meet him. Through the course of the book, the professor and he discuss the American racial scene, touching on such issues as the role of minorities in an age of global markets and competition, the Black Left, the rise of the Black Right, Black crime, feminism, law reform, and the economics of racial discrimination. Expanding on one of the central themes of the critical race movement, namely that the law has an overwhelmingly white voice, Delgado here presents a radical and stunning thesis: it is not Black but white crime that poses the most significant problem in modern American life.

Julius Chambers Richard A. Rosen, Joseph Mosnier, 2016-10-18 Born in the hamlet of Mount Gilead, North Carolina, Julius Chambers (1936-2013) escaped the fetters of the Jim Crow South to emerge in the 1960s and 1970s as the nation's leading African American civil rights attorney. Following passage of the Civil Rights Act of 1964, Chambers worked to advance the NAACP Legal Defense Fund's strategic litigation campaign for civil rights, ultimately winning landmark school and employment desegregation cases at the U.S. Supreme Court. Undaunted by the

dynamiting of his home and the arson that destroyed the offices of his small integrated law practice Chambers pushed federal civil rights law to its highwater mark In this biography Richard A Rosen and Joseph Mosnier connect the details of Chambers s life to the wider struggle to secure racial equality through the development of modern civil rights law Tracing his path from a dilapidated black elementary school to counsel s lectern at the Supreme Court and beyond they reveal Chambers s singular influence on the evolution of federal civil rights law after 1964

American Politics and the African American Quest for Universal Freedom Hanes Walton, Jr,2020-12-30 This dynamic and comprehensive text from nationally renowned scholars continues to demonstrate the profound influence African Americans have had and continue to have on American politics Using two interrelated themes the idea of universal freedom and the concept of minority majority coalitions the text demonstrates how the presence of Africans in the United States affected the founding of the Republic and its political institutions and processes The authors show that through the quest for their own freedom in the United States African Americans have universalized and expanded the freedoms of all Americans New to the Ninth Edition Updated sections on intersectionality dealing with issues of race and gender Updated section on African American music to include the role of Hip Hop Updated sections on mass media coverage of African Americans and the African American celebrity impact on politics adding new mention of the CROWN Act and the politics of Black hair Updated section on the Black Lives Matter movement adding a new section on the Me Too movement Updated sections on African Americans in Congress with a new mention of the Squad Updated voting behavior through the 2020 elections connecting the Obama years with the new administration A comparison of the 2016 and 2020 presidential elections A discussion of the way in which race contributes to the polarization of American politics in the 2020 presidential campaign An analysis of the racial attitudes of President Trump and the institutionally racist policies of his administrations Updated chapter on state and local politics including a new section on state executive offices and Black mayors Updated sections on material well being indicators adding a new section on the coronavirus pandemic and the Black community The first overall assessment of the Obama administration in relation to domestic and foreign policy and racial politics

Encyclopedia of African American Politics Robert C. Smith,2003 An A to Z presentation of over 400 articles on African American politics and notable people from the abolitionist movement to Whitney Young

The Congressional Black Caucus, Minority Voting Rights, and the U.S. Supreme Court Christina Rivers,2012-07-17 The U S Supreme Court and the Congressional Black Caucus disagree over how best to protect minority voting rights

Rethinking Constitutional Law Earl M. Maltz,1994 Maltz reformulates the justification for originalist review and refines originalist theory itself he argues that a pure originalist approach mandates excessive judicial intervention under the Constitution and he shows that most nonoriginalist theorists have failed to provide a sufficient functional justification for nonoriginalist intervention

The Oxford Handbook of Law and Politics Keith E. Whittington,R. Daniel Kelemen,Gregory A. Caldeira,2010-06-10 The Oxford Handbooks of Political Science are the essential guide to the state of political science

today With engaging contributions from major international scholars The Oxford Handbook of Law and Politics provides the key point of reference for anyone working on the interception between law and political science **America and the Black Body** Carol E. Henderson,2009 America and the Black Body is a timely exploration into the creative literary and visual uses of the black body in American print and visual culture More specifically this volume contemplates the social development of American identity and the multifarious ways this identity coalesces in the small gestures of preclusion that establish discemable markers of national belonging Such investigations underscore issues of power and disenfranchisement of race class and gender that mediate the representations of the black male and the black female body in real and imagined ways as it also reveals the invisible social and political ties that connect white men and women s identities to these racial imaginings Book Jacket **Constitutional Politics in a Conservative Era** Austin Sarat,2008-05-05 Aims to bring together the work of leading scholars of Constitutionalism Constitutional law and politics in the United States to take stock of the field to chart its progress and point the way for its future development *Current Law Index* ,2005 **Black Political Organizations in the Post-Civil Rights Era** Ollie Johnson,Karin Stanford,2002-12-16 We know a great deal about civil rights organizations during the 1960s but relatively little about black political organizations since that decade Questions of focus accountability structure and relevance have surrounded these groups since the modern Civil Rights Movement ended in 1968 Political scientists Ollie A Johnson III and Karin L Stanford have assembled a group of scholars who examine the leadership membership structure goals ideology activities accountability and impact of contemporary black political organizations and their leaders Questions considered are How have these organizations adapted to the changing sociopolitical and economic environment What ideological shifts if any have occurred within each one What issues are considered important to black political groups and what strategies are used to implement their agendas The contributors also investigate how these organizations have adapted to changes within the black community and American society as a whole Organizations covered include well known ones such as the NAACP Rainbow PUSH Coalition the Southern Christian Leadership Conference the Urban League and the Congress of Racial Equality as well as organizations such as the National Association of Colored Women s Clubs Religious groups including black churches and the Nation of Islam are also considered *Inner Lives* Paula Johnson,2003-04 Interviews with African American women in prison *Race, Law and Society* Ian Haney López,2017-05-15 *Race Law and Society* draws together some of the very best writing on race and racism from the law and society tradition yet it is not intended to merely reprint the greatest hits of the past Instead from its introduction to its selection of articles this anthology is designed as a how to manual a guide for scholars and students seeking templates for their own work in this important but also tricky area *Race Law and Society* pulls together leading exemplars of the sorts of social science scholarship on race society and law that will be essential to racial progress as the world begins to travel the twenty first century *Race, Color, and Partial Blindness* Ole O. Moen,2001 This book offers a broad analysis of the concept of

affirmative action from the first mention of the term under the New Deal to its uncertain status in the late summer of 2001

Sexual Borderlands Kathleen Kennedy, Sharon Rena Ullman, 2003

The Appearance of Equality Christophe M.

Burke, 1999-06-30 An examination of the language of law in the area of political representation this book considers the development and recognition of group claims brought pursuant to the Voting Rights Act and the Equal Protection Clause in Supreme Court opinions In his analysis Burke highlights the different discursive strategies broadly identified as liberal and communitarian used by the Supreme Court to justify the outcomes of various cases and he argues that no particular strategy of justification is inherently politically conservative or liberal and that no conception of political representation is unassailable Therefore it is unlikely that the Supreme Court will articulate a stable measure of fair representation The Supreme Court offers one more forum in the deliberation over what is fair representation however it is not likely to provide minority communities with a legal answer to the problem of political underrepresentation As such this book tells the uncertain story of the creation of political fairness by the Supreme Court The language used to characterize what is fair and representative and the theoretical designs which the rhetoric reflects allows us to formulate concepts of fair representation as legal standards evolve By placing the debate over fair representation in not only political and legal but also philosophical terms we are better able to understand the inevitable tensions that drive the concept of representation into new ill defined and contentious areas

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