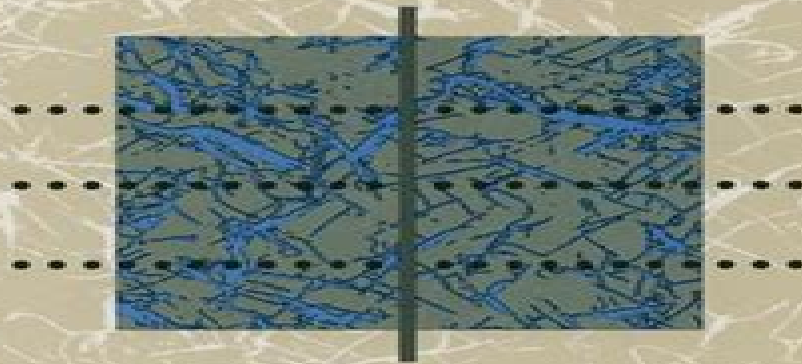


The Color-Blind Constitution



Andrew Kull

The Color Blind Constitution

Clarke Rountree



The Color Blind Constitution:

The Color-Blind Constitution Andrew Kull, 2009-07 From 1840 to 1960 the profoundest claim of Americans who fought the institution of segregation was that the government had no business sorting citizens by the color of their skin During these years the moral and political attractiveness of the antidiscrimination principle made it the ultimate legal objective of the American civil rights movement Yet in the contemporary debate over the politics and constitutional law of race the vital theme of antidiscrimination has been largely suppressed Thus a strong line of argument laying down one theoretical basis for the constitutional protection of civil rights has been lost Andrew Kull provides us with the previously unwritten history of the color blind idea From the arguments of Wendell Phillips and the Garrisonian abolitionists through the framing of the Fourteenth Amendment and Justice Harlan's famous dissent in *Plessy* civil rights advocates have consistently attempted to locate the antidiscrimination principle in the Constitution The real alternative embraced by the Supreme Court in 1896 was a constitutional guarantee of reasonable classification The government it said had the power to classify persons by race so long as it acted reasonably the judiciary would decide what was reasonable In our own time in *Brown v Board of Education* and the decisions that followed the Court nearly avowed the rule of color blindness that civil rights lawyers continued to assert instead it veered off for political and tactical reasons deciding racial cases without stating constitutional principle The impoverishment of the antidiscrimination theme in the Court's decision prefigured the affirmative action shift in the civil rights agenda The social upheaval of the 1960s put the color blind Constitution out of reach for a quartercentury or more but for the hard choices still to be made in racial policy the colorblind tradition of civil rights retains both historical and practical significance [The Color-blind Constitution](#) Andrew Kull, 1989 [Brown V. Board of Education at Fifty](#) Clarke

Rountree, 2004-01-01 The story of *Brown v Board of Education* is a half century old now and has been retold many times by historians legal scholars sociologists and others This collection of persuasive scholarly essays examines for the first time the role rhetorical theory played in the development of educational segregation Contributors consider the NAACP's development of a series of graduate school cases to challenge *Plessy* analyze the *Brown* decision itself assess the state response to *Brown* and critique the two Supreme Court decisions implementing the *Brown* decision By illustrating how rhetorical strategies created sustained challenged and ultimately reversed educational segregation in the United States this work demonstrates the real value of the rhetorical perspective and provides encouragement to those who wish to help further develop this emerging field of judicial rhetoric

Critical Race Theory Richard Delgado, Jean Stefancic, 2000 This tightly edited volume contains the finest highly accessible articles in the fast growing legal genre of critical race theory a field which is changing the way this nation looks at race challenging orthodoxy questioning the premises of liberalism and debating sacred wisdoms Including treatments of two new exciting topics Critical Race Feminism and Critical White Studies this volume is truly on the cutting edge Questions for discussion and reading suggestions after each part make this volume essential for those

