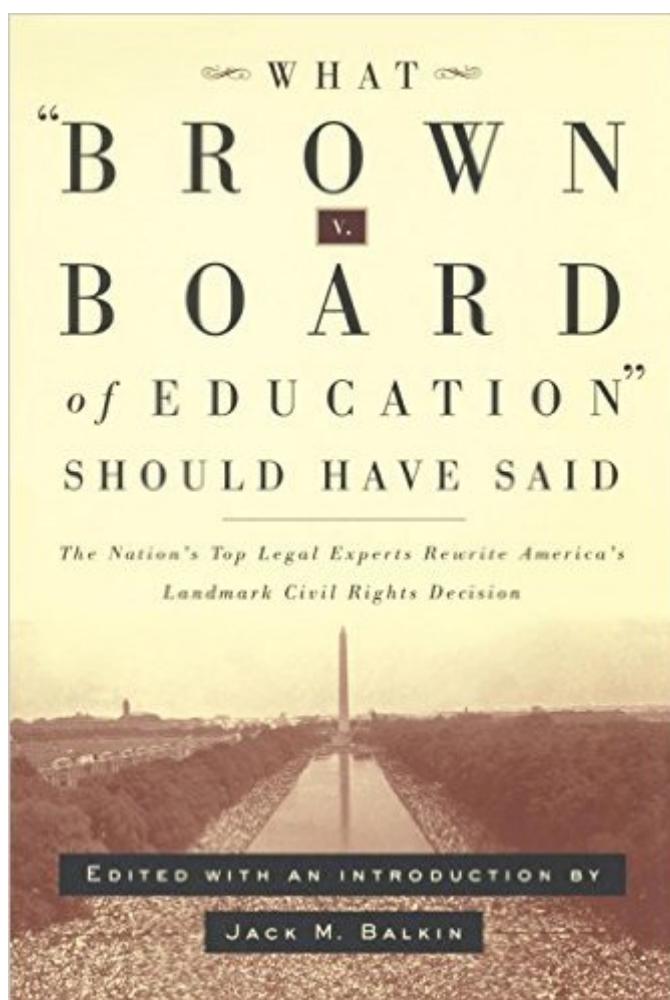


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What Brown V. Board Of Education Should Have Said: The Nation's Top Legal Experts Rewrite America's Landmark Civil Rights Decision



Synopsis

Brown v. Board of Education, the Supreme Court's landmark 1954 decision ordering the desegregation of America's public schools, is perhaps the most famous case in American constitutional law. Criticized and even openly defied when first handed down, in half a century Brown has become a venerated symbol of equality and civil rights. Its meaning, however, remains as contested as the case is celebrated. In the decades since the original decision, constitutional interpreters of all stripes have found within it different meanings. Both supporters and opponents of affirmative action have claimed the mantle of Brown, criticizing the other side for betraying its spirit. Meanwhile, the opinion itself has often been criticized as bland and uninspiring, carefully written to avoid controversy and maintain unanimity among the Justices. As the 50th anniversary of Brown approaches, America's schools are increasingly divided by race and class. Liberals and conservatives alike harbor profound regrets about the development of race relations since Brown, while disagreeing heatedly about the proper role of the courts in promoting civil equality and civil rights. In this volume, nine of America's top constitutional and civil rights experts have been challenged to rewrite the Brown decision as they would like it to have been written, incorporating what they now know about the subsequent history of the United States but making use of only those sources available at the time of the original decision. In addition, Jack Balkin gives a detailed introduction to the case, chronicling the history of the litigation in Brown, and explaining the current debates over its legacy. Contributors include: Bruce Ackerman, Jack M Balkin, Derrick A. Bell, Drew S. Days, John Hart Ely, Catharine A. MacKinnon, Michael W. McConnell, Frank I Michelman, and Cass R. Sunstein.

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Customer Reviews

A lot of people probably avoid discussions of the Brown case by now, having heard too much mention of it already and filing it under the "punditry" label. Certainly, that was my first reaction after first reading the title. Rest assured that this book is nothing of the sort--it is an academic effort at exploring how different understandings of the evils of racial segregation logically lead to different suggestions on how to remedy them. The masterfully written introductory chapters of the book acquaint the reader with the fundamental division of perspectives over the topic, how it may be seen to date back to Plessy v. Ferguson's sole dissenting opinion, and how different values and priorities lead to different "judicial" opinions. The opinions themselves, beyond exploring the outlined topic, do an additional service to the reader by reminding him or her of the oft-forgotten question of what role the Court itself should play in ameliorating the racial divide. Though one may well prefer an affirmative action policy, it still stands to question whether the Court, given its Constitutional restraints and responsibilities, should be the one to install it. In all, this is a great book for whoever is looking for the rationale behind the numerous opinions still present today regarding affirmative action and the racial discrimination question in general. I had to buy this book for class, but it is definitely one I will keep long after.

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