

R A C E  
RELATIONS  
LITIGATION  
IN AN AGE OF  
COMPLEXITY



# Race Relations Litigation In An Age Of Complexity

**Eileen Braman**



## **Race Relations Litigation In An Age Of Complexity:**

**Race Relations Litigation in an Age of Complexity** Stephen L. Wasby,1995 The first book length study of civil rights litigation from the late 1960s through the early 1980s *Race Relations Litigation in an Age of Complexity* fills a void in the scholarly literature on American courts and politics in the post Brown versus Board of Education era *New Directions in Interest Group Politics* Matt Grossmann,2013-10-23 Reflecting cutting edge scholarship but written for undergraduates *New Directions in Interest Group Politics* will help students think critically about influence in the American political system There is no shortage of fear about the special interests in American political debate but reliable information about what interest groups do who they represent and how they influence government is often lacking This volume comprised of original essays by leading scholars is designed to summarize and explain contemporary research that helps address popular questions and concerns making studies accessible to undergraduate students and providing facts to buttress informed debate The book covers the mobilization of interest groups their activities and their influence Each chapter briefly reviews research on a central question of scholarship before focusing on a particular empirical project designed to shed light on the topic Rather than simply providing a descriptive overview the chapters are designed to foster critical thinking by getting students to assess the role of interest groups in the American political system and supplying evidence of their effects Importantly a set of web resources associated with the book offer instructions for research and writing assignments Students will be able to collect and analyze data on campaign finance lobbying and interest group involvement in governance The eResource website includes materials for several classroom simulations such as an interest group legislative battle a Netroots convention and a rule making process As they read about key questions in democratic government and current research trends students can practice serving as interest group activists and conduct original research on topics that most interest them **Race, Place, and the Law, 1836-1948** David Delaney,2010-06-28 Black and white Americans have occupied separate spaces since the days of the big house and the quarters But the segregation and racialization of American society was not a natural phenomenon that just happened The decisions enacted into laws that kept the races apart and restricted blacks to less desirable places sprang from legal reasoning which argued that segregated spaces were right reasonable and preferable to other arrangements In this book David Delaney explores the historical intersections of race place and the law Drawing on court cases spanning more than a century he examines the moves and countermoves of attorneys and judges who participated in the geopolitics of slavery and emancipation in the development of Jim Crow segregation which effectively created apartheid laws in many cities and in debates over the doctrine of changed conditions which challenged the legality of restrictive covenants and private contracts designed to exclude people of color from white neighborhoods This historical investigation yields new insights into the patterns of segregation that persist in American society today **Judicial Independence in the Age of Democracy** Peter H. Russell (eds),David M. O'Brien,2001 This collection of essays by leading

scholars of constitutional law looks at a critical component of constitutional democracy judicial independence from an international comparative perspective Peter H Russell s introduction outlines a general theory of judicial independence while the contributors analyze a variety of regimes from the United States and Latin America to Russia and Eastern Europe Western Europe and the United Kingdom Australia Israel Japan and South Africa Russell s conclusion compares these various regimes in light of his own analytical framework *Two Cultures of Rights* Manfred Berg, Martin H. Geyer, 2002-03-11 This collection addresses key issues in the historical struggle for civil rights political rights and social rights in the United States and Germany from the late nineteenth century to the present Using a cross national comparative approach this book presents national case studies that explore the similarities and differences of conceptualizing rights on both sides of the Atlantic This book analyses the struggle for these rights by individuals and groups and how this struggle became an essential feature not only in political discourse but also in social and political practice and culture in both Germany and the United States More specifically the book examines the different ways rights have been denied due to race ethnicity gender and sexual orientation Considerable attention is given to the impact of Nazism and the struggle for social rights during and after World War II

