



From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality: The Supreme Court and the Struggle for Racial Equality, Michael J. Klarman, Oxford University Press, USA, 2004, 0195129032, 9780195129038, 672 pages. A monumental investigation of the Supreme Court's rulings on race, From Jim Crow To Civil Rights spells out in compelling detail the political and social context within which the Supreme Court Justices operate and the consequences of their decisions for American race relations. In a highly provocative interpretation of the decision's connection to the civil rights movement, Klarman argues that Brown was more important for mobilizing southern white opposition to racial change than for encouraging direct-action protest. Brown unquestioningly had a significant impact--it brought race issues to public attention and it mobilized supporters of the ruling. It also, however, energized the opposition. In this authoritative account of constitutional law concerning race, Michael Klarman details, in the richest and most thorough discussion to date, how and whether Supreme Court decisions do, in fact, matter..

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From the Closet to the Altar: Courts, Backlash, and the Struggle for Same-Sex Marriage , Michael J. Klarman, Sep 7, 2012, Political Science, 288 pages. Same-sex marriage has become one of the most volatile issues in American politics. But if most young people support gay marriage, and if there are clear indicators that a

Queers in Court Gay Rights Law and Public Policy, Susan Gluck Mezey, Jan 1, 2007, Law, 269 pages. In Queers in Court, Susan Gluck Mezey examines the contemporary battle for gay and lesbian rights in the United States, tracing the evolution of issues from same sex marriage

Plessy V. Ferguson A Brief History with Documents, Brook Thomas, 1997, History, 205 pages. In 1896, The Supreme Court's Plessy v. Ferguson decision made legal a system of "separate but equal" racial segregation not overruled until 1954. Using the full text of the

From Jim Crow to Civil Rights : The Supreme Court and the Struggle for Racial Equality The Supreme Court and the Struggle for Racial Equality, Michael J. Klarman James Monroe Professor of Law and Professor of History University of Virginia, Feb 5, 2004, Law, 672 pages. A monumental investigation of the Supreme Court's rulings on race, From Jim Crow To Civil Rights spells out in compelling detail the political and social context within which

The Pig Farmer's Daughter and Other Tales of American Justice Episodes of Racism and Sexism in the Courts from 1865 to the Present, Mary Frances Berry, Jul 20, 2011, Law, 304 pages. From the head of the U.S. Civil Rights Commission and noted professor of law and history at the University of

Pennsylvania, a groundbreaking book that examines both civil and

Poems of Francis Thompson Revised edition, Francis Thompson, Jan 1, 1941, Literary Criticism, 587 pages. .

African American Golfers During the Jim Crow Era , Marvin P. Dawkins, Graham Charles Kinloch, Jan 1, 2000, Social Science, 182 pages. African American professional golfers began to appear by the turn of the century, having learned the game as caddies in the early 1890s. However, despite early successes, in

The Lawyers' Committee the first twenty-five years, Edith S. B. Tatel, Lawyers' Committee for Civil Rights Under Law, 1989, Social Science, 120 pages. .

No Excuses Closing the Racial Gap in Learning, Abigail Thernstrom, Stephan Thernstrom, Jul 14, 2009, Social Science, 352 pages. Black and Hispanic students are not learning enough in our public schools. Their typically poor performance is the most important source of ongoing racial inequality in America

A monumental investigation of the Supreme Court's rulings on race, *From Jim Crow To Civil Rights* spells out in compelling detail the political and social context within which the Supreme Court Justices operate and the consequences of their decisions for American race relations. In a highly provocative interpretation of the decision's connection to the civil rights movement, Klarman argues that *Brown* was more important for mobilizing southern white opposition to racial change than for encouraging direct-action protest. *Brown* unquestioningly had a significant impact--it brought race issues to public attention and it mobilized supporters of the ruling. It also, however, energized the opposition. In this authoritative account of constitutional law concerning race, Michael Klarman details, in the richest and most thorough discussion to date, how and whether Supreme Court decisions do, in fact, matter.

