A Reader on
Race, Civil Rights, and
American Law
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Race, Civil Rights, and
American Law

A Multiracial Approach

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Contents

Prologue and Acknowledgments xvii

Chapter 1  Concepts of Race: Biological Reality or Social Construction? 3

Introduction 3

A. Some History: Biology as a Different Rationalization for Racial Subordination 3
   Michael Omi & Howard Winant, The Evolution of Modern Racial Awareness 3
   Review Question 6
   Suggested Readings 6

B. The “One Drop” Rule and Its Impact 7
   Christine B. Hickman, The Devil and the One Drop Rule: Racial Categories, African Americans, and the U.S. Census 7
   Review Question 20
   Suggested Readings 20

C. Social Construction of Race 21
   Review Questions 32
   Suggested Readings 33

D. Whiteness as a “Race” 33
   1. The Concept 33
   2. Privileges of “Whiteness” 41
      Stephanie M. Wildman & Adrienne D. Davis, Language and Silence: Making Systems of Privilege Visible 41
   3. Whiteness Made Visible: The Emergence of Critical White Studies 50
      Ian F. Haney López, Dismantling Whiteness 50
      Review Questions 53
      Suggested Readings 54

E. Identity Issues and Different Minority Groups: Who Wants To Be White? 54
## Contents

George A. Martínez, The Legal Construction of Race: Mexican-Americans and Whiteness 54

Frank Wu, From Black To White and Back Again 60
  Review Questions 68
  Suggested Readings 68

Chapter 2 Histories of Race and Racism: The Constant of White Supremacy 69

Introduction 69

A. The African American Experience: Slavery and the Constitution 69
   A. Leon Higginbotham, Jr., The Ten Precepts of American Slavery Jurisprudence: Chief Justice Roger Taney’s Defense and Justice Thurgood Marshall’s Condemnation of the Precept of Black Inferiority 70
   Paul Finkelman, Affirmative Action for the Master Class: The Creation of the Proslavery Constitution 77
   Review Questions 83
   Suggested Readings 83

B. Native Americans: Conquest and Betrayal 84
   Nell Jessup Newton, Federal Power Over Indians: Its Sources, Scope, and Limitations 86
   Robert A. Williams, Jr., The Algebra of Federal Indian Law: The Hard Trail of Decolonizing and Americanizing the White Man’s Indian Jurisprudence 93
   Jon M. Van Dyke, The Political Status of the Native Hawaiian People 95
   Review Questions 98
   Suggested Readings 99

C. Asian Americans: From the Chinese Exclusion Laws to the Present 101
   Robert S. Chang, Toward An Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space 102
   Pat K. Chew, Asian Americans: The “Reticent” Minority and Their Paradoxes 106
   Review Questions 111
   Suggested Readings 112

D. Latinos: Braceros, Wetbacks, Forgotten Americans, and “Foreigners” 113
   Michael A. Olivas, The Chronicle, My Grandfather’s Stories, and Immigration Law: The Slave Traders Chronicles as Racial History 113
   Kevin R. Johnson, Some Thoughts on the Future of Latino Legal Scholarship 116
   Review Questions 125
   Suggested Readings 125
## Chapter 3  The Anti-Discrimination Laws

### Introduction

- Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*  
- Review Questions

### A. Employment

#### 1. Racial Discrimination in the Workplace

- Ronald Turner, *Thirty Years of Title VII’s Regulatory Regime: Rights, Theories, and Realities*  
- Richard A. Posner, *The Efficiency and Efficacy of Title VII*  
- Mary E. Becker, *Needed in the Nineties: Improved Individual and Structural Remedies for Racial and Sexual Disadvantages in Employment*  
- Maria L. Ontiveros, *To Help Those Most in Need: Undocumented Workers’ Rights and Remedies under Title VII*  
- Review Questions  
- Suggested Readings