**Law and Social Movements** Michael McCann, 2017-07-05 The work of both socio legal scholars and specialists working in social movements research continues to contribute to our understanding of how law relates to and informs the politics of social movements In the 1990s an important line of new research most of it initiated by those working in the law and society tradition began to bridge the gaps between these two areas of scholarship This work includes new approaches to group legal mobilization politics analysis of the judicial impact on social reform struggles studies of individual legal mobilization in civil disputing and an almost entirely new area of research in cause lawyering It brings together the best of this research introduced by a detailed essay by the editor *The Oxford Handbook of U.S. Judicial Behavior* Lee Epstein, Stefanie A. Lindquist, 2017-06-08 The Oxford Handbook of U S Judicial Behavior offers readers a comprehensive introduction and analysis of research regarding decision making by judges serving on federal and state courts in the U S Featuring contributions from leading scholars in the field the Handbook describes and explains how the courts political and social context formal institutional structures and informal norms affect judicial decision making The Handbook also explores the impact of judges personal attributes and preferences as well as prevailing legal doctrine influence and shape case outcomes in state and federal courts The volume also proposes avenues for future research in the various topics addressed throughout the book Consultant Editor for The Oxford Handbooks of American Politics George C Edwards III **Maximization, Whatever the Cost** Maurice T. Cunningham, 2000-10-30 During the early 1990s the Department of Justice used its Voting Rights Act power to object to racially unfair redistricting laws to force states to maximize minority congressional districts The results were dramatic Congressional Black Caucus membership swelled from 25 to 38 and nine new Hispanic congresspersons were sworn in Only three years later the maximization strategy lay in ruins The courts forced many of the

new minority districts to be redrawn and the judiciary reserved especially harsh criticism for the Department Cunningham examines and analyzes how the Department came to adopt the maximization strategy He explores the bureaucratic culture of the Division's Voting Section its history and the interaction of its progressive career staff with more conservative political appointees The Division works amidst a vibrant interest group environment with civil rights advocates the state and political parties eager for influence Cunningham shows how that influence contest was won by the civil rights groups how their preferred interpretations of fair redistricting and discriminatory purpose were adopted by the Division and how their chosen districting models were forced upon states by the Division He examines the effect the Department has had on federalism representation and its own impaired credibility with the judiciary Finally he suggests how the Division might resurrect its damaged reputation for balanced enforcement An important study for scholars students and public policy makers involved with civil rights public administration and public law

**The Effectiveness of Domestic Human Rights NGOs** Scott Calnan, 2008 Although human rights NGOs and especially domestic human rights NGOs have become crucial to the human rights movement over the years very little literature exists which describes their operations or sets out a framework in which they can be critically examined This book sets out to begin to fill this gap by focusing on how NGOs mobilise the law and how their effectiveness could be measured Focusing on case studies of actual domestic human rights NGOs and using a comparative methodology this book focuses its analysis on the real life problems of human rights NGOs The result is a revealing snapshot of the legal work of human rights NGOs and a vision of how they could become even more important in the future

Trumping Religion Steven P. Brown, 2002-09-25 The first scholarly treatment of the strategies employed by the New Christian Right in litigating cases regarding religion Trumping Religion provides a detailed analysis of the five major public interest law firms that have litigated religion cases in the federal courts between 1980 and 2000 Allied with several highly vocal evangelical ministries such as those of Jerry Falwell and Pat Robinson these legal organizations argue that religious expression is a form of protected speech and thereby gain a greater latitude of interpretation in the courts The long term agenda of the New Christian Right as illuminated by this study is to shape church state jurisprudence in a way that permits free course for the Christian gospel Steven P Brown presents his research and conclusions from a balanced viewpoint In filling a distinct void in the literature this book will be of considerable interest to political scientists legal scholars law schools and seminaries and anyone concerned with the intersection of religion and judicial politics

**Judicial Politics** Elliot E. Slotnick, 1999 This anthology of more than seventy articles published by the American Judicature Society is distributed by Rowman Littlefield Publishers

**Law, Politics, and Perception** Eileen Braman, 2009-10-29 Are judges decisions more likely to be based on personal inclinations or legal authority The answer Eileen Braman argues is both Law Politics and Perception brings cognitive psychology to bear on the question of the relative importance of norms of legal reasoning versus decision makers policy preferences in legal decision making While Braman acknowledges that decision

makers attitudes or more precisely their preference for policy outcomes can play a significant role in judicial decisions she also believes that decision makers belief that they must abide by accepted rules of legal analysis significantly limits the role of preferences in their judgements To reconcile these competing factors Braman posits that judges engage in motivated reasoning a biased process in which decision makers are unconsciously predisposed to find legal authority that is consistent with their own preferences more convincing than those that go against them But Braman also provides evidence that the scope of motivated reasoning is limited Objective case facts and accepted norms of legal reasoning can often inhibit decision makers ability to reach conclusions consistent with their preferences