Klarman, a constitutional law professor, offers a highly accessible analysis of the interplay between the Supreme Court and U.S. race relations. While focusing on particular legal decisions, he looks at the broader context, the social, political, and international forces that have influenced the path of racial progress from the turn of the nineteenth century, when segregation was the law of the land, until it was outlawed by the *Brown* decision. Klarman points to countervailing forces that impacted the ruling and might even have brought about the same end. Those forces included the civil rights movement, political power shifts of the black northern demographic, and competition for the hearts and minds of Third World nations during the cold war. Klarman reflects on litigation as a form of protest and education in the civil rights era but suggests that the *Brown* decision may have been more detrimental than beneficial because it galvanized white opposition to desegregation. Vernon Ford

"Michael J. Klarman's monumental book--undertaking a sweeping exploration of the causes and consequences of all of the Supreme Court's race decisions from *Plessy v. Ferguson* to *Brown vs. Board of Education*--is likely to become the definitive study of the Supreme Court and race in the first half of the twentieth century. As a narrative history of the Court's actions on the broad array of constitutional issues relevant to racial equality--from criminal procedure to voting rights to desegregation--the book is an invaluable resource."--Reviews in American History

"Michael Klarman's authoritative account of constitutional law concerning race--from the late 19th century through the 1960s--is brilliant, both as legal interpretation and as social and political history. While the book deals with a wide range of racially charged issues--criminal procedure, peonage, transportation, residential segregation, and voting rights--it focuses with especially keen insights on the *Brown v. Board of Education* case of 1954. *From Jim Crow to Civil Rights* is a magisterial accomplishment." --James T. Patterson, Bancroft Prize-winning author of *Grand Expectations: The United States, 1945-1974* (Oxford, 1996)

"Michael Klarman's exhaustively researched study is essential reading for anyone interested in civil rights, the Supreme Court, and constitutional law. Accessible to ordinary readers, students, and scholars, Klarman's book presents a challenging argument that places the Supreme Court's civil rights decisions in their social and political context, and deflates overstated claims for the importance of the Supreme Court's work while identifying carefully the precise contributions the Court made to race relations policy from 1896 through the 1960s."--Mark Tushnet, author of *Taking the Constitution Away from the Courts*

"Pulling together a decade of truly magnificent scholarship, this extraordinary book bids fair to be the definitive legal history of perhaps the most important legal issue of the twentieth century. There is no one from whom I have learned more--and whom I enjoy reading more--than Michael Klarman. This is legal history at its best, and on a panoramic canvas."--Akhil Reed Amar, author of *The Bill of Rights: Creation and Reconstruction*

"From *Jim Crow to Civil Rights* is a bold, carefully crafted, deeply researched, forcefully argued, lucidly written history of law and legal-change strategies in the civil rights movement from the 1880s to the 1960s, and a brilliant case study in the power and limits of law as a motor of social change. Among the hundreds of recent books on the history of civil rights and race relations, Klarman's is one of the most original, provocative, and illuminating, with fresh evidence and fresh insights on practically every page."--Robert W. Gordon, Chancellor Kent Professor of Law and Legal History, Yale University

Michael J. Klarman's book *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* is the best book written about civil rights in America in quite some time. Klarman's book is one of the few works about the civil rights movement that analyzes the significant change that occurred in racial attitudes during 1900-1954 as well as the movement itself.

Klarman's book is a revisionist account that downplays the importance of the 1954 *Brown vs. Board of Education* case. Klarman contends that there would have been a civil rights movement even if the Supreme Court had ruled the other way in *Brown*. Klarman believes that the conventional history gives court rulings too much credit for effecting change in America. Essentially, Klarman believes that the federal court system is actually very weak and does not affect America much in the long run.

Klarman believes, for instance, that the White Court's civil rights rulings during the Progressive Era did nothing to help blacks. Other than the *Smith* case of 1944, Klarman does not believe that Supreme Court rulings helped black Americans. In the *Smith* case, Klarman holds that it effectively opened the door for some black participation in Southern politics.

A large part of Klarman's book is devoted to debunking the idea that the *Brown* ruling helped speed the civil rights movement. Klarman holds that the *Brown* decision did little to inspire blacks to seek redress for racial grievances. He does, however, concede that the media coverage of *Brown* did help raise consciousness among white folks about racial injustice in the South.

Professor Klarman's book is a study of the interplay between Politics, Social Forces, and legal doctrine. He's searching for the links between political realities and legal rulings. How are they shaping each other? In studying the relations between the decisions of the US Supreme Court and the reality of White-Black relations in the American South, Klarman's conclusion is that the Supreme Court's opinions are very much shaped by the social and political realities. The effect of the Supreme Court's decision on the political landscape is more subtle.