interested in law the multiculturalism movement political science and critical thought In this wide ranging second edition Richard Delgado and Jean Stefancic bring together the finest most illustrative and highly accessible articles in the fast growing legal genre of Critical Race Theory In challenging orthodoxy questioning the premises of liberalism and debating sacred wisdoms Critical Race Theory scholars writing over the past few years have indelibly changed the way America looks at race This edition contains treatment of all the topics covered in the first edition along with provocative and probing questions for discussion and detailed suggestions for additional reading all of which set this fine volume apart from the field In addition this edition contains five new substantive units crime critical race practice intergroup tensions and alliances gay lesbian issues and transcending the black white binary paradigm of race In each of these areas groundbreaking scholarship by the movement's founding figures as well as the brightest new stars provides immediate entry to current trends and developments in critical civil rights thought Author note Richard Delgado Jean Lindsley Professor of Law at the University of Colorado at Boulder is one of the founding members of the Conference on Critical Race Theory Winner of the Association of American Law Schools 1995 Clyde Ferguson Award for outstanding law professor of color he is the author of over 100 articles in the law review literature on civil rights and of several books including *Failed Revolutions Words that Wound* and *The Rodrigo Chronicles* Jean Stefancic Research Associate in Law at the University of Colorado is the author of leading articles and books on Critical Race Theory Latino a scholarship and social change including *No Mercy How Conservative Think Tanks and Foundations Changed America's Social Agenda* Temple "Colorblind" Racism Leslie G. Carr, 1997-08-19 Many of the vestiges of the Civil Rights movement including initiatives such as affirmative action are increasingly under attack by those who assert that the Constitution is explicitly color blind In this argument the government is not legally permitted to take race into account in a color conscious manner More than 30 years have passed since the landmark Civil Rights Acts became the law of the land Yet one of three African American men between the ages of 18 and 27 is in the hands of the criminal justice system churches are burning in the South and right wing militia groups are flourishing In this provocative and timely book Leslie G Carr suggests that the Constitution can be read as racist and that the concept of color blindness is in fact the latest in a series of racist ideologies that have been part of the American fabric *Color Blind Racism* provides a thorough historical grounding in racist ideologies in the United States and will be of great interest to anyone teaching or studying race relations public policy urban studies and race and politics **Critical Race Theory** Kimberlé Crenshaw, Neil Gotanda, Gary Peller, Kendall Thomas, 1995 In the past few years a new generation of progressive intellectuals has dramatically transformed how law race and racial power are understood and discussed in America Questioning the old assumptions of both liberals and conservatives with respect to the goals and the means of traditional civil rights reform critical race theorists have presented new paradigms for understanding racial injustice and new ways of seeing the links between race gender sexual orientation and class This reader edited by the principal founders and leading theoreticians of

the critical race theory movement gathers together for the first time the movement's most important essays Back cover *The Rehnquist Court and the Constitution* Tinsley E. Yarbrough, 2000-03-30 In *The Rehnquist Court and the Constitution* Tinsley Yarbrough provides a comprehensive look at today's Supreme Court Justices and their record a study all the more valuable for the Court's mixed decisions and hard to categorize course An accomplished biographer Yarbrough offers incisive portraits of the nine who now sit on the high bench and tellingly reviews their nomination hearings He also explores the workings of the Court ranging from the selection and role of the clerks to the work load including the end of term June crunch and assignment of opinions But the heart of the book is a systematic exploration of the Court's record in such fields as government power economic regulation and criminal justice In decision after decision the author discusses the various justices' opinions arguments and legal theories he also offers his own analysis including a sharp critique of the decision to allow the Paula Jones lawsuit to move forward Like many writers on the Rehnquist Court Yarbrough finds a general continuity with the past shaded by a conservative outlook especially in matters of criminal justice and affirmative action but he identifies a significant departure in its rulings on economic regulation Since 1937 he writes the Supreme Court had generally adopted an expansive view of federal power over economic matters the Rehnquist Court has reversed that trend The Rehnquist Court has not launched an all out assault on the Warren Court's precedents as many conservatives hoped but as Yarbrough shows it has embarked on important new departures Thoughtful wide ranging intelligently written this book will stand as the finest study of the Rehnquist Court for years to come **Official Reports of the Supreme Court** United States. Supreme Court, 2007 [A Different Vision](#) Thomas D Boston, 2002-01-04 This work brings together for the first time the ideas philosophies and interpretations of North America's leading African American economists demonstrating that racial inequality has had an immense impact on African Americans' daily lives [Is Racial Equality Unconstitutional?](#) Mark Golub, 2018 For some the idea of a color blind constitution signals a commonsense ideal of equality and a new post racial American era For others it supplies a narrow constitutional vision which serves to disqualify many of the tools needed to combat persistent racial inequality in the United States Rather than taking a position either for or against color blindness Mark Golub takes issue with the blindness consciousness dichotomy itself This book demonstrates how color blind constitutionalism conceals its own race conscious political commitments in defense of existing racial hierarchy and renders the pursuit of racial justice as a constitutionally impermissible goal

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The Color Blind Constitution Introduction

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