### B. Housing

#### 1. Housing Segregation and the Anti-discrimination Laws

- Nancy A. Denton, *The Persistence of Segregation: Links Between Residential Segregation and School Segregation*  
- John O. Calmore, *Race/ism Lost and Found: The Fair Housing Act at Thirty*  
- Jane E. Larson, *Free Markets Deep in the Heart of Texas*  
- Review Questions  
- Suggested Readings

#### 2. Exclusionary Zoning

- Jerry Frug, *The Geography of Community*
<table>
<thead>
<tr>
<th>Contents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Thompson Ford, The Boundaries of Race:</td>
<td>179</td>
</tr>
<tr>
<td>Political Geography in Legal Analysis</td>
<td></td>
</tr>
<tr>
<td>Review Questions</td>
<td>181</td>
</tr>
<tr>
<td>Suggested Readings</td>
<td>181</td>
</tr>
<tr>
<td>3. Environmental Racism and Environmental Justice</td>
<td>182</td>
</tr>
<tr>
<td>Luke W. Cole, Empowerment as the Key to Environmental Protection:</td>
<td></td>
</tr>
<tr>
<td>The Need for Environmental Poverty Law</td>
<td>182</td>
</tr>
<tr>
<td>Vicki Been, Locally Undesirable Land Uses in Minority</td>
<td></td>
</tr>
<tr>
<td>Neighborhoods: Disproportionate Siting or Market Dynamics?</td>
<td>185</td>
</tr>
<tr>
<td>Eileen Gauna, The Environmental Justice Misfit:</td>
<td></td>
</tr>
<tr>
<td>Public Participation and the Paradigm Paradox</td>
<td>187</td>
</tr>
<tr>
<td>Review Questions</td>
<td>189</td>
</tr>
<tr>
<td>Suggested Readings</td>
<td>189</td>
</tr>
<tr>
<td>C. Voting</td>
<td>191</td>
</tr>
<tr>
<td>Armand Derfner, Racial Discrimination and</td>
<td></td>
</tr>
<tr>
<td>the Right to Vote</td>
<td>193</td>
</tr>
<tr>
<td>Rodolfo O. De la Garza &amp; Louis DeSipio, Save the Baby,</td>
<td></td>
</tr>
<tr>
<td>Change the Bathwater, and Scrub the Tub:</td>
<td>197</td>
</tr>
<tr>
<td>Latino Electoral Participation After Seventeen Years</td>
<td></td>
</tr>
<tr>
<td>of Voting Rights Act Coverage</td>
<td></td>
</tr>
<tr>
<td>Lani Guinier, Groups, Representation, and Race-Conscious Districting:</td>
<td>202</td>
</tr>
<tr>
<td>A Case of the Emperor's Clothes</td>
<td></td>
</tr>
<tr>
<td>Terry Smith, A Black Party? Timmons, Black Backlash and</td>
<td>204</td>
</tr>
<tr>
<td>the Endangered Two-Party Paradigm</td>
<td></td>
</tr>
<tr>
<td>Review Questions</td>
<td>208</td>
</tr>
<tr>
<td>Suggested Readings</td>
<td>208</td>
</tr>
<tr>
<td>D. Education</td>
<td>209</td>
</tr>
<tr>
<td>1. An Historical Overview</td>
<td>210</td>
</tr>
<tr>
<td>Roy L. Brooks, Gilbert P. Carrasco &amp; Gordon A. Martin, Jr.,</td>
<td></td>
</tr>
<tr>
<td>Civil Rights Litigation: Cases and Perspectives (1995)</td>
<td>210</td>
</tr>
<tr>
<td>George A. Martínez, Legal Indeterminancy, Judicial Discretion</td>
<td></td>
</tr>
<tr>
<td>Raymond Cross, American Indian Education: The Terror</td>
<td></td>
</tr>
<tr>
<td>of History and the Nation’s Debt to the Indian Peoples</td>
<td>220</td>
</tr>
<tr>
<td>Review Questions</td>
<td>226</td>
</tr>
<tr>
<td>Suggested Readings</td>
<td>226</td>
</tr>
<tr>
<td>of the Century or False Hope for an Integrated Society?</td>
<td></td>
</tr>
<tr>
<td>(a) The Significance of <em>Brown</em>: Contrasting Views</td>
<td>227</td>
</tr>
<tr>
<td>Alex M. Johnson, Bid Whist, Tonk, and <em>United States v. Fordice</em>:</td>
<td></td>
</tr>
<tr>
<td>Why Integrationism Fails African-Americans Again</td>
<td>228</td>
</tr>
<tr>
<td>Sharon E. Rush, The Heart of Equal Protection:</td>
<td>234</td>
</tr>
<tr>
<td>Education and Race</td>
<td></td>
</tr>
</tbody>
</table>
Contents ix

