

EQUAL JUSTICE UNDER LAW

The Shifting Wind

The Supreme Court
and Civil Rights
from Reconstruction
to *Brown*

JOHN R. HOWARD

Shifting Wind The Supreme Court Civi

Roy L. Brooks



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Achieving Democracy Mary Fran T. Malone, 2015-12-24 Democracy is the ability to participate freely and equally in the political and economic affairs of the country Americans have relied on philosophical pragmatism and on the impulse of political progressivism to express those creedal democratic values Achieving Democracy argues that in the last 30 years however by focusing on free markets and small government America has since lost its grasp on these crucial democratic values Economically the vast majority of Americans have been made worse off due to a historically unprecedented redistribution of wealth from the lower and middle classes to the top one percent Politically partisan gridlock has hampered efforts to seek fairer taxes responsive and effective regulation reliable health care and better education among other needs Achieving Democracy critiques the history of the last 30 years of neoliberal government in the United States and enables an understanding of the dynamic and changing nature of contemporary government and the future of the regulatory state Sidney A Shapiro and Joseph P Tomain demonstrate how lessons from the past can be applied today to regain essential democratic losses within the successful framework of a progressive government to ultimately construct a good society for all citizens

Rehabilitating Lochner David E. Bernstein, 2011-05-15 In this timely reevaluation of an infamous Supreme Court decision David E Bernstein provides a compelling survey of the history and background of *Lochner v New York* This 1905 decision invalidated state laws limiting work hours and became the leading case contending that novel economic regulations were unconstitutional Sure to be controversial Rehabilitating Lochner argues that the decision was well grounded in precedent and that modern constitutional jurisprudence owes at least as much to the limited government ideas of Lochner proponents as to the more expansive vision of its Progressive opponents Tracing the influence of this decision through subsequent battles over segregation laws sex discrimination civil liberties and more Rehabilitating Lochner argues not only that the court acted reasonably in Lochner but that Lochner and like minded cases have been widely misunderstood and unfairly maligned ever since

The Racial Glass Ceiling Roy L. Brooks, 2017-05-30 A compelling study of a subtle and insidious form of racial inequality in American law and culture Why does racial equality continue to elude African Americans even after the election of a black president Liberals blame white racism while conservatives blame black behavior Both define the race problem in socioeconomic terms mainly citing jobs education and policing Roy Brooks a distinguished legal scholar argues that the reality is more complex He defines the race problem African Americans face today as a three headed hydra involving socioeconomic judicial and cultural conditions Focusing on law and culture Brooks defines the problem largely as racial subordination the act of impeding racial progress in pursuit of nonracist interests Racial subordination is little understood and underacknowledged yet it produces devastating and even deadly racial consequences that affect both poor and socioeconomically successful African Americans Brooks addresses a serious problem in many ways more dangerous than overt racism and offers a well reasoned solution that draws upon the strongest virtues America has exhibited to the

world **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 *Conservatism and Racism, and Why in America They Are the Same* Robert C. Smith, 2010-09-09 In this provocative wide ranging study Robert C Smith contends that ideological conservatism and racism are and always have been equivalent in the United States In this carefully constructed and thoroughly documented philosophical historical and empirical inquiry Smith analyzes conservative ideas from John Locke to William F Buckley Jr as well as the parallels between the rise and decline of the Civil Rights Movement in the 1950s and 1970s and the ascendancy of the conservative movement to national power in 1980 Using archival material from the Reagan library the book includes detailed analysis of the Reagan presidency and race focusing on affirmative action the Voting Rights act the Grove City case welfare reform South Africa policy and the Martin Luther King Jr holiday *Conservatism and Racism and Why in America They are the Same* goes beyond a focus on the right wing concluding with an analysis of the enduring impact of the conservative movement and the Reagan presidency on liberalism race and the Democratic Party **The Great Dissenter** Peter S. Canellos, 2022-06-28 The story of an American hero who stood against all the forces of Gilded Age America to help enshrine our civil rights and economic freedoms Dissent No one wielded this power more aggressively than John Marshall Harlan a young union veteran from Kentucky who served on the US Supreme Court from the end of the Civil War through the Gilded Age In the long test of time this lone dissenter was proven right in case after case They say history is written by the victors but that is not Harlan's legacy his views not those of his fellow justices ultimately ended segregation and helped give us our civil rights and our economic freedoms Derided by many as a loner and loser he ended up being acclaimed as the nation's most courageous jurist a man who saw the truth and justice that eluded his contemporaries Our Constitution is color blind and neither knows nor tolerates classes among citizens he wrote in his famous dissent in *Plessy v Ferguson* one of many cases in which he lambasted his colleagues for denying the rights of African Americans When the court struck down antitrust laws Harlan called out the majority for favoring its own economic class He did the same when the justices robbed states of their power to regulate the hours of workers and shielded the rich from the income tax When other justices said the court

