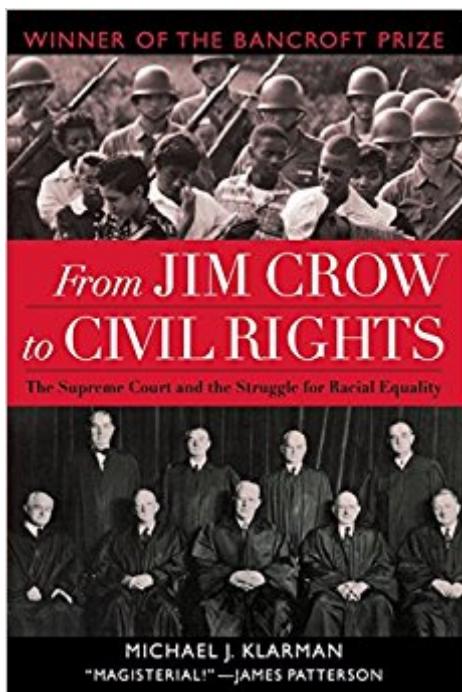


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# From Jim Crow To Civil Rights: The Supreme Court And The Struggle For Racial Equality



## Synopsis

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.

## Book Information

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## Customer Reviews

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 FordCopyright © American Library Association. All rights reserved

"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"Klarman's scholarly text is unique in that it encompasses not only the decision itself, but also the events before and after."--Elaine Cassel, author of *The War on Civil Liberties*"This luminous study explores the relationship between the Supreme Court and the quest for racial justice.... a sweeping, erudite, and powerfully argued book that, despite its heft, is unfailingly interesting."--Wilson Quarterly"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 has written an exhaustive--and according to many reviewers a definitive--account of the United States Supreme Court's twentieth-century jurisprudence of race."--Law and History Review

Good book, goes into adequate detail of civil rights era court cases. Used for a class and was easy to follow.

I would highly recommend this book. It has taught me a lot about the history of the civil rights movement. All the details that were left out in the past, I was able to read and understand.

This book came in very handy for my Civil Rights paper in college. Found out a lot about the Civil Rights Movement through this book.

Brilliantly written and richly detailed. Can't say enough good things about it. The very best of its kind. Enjoyed every word.

I will admit that I only started this book a few days ago and I am only at 5% completion (I bought it for the Kindle), but I am struggling a bit. Not with the subject matter, because I am a lawyer, but with the way in which it is written. Thus far I feel like I am reading a treatise for a civil rights course in law school. If that is the intention, then mission accomplished and I stand corrected. However, if this book was written for all who wish to be enlightened on Jim Crow and Civil Rights, I would try another text first. The author does state up front that it is meant to be factual. And it is. It is disturbing to understand our nation's history - a history not so long ago. We are a young country and the systematic intentional disfranchisement of blacks is incredibly disturbing, especially in our judicial system and government. Though the original intent of the book may not necessarily be to incite passion, I think one may have to be emotionally dead inside not to be moved, shocked, or horrified. And ultimately thankful that the jurisprudence of our Courts (and public opinion) have evolved. That said, I really feel there's a way to represent this information in a fashion more suited for reading than for study. When I first bought the book, I thought perhaps it was for a general audience - a way of

helping the nonlawyer understand a fascinating but complex topic. Upon initial reading, I am now guessing that the target audiences are law students, scholars, lawyers, judges or perhaps government actors - not the enlightened citizen. I believe if the peruser is interested in understanding more about Jim Crow laws and our Courts' struggles with these laws under our Constitution, look for another book or, better yet, ask a civil rights lawyer or professor to lead a discussion group featuring this text. Again, this book, in my reading thus far, gives a fantastic factual picture of the interplay. It would be a great reference if you are a law student writing a paper for a civil rights course. The author is clearly an expert. That said, I don't believe it's written for casual reading, Starbucks in hand, feet up on the coffee table. It's a more "formal read" if you get my meaning. EXAMPLE: It's filled with deliberate transitions - reminiscent of thesis writing - you need to get to the next point because it was in your outline, so you use lots of "According to" and "Moreover" to move from topic to topic. If you are a young law student, keep your Black's Law Dictionary nearby. I also suggest you make sure you have an internet connection or 3G/4G access for your iPad, computer or phone while you read, in case you need to Google a few terms. I cannot imagine how humbled I would be to meet the author, me being a new attorney, not even wet enough behind the ears to speak in court without sweating. However as a journalism undergrad and a pretty decent blogger, I think if the target is the general enlightened citizen, it's a little off center.

This book is insightful but painfully repetitious. I could have eliminated two hundred pages and the result would be the same. Klarman's work argues the same thing over and over again: Supreme Court justices and the decisions they make are products of their time. Justice does not transcend context, and a successful verdict must link jurisprudence with a prudent understanding of what is socially acceptable and enforceable in its time. That's basically it. 468 pages.

Sadly this was for a class in which I hated and I ended up failing the class and the book was boring and long and annoying but nonetheless was worth the buy and the seller gave me a great price!

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 boarder 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. Thus, Klarmann argues, by striking at the heart of segregation, the Supreme Court's decision transformed the struggle for Civil Rights from a gradualist movement to a radical one. This is how, because of "Brown", Jim Crow came to an end: not in a whimper, but in a bang.

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