*Legal Mobilization Under Authoritarianism*

Waikung Tam,2013 Using post colonial Hong Kong as a case study this book examines why and how legal mobilization arises in authoritarian regimes

**Unjust Deeds**

Jeffrey D. Gonda,2015-08-26 In 1945 six African American families from St Louis Detroit and Washington D C began a desperate fight to keep their homes Each of them had purchased a property that prohibited the occupancy of African Americans and other minority groups through the use of legal instruments called racial restrictive covenants one of the most pervasive tools of residential segregation in the aftermath of World War II Over the next three years local activists and lawyers at the NAACP fought through the nation s courts to end the enforcement of these discriminatory contracts Unjust Deeds explores the origins and complex legacies of their dramatic campaign culminating in a landmark Supreme Court victory in Shelley v Kraemer 1948 Restoring this story to its proper place in the history of the black freedom struggle Jeffrey D Gonda s groundbreaking study provides a critical vantage point to the simultaneously personal local and national dimensions of legal activism in the twentieth century and offers a new understanding of the evolving legal fight against Jim Crow in neighborhoods and courtrooms across America

The Crusade for Equality in the Workplace

Robert Belton,2014-04-14 On March 8 1971 the Supreme Court of the United States decided a case Griggs v Duke Power Co brought by thirteen African American employees who worked as common laborers and janitors at one of Duke Power s facilities The decision in plaintiffs favor marked a profound and enduring challenge to the dominance of white males in the workplace In this book Robert Belton who represented the plaintiffs for the NAACP Legal Defense Fund and argued the case in the lower courts gives a firsthand account of legal history in the making and a behind the scenes look at the highly complex process of putting civil rights law to work Title VII of the Civil Rights Act of 1964 eliminated much blatant discrimination but after its enactment and before Griggs businesses held the view that a commitment to equality required only eliminating policies and practices that were intentionally discriminatory the disparate treatment test In Griggs v Duke Power Co the Supreme Court ruled that a disparate impact test could also apply that the 1964 Civil Rights Act extended to practices with a discriminatory effect In tracing the impact of the Griggs ruling on employment practices this book documents the birth maturation death and rebirth of the disparate impact theory including its erosion by later Supreme Court decisions and its restoration by congressional action in the Civil Rights Act of 1991 Belton conducts us through this

historic case from the original lawsuit to the Supreme Court decision in Griggs and beyond as he traces the post Griggs developments in the lower courts the Supreme Court and Congress he provides informed insights into both litigators and judges perspectives and decision making His work situates the case in its legal social and historical contexts and explores the relationship between public and private enforcement of the law with a focus on the Legal Defense Fund s litigation campaign against employment discrimination A detailed examination of the development of legal principles under Title VII this book tells the story of this seminal decision on equal employment law and offers an unprecedented close up view of personal conviction legal strategy and historical forces combining to effect dramatic social change      **Losing Twice** Emily M.