(b) From Desegregation to Re-Segregation? 237
Sharon E. Rush, The Heart of Equal Protection:
  Education and Race 238
Wendy Brown-Scott, Transformative Desegregation:
  Liberating Hearts and Minds 247
  Review Questions 254
  Suggested Readings 255
3. The Continuing Relevance of Race 256
(a) School Choice 257
Robin D. Barnes, Black America and School Choice:
  Charting a New Course 257
Martha Minow, Reforming School Reform 261
  Review Questions 268
  Suggested Readings 268
(b) Financing of Education 269
James E. Ryan, Schools, Race, and Money 269
  Review Questions 280
  Suggested Readings 280
(c) Bilingual Education 280
Rachel F. Moran, Bilingual Education, Immigration,
  and the Culture of Disinvestment 281
Kevin R. Johnson & George A. Martínez, Discrimination
  by Proxy: The Case of Proposition 227 and the Ban
  on Bilingual Education 287
J. Harvie Wilkinson III, The Law of Civil Rights
  and the Dangers of Separatism in
  Multicultural America 291
  Review Questions 295
  Suggested Readings 295
4. Higher Education 296
(a) The Affirmative Action Debate 296
Rachel F. Moran, Diversity, Distance, and the Delivery
  of Higher Education 297
Michael A. Olivas, Constitutional Criteria:
  The Social Science and Common Law of Admissions
  Decisions in Higher Education 304
  Review Questions 311
  Suggested Readings 311
(b) Racism in College Athletics 313
Timothy Davis, Racism in Athletics:
  Subtle Yet Persistent 313
  Review Questions 318
  Suggested Readings 318
Chapter 4  Affirmative Action 321

Introduction 321
A. Types and Justification 321
  David Benjamin Oppenheimer, Understanding Affirmative Action 321
  Review Questions 345
  Suggested Readings 345
B. Complexities of Affirmative Action 346
  Paul Brest and Miranda Oshige, Affirmative Action For Whom? 346
  Review Questions 359
  Suggested Readings 359
C. Criticisms 360
  Lino A. Graglia, “Affirmative Action,” Past, Present, and Future 360
  Review Questions 375
  Suggested Readings 375
D. The Backlash — Hopwood, Proposition 209, and Beyond: The Elusive Quest for Color-Blindness 376
  Girardeau A. Spann, Proposition 209 387
  Neil Gotanda, A Critique of “Our Constitution Is Color-Blind” 399
  Review Questions 405
  Suggested Readings 406