was powerless to prevent racial violence he took matters into his own hands he made sure the Chattanooga officials who enabled a shocking lynching on a bridge over the Tennessee River were brought to justice In this monumental biography prize winning journalist and bestselling author Peter S Canellos chronicles the often tortuous and inspiring process through which Supreme Courts can make and remake the law across generations But he also shows how the courage and outlook of one man can make all the difference Why did Harlan see things differently Because his life was different He grew up alongside Robert Harlan whom many believed to be his half brother Born enslaved Robert Harlan bought his freedom and became a horseracing pioneer and a force in the Republican Party It was Robert who helped put John on the Supreme Court At a time when many justices journey from the classroom to the bench with few stops in real life the career of John Marshall Harlan is an illustration of the importance of personal experience in the law And Harlan s story is also a testament to the vital necessity of dissent and of how a flame lit in one era can light the world in another **Color Blind Justice** Mark

Elliott,2008-11-30 Civil War officer Reconstruction carpetbagger best selling novelist and relentless champion of equal rights Albion Tourg e battled his entire life for racial justice In this engaging biography Mark Elliott offers an insightful portrait of a fearless lawyer jurist and writer who fought for equality long after most Americans had abandoned the ideals of Reconstruction Elliott provides a fascinating account of Tourg e s life including his memorable role as lead plaintiff s counsel in the landmark Supreme Court case Plessy v Ferguson **Roy Wilkins** Yvonne Ryan,2013-11-19 Roy Wilkins 1901 1981 spent forty six years of his life serving the National Association for the Advancement of Colored People NAACP and led the organization for more than twenty years Under his leadership the NAACP spearheaded efforts that contributed to landmark civil rights legislation including the 1964 Civil Rights Act and Voting Rights Act In Roy Wilkins The Quiet Revolutionary and the NAACP Yvonne Ryan offers the first biography of this influential activist as well as an analysis of his significant contributions to civil rights in America While activists in Alabama were treading the highways between Selma and Montgomery Wilkins was walking the corridors of power in Washington D C working tirelessly in the background to ensure that the rights they fought for were protected through legislation and court rulings With his command of congressional procedure and networking expertise Wilkins was regarded as a strong and trusted presence on Capitol Hill and received greater access to the Oval Office than any other civil rights leader during the presidency of Lyndon B Johnson Roy Wilkins fills a significant gap in the history of the civil rights movement objectively exploring the career and impact of one of its forgotten leaders The quiet revolutionary who spent his life navigating the Washington political system affirmed the extraordinary and courageous efforts of the many men and women who braved the dangers of the southern streets and challenged injustice to achieve equal rights for all Americans **Poor Joshua** John R. Howard,2018-07-11 In DeShaney v Winnebago County Department of Social Services a bitterly divided Supreme Court rejected a claim brought on behalf of five year old Joshua DeShaney left permanently disabled after sustained abuse despite regular home visits by social workers

charged with monitoring his welfare In its decision the court asserted that the state has no duty to shield citizens from private violence even those involved in their lives and knowing of their distress Poor Joshua tracks the story from its origins in small town Wisconsin to the Supreme Court and chronicles the tragic consequences of the majority decision John R Howard shows how that decision became the rock on which later child abuse cases foundered and how it echoes today in every newspaper story about society's failure to protect children The continuing vitality of DeShaney he argues derives from a persistent sense that the decision is legally incorrect and profoundly at odds with the underlying values of the Constitution The case is also about different visions of our social order and the relationship between law and justice Howard summarizes the substantial law review literature critical of the DeShaney decision and erects the scaffolding for a counterargument bringing law into a closer alignment with justice

Lloyd Gaines and the Fight to End Segregation James W. Endersby, William T. Horner, 2016-12-31 Winner 2017 Missouri Conference on History Book Award In 1936 Lloyd Gaines's application to the University of Missouri law school was denied based on his race Gaines and the NAACP challenged the university's decision Missouri ex rel Gaines v Canada 1938 was the first in a long line of decisions by the U S Supreme Court regarding race higher education and equal opportunity The court case drew national headlines and the NAACP moved Gaines to Chicago after he received death threats Before he could attend law school he vanished This is the first book to focus entirely on the Gaines case and the vital role played by the NAACP and its lawyers including Charles Houston known as the man who killed Jim Crow who advanced a concerted strategy to produce political change Horner and Endersby also discuss the African American newspaper journalists and editors who mobilized popular support for the NAACP's strategy This book uncovers an important step toward the broad acceptance of racial segregation as inherently unequal This is the inaugural volume in the series Studies in Constitutional Democracy edited by Justin Dyer and Jeffrey Pasley of the Kinder Institute on Constitutional Democracy

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