Calhoun,2011-04-06 Constitutional losers represent a thorny and longstanding problem in American constitutional law Here Emily Calhoun draws upon conflict resolution theory political theory and Habermasian discourse theory to argue that in such cases the Court must work harder to avoid inflicting unnecessary harm on Constitutional losers      *Cause Lawyering* Austin Sarat,Stuart Scheingold,1998-01-08 Why do some lawyers devote themselves to a given social movement or political cause How are such deeds of individual commitment and personal belief justly executed given the ideals of disinterested professional service to which lawyers are in theory at least supposed to adhere What can we learn from such lawyers about the relationship between law and politics Cause Lawyering is a wise and varied collection of responses to these questions featuring a number of distinguished legal scholars concerned with anti poverty lawyers lawyers who work against capital punishment immigration lawyers and other lawyers working to end oppression Editors Austin Sarat and Stuart Scheingold have assembled here a valuable cross national portrait of lawyers compelled to sacrifice financial gain so as to use their legal skills in the promotion of a more just society These telling and important essays fully explore the relationship between cause lawyering and the organized legal professions of many different countries the US England South Africa Israel Cuba and so forth They describe the utility of law as a resource in political struggles and conversely highlight the constraints under which lawyers necessarily operate when they turn to politics Some provide broad theoretical overviews others present rich case studies Advancing a fundamental argument about the very nature of the legal profession this book explains the strategies that cause lawyers deploy as well as the challenges they face in trying to be legally astute and effective while remaining politically devoted and aware Although it is a controversial way of practicing law cause lawyering as explicated in the essays in this volume is indeed indispensable to the legitimization of professional authority      Merely Judgment Martin J.

Sweet,2010-11-23 Merely Judgment uses affirmative action in government contracting legislative vetoes flag burning hate speech and school prayer as windows for understanding how Supreme Court decisions send signals regarding the Court s policy preferences to institutions and actors such as lower courts legislatures executive branches and interest groups and then traces the responses of these same institutions and actors to Court decisions The lower courts nearly always abide by Supreme Court precedent but to a surprising degree elected branches and other institutions avoid complying with Supreme

Court decisions To explain the persistence of unconstitutional policies and legislation Sweet isolates the ability of institutions to derail the litigation process Merely Judgment explores the mechanisms by which litigants and their peers have escaped from the clutches of litigation and thus effectively ignored evaded and trumped the Supreme Court **A Storm Over this Court** Jeffrey D. Hockett, 2013 On the way to offering a new analysis of the basis of the Supreme Court's iconic decision in *Brown v Board of Education* Jeffrey Hockett critiques an array of theories that have arisen to explain it and Supreme Court decision making generally Drawing upon justices' books, articles, correspondence, memoranda, and draft opinions *A Storm over This Court* demonstrates that the puzzle of *Brown*'s basis cannot be explained by any one theory Borrowing insights from numerous approaches to analyzing Supreme Court decision making this study reveals the inaccuracy of the popular perception that most of the justices merely acted upon a shared liberal preference for an egalitarian society when they held that racial segregation in public education violates the equal protection clause of the Fourteenth Amendment A majority of the justices were motivated instead by institutional considerations including a recognition of the need to present a united front in such a controversial case a sense that the Court had a significant role to play in international affairs during the Cold War and a belief that the Court had an important mission to counter racial injustice in American politics *A Storm over This Court* demonstrates that the infusion of justices' personal policy preferences into the abstract language of the Constitution is not the only alternative to an originalist approach to constitutional interpretation Ultimately Hockett concludes that the justices' decisions in *Brown* resist any single elegant explanation To fully explain this watershed decision and by implication others it is necessary to employ a range of approaches dictated by the case in question **Battle over the Bench** Amy Steigerwalt, 2010-08-16 Who gets seated on the lower federal courts and why Why are some nominees confirmed easily while others travel a long hard road to confirmation What role do senators and interest groups play in determining who will become a federal judge The lower federal courts have increasingly become the final arbiters of the important political and social issues of the day As a result who gets seated on the bench has become a major political issue In *Battle over the Bench* Amy Steigerwalt argues that the key to understanding the dynamics of the lower court confirmation process is to examine the process itself She offers a new analytic framework for understanding when nominations become contested and shows when and how key actors can influence the fate of nominations and ultimately determine who will become a federal judge Given the increasing salience of lower court decisions it is not surprising that interest groups and partisan agendas play an important role Steigerwalt inventories the means by which senators push through or block nominations and why interest groups decide to support or oppose certain nominations The politics of judicial confirmations do not end there however Steigerwalt also reveals how many nominees are blocked for private political reasons that have nothing to do with ideology while senators may use their support for or opposition to nominees as bargaining chips to garner votes for their positions on unrelated issues *Battle over the Bench* showcases the complex and at times hidden motivations driving the staffing of the federal bench



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