Chapter 5  Criminal Justice 407

Introduction 407
A. Historical Perspectives 409
  1. The African American Experience 409
    Katheryn K. Russell, Measuring Racial Equity in Criminal Justice: The Historical Record 409
  2. The Chinese American and Japanese American Experience 412
    Coramae Richey Mann, Defining Race Through the Minority Experience 412
B. Disparate Effect of Criminal Laws 413
  1. Disproportionate Arrests and Incarceration 413
    Coramae Richey Mann, The Minority “Crime Problem” 414
    Marc Mauer, The Intended and Unintended Consequences of Incarceration-Based Sentencing Policies 417
    Review Question 420
Suggested Readings 420
2. Perspectives on Racial Discrimination in Prosecutorial Discretion and Criminal Enforcement 420
   Dorothy E. Roberts, Crime, Race, and Reproduction 421
   Angela J. Davis, Prosecution and Race: The Power and Privilege of Discretion 425
   Randall Kennedy, The Race Question in Criminal Law: Changing the Politics of Conflict 430
   Review Questions 432
   Suggested Readings 432
C. Specific Issues 434
1. “Driving While Black” 434
   Tracey Maclin, Race and the Fourth Amendment 435
   Review Questions 446
   Suggested Readings 446
2. Gangs 447
   (a) Gangs: Myth or Reality? 447
       Suzin Kim, Gangs and Law Enforcement: The Necessity of Limiting the Use of Gang Profiles 447
       Review Question 449
   (b) Gangs, Vagrancy Statutes and Discretion Scholarship 449
       Dan M. Kahan & Tracey L. Meares, Foreword: The Coming Crisis of Criminal Procedure 449
       David Cole, Foreword: Discretion and Discrimination Reconsidered: A Response to the New Criminal Justice Scholarship 458
       Review Questions 463
       Suggested Readings 463
3. The Jury System 464
   (a) Jury Nullification: Pro and Con 464
       Paul Butler, Racially Based Jury Nullification: Black Power in the Criminal Justice System 464
       Nancy S. Marder, The Myth of the Nullifying Jury 470
       Review Questions 473
       Suggested Readings 474
   (b) Jury Selection 474
       Kenneth B. Nunn, Rights Held Hostage: Race, Ideology and the Peremptory Challenge 474
       Review Questions 487
       Suggested Readings 487
4. Sentencing: Mandatory Sentencing Laws and Racial Minorities 489
   Placido G. Gomez, The Dilemma of Difference: Race As a Sentencing Factor 489
Christopher M. Alexander, Indeterminate Sentencing: An Analysis of Sentencing in America 492
Review Questions 495
Suggested Readings 495
5. Death Penalty 496
Jeffrey J. Pokorak, Probing the Capital Prosecutor's Perspective: Race of the Discretionary Actors 503
Review Questions 505
Suggested Readings 505

Chapter 6  Hate Speech

Introduction 507
A. The Case for Regulation 507
Richard Delgado, Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling 507
Charles R. Lawrence III, If He Hollers Let Him Go: Regulating Racist Speech On Campus 514
Review Questions 531
Suggested Readings 531
B. R.A.V. v. City of St. Paul 532
Akhil Reed Amar, The Case of the Missing Amendments: R.A.V. v. City of St. Paul 532
Review Question 542
Suggested Readings 542
C. Responses To Speech Regulation 542
Steven G. Gey, The Case Against Postmodern Censorship Theory 542
Review Questions 562
Suggested Readings 562

Chapter 7  Race and Immigration Law

Introduction 563
Kevin R. Johnson, Race, the Immigration Laws, and Domestic Race Relations: A “Magic Mirror” into the Heart of Darkness 565
Frank H. Wu, The Limits of Borders: A Moderate Proposal for Immigration Reform 575
Tanya Katerí Hernández, The Construction of Race and Class Buffers in the Structure of Immigration Controls and Laws 576
### Contents