Between the 1890s and the outbreak of the Second World War, the Court's rulings became slowly but steadily more pro-blacks. The earlier decisions were epitomized by the *Plessey* case, which held that states were allowed to discriminate in public transportation. Only one Justice, former slave-owner John Marshall Harlan had dissented, and argued that the "constitution is color-blind". But even Harlan did not doubt the propriety of segregation in education, and neither he nor any other Justice did much to prevent Lynching, voter intimidation, all-white-Juries and a variety of other discriminatory practices.

In this, the Justices were very much men of their time, an era of unquestioned white supremacy. America was a white man's land; with the Civil War receding into distant memory, White Northerners, who faced increasing immigration of blacks, Asians, and East Europeans, did not feel compelled to intervene on behalf of Southern Blacks.

But even if the Justices were inclined to combat Jim Crow (the popular name of the racist Southern regime), there was not much they could have done. Unlike the post-World War 2 era, the Federal government was not closely engaged within Southern states. Thus the Court's decisions had to be executed by Southern Judges, Politicians, and Policemen - the very leaders of Jim Crow. Furthermore, the legal segregation and discrimination were mostly formalities. Jim Crow kept Blacks "in their place" with the hanging rope and the burning cross, with economic sanctions and social intimidation. Whether their misery was legally sanctioned or not could not have made a large difference in the daily lives of Southern Blacks.

From the outbreak of the First World War to the outbreak of the second, race relations in America slowly improved, and the Judges' decisions became increasingly, albeit subtly, black-friendly. Beaten confessions were thrown out; patently racist disenfranchising laws were declared unconstitutional. The Justices for the first time inferred discrimination in Jury selection from the fact that Juries were, de facto, always white.

But the changes were slow. Only with the creation of Roosevelt's Court, with the appointment of new Justices such as Hugo Black and William Douglas, did the Court stridently strike against segregation and Jim Crow. The shift in the Court during and after the Second World War reflected the social changes in American society, which has become more egalitarian as the economic and political power of Blacks increased, as the nation was becoming more unified, and as revulsion of Fascism translated into widespread anti-racist views. The Cold War also played its part: When America competed for the alliance of Non-Western Countries, Jim Crow has become a liability and an embarrassment.

The New Deal Justices, and their successors, were strongly committed to destroying the racist policies of the South. They ruled against segregation in higher education, against all-white political primaries, against unfair police practices. And most famously, they hit the Apartheid's system's most cherished institution. The landmark case of "Brown vs. Board of Education" barred segregation in public schools.

Brown, Klarman argues, had a paradoxical effect: It made things better by first making them worse. Brown led to desegregation of the border South, but not in the Deep South. There, Brown's effect was to radicalize the white population. Before "Brown", Southerners were inclined to allow Jim Crow to be chipped away - the desegregation of higher education and public accommodation caused little or no fuss, and the opposition to voting rights was hardly insurmountable. Southern politicians in the pre-Brown era downplayed the racial element and focused on common 1940s and 1950s era issues: social programs and communist-baiting.

But after Brown, moderation in the South was dead. Rallying against the Northern intervention, moderate Southern politicians either lost their job (Alabama governor Big Jim Folsom) or transformed into fire-breathing segregationist demagogues (the infamous successor of Folsom, George Wallace, who had been a relative moderate in the 1940s and early 50s, as evidenced by his refusal to follow the Dixiecrats in 1948). Accommodation was out - resistance and rebellion became the rule for Southern whites.

The growing belligerency of Southerners played right into the hand of the new generation of social activists, led by Martin Luther King. With boycotts, "Freedom Rides", sit ins, and mass demonstrations, the protestors courted Southern violence. With the flames fanned by segregationist political leadership, Southerners lashed out against schoolchildren, white liberal college students, and ordinary middle class African Americans. The national opinion, formerly weary of forced desegregation, swung. Buoyed by public opinion, Presidents Kennedy and Johnson pushed through

Congress a radical Civil Rights agenda. Now King and his supporters had the government on their side, and the opposition to desegregation crumbled.

Having had the opportunity to hear Professor Klarman speak, I knew before reading the book that it would be a great work of scholarship. I was blown away. Meticulously researched, eminently readable, and full of the details necessary to support any conclusions about that troubling time in American history. It's a must read for every law student, historian, and American.

