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CHAPTER 1

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RACISM AND THE LAW: GENERAL INTRODUCTION

An introduction about the close and complex relationships between race and law, legal institutions, and legal personnel. It provides an overview of the book and a rationale for its sequence, including its decision to start with contemporary issues of racial profiling and other examples of racism in legal settings. The chapter identifies the theoretical foundation of the work from American legal realism, critical race studies, and critical legal studies.

CHAPTER 2

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RACISM AND THE LAW: CONTEMPORARY EXAMPLES

An examination of how racism has played a powerful role in several highly publicized cases involving police authorities in the United States, showing that law is much more than statutes, cases, and legal institutions, including what actually occurs "on the street." Six specific case studies comprise the substance of the chapter: (1) the 1991 police beating of Rodney King in Los Angeles; (2) the fatal shooting of Latasha Harlins in Los Angeles in 1991; (3) the 1997 case of Abner Louima, sodomized by New York City police officers; (4) the 1999 New York Police Department shooting of Guinean immigrant Amadou Diallo; (5) the 2009 shooting police shooting of Oscar Grant in Oakland, California; and (6) the 2009 arrest of African American Harvard professor Henry Louis Gates at his home in Cambridge, Massachusetts on the charge of disorderly conduct.

THE RACIST ORIGINS AND REINFORCEMENT OF AMERICAN LAW

The racial assumptions underlying the establishment of the United States Constitution, addressing that document in the context of the history American slavery and the attitudes deriving from that institution, including its impact on legal documents and institutions. It includes The Fugitive Slave Act of 1850 and two major cases: *People v. Hall*, California, 1854 and *Dred Scott v. Sandford*, 1857 as well as President Lincoln's Emancipation Proclamation.

RECONSTRUCTION AND LEGAL RACISM

A broad legal, political, and historical perspective about how Southern states and the federal courts sabotaged the newly acquired legal rights of freed slaves following the Civil War and Reconstruction. It includes original introductory and analytical text and the following documents: Constitutional Amendments 13, 14, and 15; The Civil Rights Cases, 1883, *Plessy v. Ferguson*, 1896, and various examples of Southern Jim Crow laws passed in the post-Reconstruction era. Showing the continuity of racist judicial decision-making, the chapter also includes *Korematsu v. United States*, 1944.

THE LEGAL DRIVE TOWARD CIVIL RIGHTS

Legal developments from the early 20th century through the 1970s. Combining text and original legal material, the chapter commences with brief biographical material about some of the key legal personnel including Charles Houston, Thurgood Marshall, Constance Baker Motley, and Jack Greenberg. Cases include *Mendez v. Westminster School District*, 1948; *Shelley v. Kraemer*, 1948; *Sweatt v. Painter*, 1950; *Brown v. Board of Education* (I and II), 1954 and 1955; Civil Rights Act of 1964 (edited); Voting Right Acts of 1965 (edited); *Heart of Atlanta Motel v. United States*, 1964; and *Loving v. Virginia*, 1967.

THE RETREAT FROM CIVIL RIGHTS: THE CASE OF AFFIRMATIVE ACTION AND LEGISLATION AGAINST RACIAL AND ETHNIC MINORITIES

From the late 1970s to the present, Conservative national politics and the changing composition of the U.S. Supreme Court have provided major challenges to civil rights lawyers, including restrictions on affirmative action in such areas as education and employment. The chapter includes the early executive orders mandating affirmative action and Supreme Court cases showing the evolution of judicial decisions in this area: *Regents of the University of California v. Bakke*, 1978; *Fullilove v. Klutznick*, 1980; *Grutter v. Bollinger*, 2003; and *Ricci v. DeStefano*, 2003. The chapter also includes California's anti-affirmative action Proposition 209 and analysis of state anti-immigration laws.

THE ROLE AND LIMITATIONS OF LAW IN ADDRESSING RACIAL BIAS AND DISCRIMINATION

The impact and limitations of legal strategies in the continuing struggles for civil rights, including the significance of ordinary racial slights including discriminatory service at public facilities like stores and entertainment venues. The chapter addresses the ways that contemporary activist lawyers can advance the civil rights agenda, focusing on such areas as the disproportionate number of racial and ethnic minorities in prison; voting prohibitions against persons with felony records and other election discrimination; racism in employment and education; and the role of lawyers in speaking in schools and augmenting curricular materials at all educational levels.