<table>
<thead>
<tr>
<th>Author/Multiple Authors</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gabriel J. Chin</td>
<td>The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965</td>
<td>578</td>
</tr>
<tr>
<td>Stephen H. Legomsky</td>
<td>Immigration, Equality and Diversity</td>
<td>581</td>
</tr>
<tr>
<td>Rachel F. Moran</td>
<td>Demography and Distrust: The Latino Challenge to Civil Rights and Immigration Policy in the 1990s and Beyond</td>
<td>584</td>
</tr>
<tr>
<td></td>
<td>Review Questions</td>
<td>589</td>
</tr>
<tr>
<td></td>
<td>Suggested Readings</td>
<td>590</td>
</tr>
<tr>
<td><strong>Chapter 8</strong></td>
<td><strong>The Intersection of Race and Gender</strong></td>
<td>593</td>
</tr>
<tr>
<td>Introduction</td>
<td></td>
<td>593</td>
</tr>
<tr>
<td>Adrien K. Wing</td>
<td>Introduction</td>
<td>594</td>
</tr>
<tr>
<td>Angela P. Harris</td>
<td>Race and Essentialism in Feminist Legal Theory</td>
<td>596</td>
</tr>
<tr>
<td></td>
<td>Review Questions</td>
<td>604</td>
</tr>
<tr>
<td>Sumi K. Cho</td>
<td>Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong</td>
<td>604</td>
</tr>
<tr>
<td>Dorothy E. Roberts</td>
<td>Foreword: The Meaning of Gender Equality in Criminal Law</td>
<td>610</td>
</tr>
<tr>
<td>Berta Esperanza Hernández-Truyol</td>
<td>Las Olvidadas — Gendered in Justice/Gendered Injustice: Latinas, Fronteras and the Law</td>
<td>612</td>
</tr>
<tr>
<td>Laura M. Padilla</td>
<td>Intersectionality and Positionality: Situating Women of Color in the Affirmative Action Dialogue</td>
<td>620</td>
</tr>
<tr>
<td></td>
<td>Review Questions</td>
<td>629</td>
</tr>
<tr>
<td></td>
<td>Suggested Readings</td>
<td>629</td>
</tr>
<tr>
<td><strong>Chapter 9</strong></td>
<td><strong>Racial Complexities</strong></td>
<td>633</td>
</tr>
<tr>
<td>Introduction</td>
<td></td>
<td>633</td>
</tr>
<tr>
<td>A. Assimilation</td>
<td></td>
<td>634</td>
</tr>
<tr>
<td>Kevin Brown</td>
<td>Do African-Americans Need Immersion Schools?: The Paradoxes Created by Legal Conceptualization of Race and Public Education</td>
<td>635</td>
</tr>
<tr>
<td>Bill Ong Hing</td>
<td>Beyond the Rhetoric of Assimilation and Cultural Pluralism: Addressing the Tension of Separatism and Conflict in an Immigration-Driven Multiracial Society</td>
<td>643</td>
</tr>
<tr>
<td>George A. Martínez</td>
<td>Latinos, Assimilation and the Law: A Philosophical Perspective</td>
<td>650</td>
</tr>
<tr>
<td>Chapter 10 The Pursuit of Racial Justice: What Can Be Done?</td>
<td>697</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td><strong>Introduction</strong></td>
<td>697</td>
<td></td>
</tr>
<tr>
<td>Richard Delgado &amp; Daniel A. Farber, Is American Law</td>
<td>698</td>
<td></td>
</tr>
<tr>
<td>Inherently Racist?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stephen Reinhardt, Guess Who’s Not Coming to Dinner!!</td>
<td>703</td>
<td></td>
</tr>
<tr>
<td>George A. Martínez, Legal Indeterminacy, Judicial Discretion and the Mexican-American Litigation Experience: 1930–1980</td>
<td>706</td>
<td></td>
</tr>
<tr>
<td>Eric K. Yamamoto, Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America</td>
<td>708</td>
<td></td>
</tr>
</tbody>
</table>
Chapter 11  Racial Minorities in Legal Academia  731

Introduction  731
A. The Experiences of People of Color in the Citadel  731
   Deborah Waire Post, Reflections on Identity, Diversity, and Morality  731
   Kevin Johnson, A Latino Law Professor  735
      Review Questions  741
      Suggested Readings  741
B. The Rise of Critical Race Theory, Storytelling, and Other Forms of Subversion  742
   Derrick A. Bell, Jr., Brown v. Board of Education and the Interest-Convergence Dilemma  742
   Richard Delgado, The Imperial Scholar: Reflections on a Review of Civil Rights Literature  747
      Review Questions  758
      Suggested Readings  758
C. The Empire Strikes Back: Critics of the Critics  758
   Daniel A. Farber & Suzanna Sherry, Telling Stories Out of School: An Essay on Legal Narratives  758
   Douglas E. Litowitz, Some Critical Thoughts on Critical Race Theory  771
   George A. Martinez, Philosophical Considerations and the Use of Narrative in Law  784
      Review Questions  793
      Suggested Readings  793