This work is full of interesting, insightful, and provocative ideas that will make readers rethink the impact of the Supreme Court's civil rights decisions. I predict that the revisionist arguments in this masterpiece will some day become the orthodoxy. This book will be read by many future generations of American history and law students.

A comprehensive account not just of civil rights legal history, but also the political and social context that Klarman shows were never far in the background of court decisions regarding civil rights. The book doesn't just chronicle events, but uses history to test and illustrate theories for why courts decide cases as they do.

Unlike so many works of legal history, Michael Klarman's excellent book, *FROM JIM CROW TO CIVIL RIGHTS*, does not simply convey a chronological narrative of the constitutional struggle for racial equality. Instead, this book is organized around three carefully-framed questions: "What factors explain the dramatic changes in racial attitudes and practices between 1900 and 1950? What factors explain judicial rulings such as *PLESSY* and *BROWN*? How much did such Court decisions influence the larger world of race relations" (p.4)? In this work, he seeks to discover why the Court ruled the way it did and determine how successful the implementation of these decisions were in providing racial equality, particularly for African Americans. Klarman answers these questions through a careful and systematic reading of the extensive secondary literature of African-American legal history. His bibliography alone is valuable; it is extensive and incorporates both a cutting edge historiography of civil rights and the classics of the field. In fact, the comprehensive nature of the bibliography is such that his exclusion of David Oshinsky's *WORSE THAN SLAVERY* is noticeable.

The questions he has framed are extremely relevant to the judicial politics literature. Unlike many legal historians, Klarman considers this research and apparently bases much of his analysis on the work of Epstein and Koblyka and the new institutionalists. While such works are not explicitly cited in the text, Klarman includes in his extensive bibliography *THE SUPREME COURT AND LEGAL CHANGE* and Clayton and Gillman's *SUPREME COURT DECISION MAKING: NEW INSTITUTIONALIST APPROACHES*. While many other prominent political scientists' work are referenced in his bibliography (e.g., Murphy, *ELEMENTS OF JUDICIAL STRATEGY*), it seems clear that Klarman's theoretical foundation is rooted in the analysis of the new institutionalists. These choices are logical for a legal historian who focuses most carefully on the decision-making of the Supreme Court and the specific cases coming before it. He bases his analysis on a hybrid qualitative model of judicial decision-making, combining legal and political factors. He describes his model in the following manner:

A legal axis, which consists of sources such as text, original understanding, and precedent, exists along a continuum that ranges from determinacy to indeterminacy. . . . A political axis, which consists of factors such as the personal values of judges, the broader social and political context of the times, [*508] and the external political pressure, exists along a continuum that ranges from very strong preferences to relatively weak ones. . . . When the law is clear, judges will generally follow it, unless they have very strong personal preferences to the contrary. When the law is indeterminate, judges have little choice but to make decisions based on political factors. Moreover, different judges accord different weights to these two axes and some judges may deem a particular factor in decision making to be legal, while others will regard that same factor as political. Thus, different judges, even when confronted with the same legal sources and holding the same personal preferences, might reach different legal interpretations because they prioritize the legal and political axes differently (p.5).

Although this is a very rudimentary model, unlike many legal histories, Klarman does not merely describe what happens; he attempts to answer the "why." His examination of the implementation of Supreme Court decisions, however, is not grounded in the judicial politics literature—not even superficially. Here he notes that some Court decisions were more efficacious than others, arguing that

[b]y examining which Court rulings mattered and why, we can identify the social and political conditions that influence efficacy—factors such as the intensity of opponents' resistance, the capacity of the beneficiaries of Court decisions to capitalize on them, the ease with which particular rulings are evaded, the availability of sanctions against those who violate rights, the relative attractiveness of particular rights-holders, and the availability of lawyers to press claims (p.5).

Unlike his analysis of judicial decision-making, Klarman does not really reference any of the implementation and impact literature, outside of Rosenberg's classic THE HOLLOW HOPE. FROM JIM CROW TO CIVIL RIGHTS could be strengthened by an examination of such research as Johnson and Canon's JUDICIAL POLITICS: IMPLEMENTATION AND IMPACT. But Klarman makes his perspective clear when he states, "We have no way of precisely measuring the impact, direct or indirect, of Court decisions. However, although this is not science, something useful can still be said on the subject" (p.545).

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