Author Index  795
Index  797
Prologue and Acknowledgments

This reader offers a range of legal literature analyzing major issues of race and civil rights in the modern United States. Previous scholarship in this field has tended to focus on the relationship between whites and African Americans. Modern social life, however, has become considerably more complex, particularly with the changing demographics of the twenty-first century. As this book goes to press, for example, Census 2000 showed that Latino numbers approximate that of African Americans, and they soon will become the largest minority group in the United States.

As influential sociologist Nathan Glazer has emphatically declared, “we are all multiculturalists now.” NATHAN GLAZER, WE ARE ALL MULTICULTURALISTS NOW (1997). Premised on this principle, the anthology considers race and civil rights issues from a wide range of minority perspectives and offers readings from African American, Asian American, Latina/o, and Native American perspectives on the pressing civil rights issues of our day.

This book is geared toward law school classes focusing on civil rights and race relations. We have prepared the anthology with the intent that it could be appropriate as a reader for a seminar or as a supplement to a constitutional law, civil rights, or race and the law casebook. It also aims to appeal to a more general audience in Sociology, Ethnic Studies, African American Studies, Asian American Studies, Chicano/a and Latino/a Studies, Native American Studies, and other courses focusing on issues of law, race, and civil rights.

The anthology includes the following chapters:

1. Concepts of Race: Biological Reality or Social Construction?
2. Histories of Race and Racism: The Constant of White Supremacy
3. The Anti-Discrimination Laws
4. Affirmative Action
5. Criminal Justice
6. Hate Speech
7. Race and Immigration Law
8. The Intersection of Race and Gender
9. Racial Complexities
11. Racial Minorities in Legal Academia
To guide the reader, each chapter includes an introduction outlining that section’s subject matter. Questions after the sections focus attention on difficult issues and problems identified in the readings.

Unfortunately, page constraints made it impossible to offer more extensive coverage of the many fascinating issues in the field of race, civil rights, and the law. Nor could we include excerpts of the scholarship of all of the many prominent authors in the field. Nonetheless, the selections introduce current issues and identify the perspectives of different minority groups. In addition, the chapters include lists of suggested readings that allow the reader to pursue studies of particular issues, and related topics, in greater detail.

The authors thank the many authors and copyright holders who granted permission to reprint edited versions of their work. We also acknowledge the research assistance provided by the following dedicated students at Southern Methodist, Jessica R. Brown, class of 2002; at UC Davis, Kristi Burrows, class of 2002; and at Wake Forest Ahmad Washington, class of 2000, and Kelly E. Motycka, class of 2002. We also express gratitude for the secretarial and computer support provided by Carolyn Yates, Deborah Seiter, and R.J. Smith of Southern Methodist; by Brigid Jimenez, Glenda McGlashan, Beth House, Kristi Case, Paula Buchignani, Sue Williams, Ann Graham, and Sara Buck of UC Davis; and by Beverly Marshall of Wake Forest.

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Finally, we each gratefully acknowledge the support of our respective families without whom this book would not exist. George Martínez would like to dedicate his portion of the book to his mother and father, Mary and Quino Martínez, and his wife, Wendy, and children, Quino, Cody and Lily. Timothy Davis dedicates his contributions to this project to his wife, Ida T. Davis, daughter, Adia J. Davis, and to his mother, Corine Davis. Kevin Johnson expresses deep appreciation to his family, Virginia Salazar, and Teresa Tomás, and Elena for their support, as well as his parents, Angela and Kenneth.