



Blacks In The Federal Judiciary

Abraham L. Davis



Blacks In The Federal Judiciary:

Blacks in the Federal Judiciary Abraham L. Davis,1989 *A Rift in the Clouds* Brent J. Aucoin,2007-08-01 *A Rift in the Clouds* chronicles the efforts of three white southern federal judges to protect the civil rights of African Americans at the beginning of the twentieth century when few in the American legal community were willing to do so Jacob Treiber of Arkansas Emory Speer of Georgia and Thomas Goode Jones of Alabama challenged the Supreme Court's reading of the Reconstruction amendments that were passed in an attempt to make disfranchised and exploited African Americans equal citizens of the United States These unpopular white southerners two of whom who had served in the Confederate Army and had themselves helped to bring Reconstruction to an end in their states asserted that the amendments not only established black equality but authorized the government to protect blacks Although their rulings won few immediate gains for blacks and were overturned by the Supreme Court their legal arguments would be resurrected and meet with greater success over half a century later during the civil rights movement **Encyclopedia of African American Society** Gerald D.

Jaynes,2005-02 An encyclopedic reference of African American history and culture [African Americans and Political Participation](#) Minion K.C. Morrison,2003-07-28 This handbook provides a thorough treatment of the various mechanisms African Americans have used to participate in U S political affairs from the colonial era to the present With contributions by several of the field's experts this concise provocative volume explores the evolution and current status of African American political action Focusing on distinct types of activity protest politics grassroots movements electoral politics political office holding it charts the unique development of African Americans as they progressed from enslavement by whites to empowerment as citizens to an ever growing influence on elections As the book vividly demonstrates African Americans efforts to act on their own political behalf didn't begin in the 1960s Even while enslaved black people courageously launched petitions instigated strikes on plantations and staged full blown revolts creating a legacy of activism that expanded through the abolition movement Reconstruction the Jim Crow era the post World War II civil rights movement and into the present

Hearings, Reports and Prints of the Senate Committee on the Judiciary United States. Congress. Senate. Committee on the Judiciary,1980 [Black Enterprise](#) ,1993-04 BLACK ENTERPRISE is the ultimate source for wealth creation for African American professionals entrepreneurs and corporate executives Every month BLACK ENTERPRISE delivers timely useful information on careers small business and personal finance *Encyclopedia of African-American Politics, Third Edition* Robert Smith,2021-05-01 This A to Z volume examines the role of African Americans in the political process from the early days of the American Revolution to the present Focusing on basic political ideas court cases laws concepts ideologies institutions and political processes this book covers all facets of African Americans in American government Written by a nationally renowned scholar in the field the *Encyclopedia of African American Politics Third Edition* will enlighten readers to the struggles and triumphs of African Americans in the American political system Entries include

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these findings are success stories of enormously motivated and determined blacks who have overcome great obstacles to attain high positions as lawyers and judges. Within the legal establishment, increasing numbers of whites have dedicated themselves to lowering barriers to black participation. Blacks and the Law brings to light the racial prejudices of the white American legal community as well as its efforts to overcome such biases. It also shows the massive effort black people have made to achieve significant but limited progress toward integration of the legal profession and indicates the amount of work still ahead. This study is therefore of vital interest to all members of the legal profession, students of race relations, social mobility, and the professions. Philadelphians and others who follow the struggle for racial equality.

The Harvard Blackletter Journal, 1985

A Representative Supreme Court? Barbara Perry, 1991-08-30

Barbara Perry's A Representative Supreme Court focuses on the appointment of 15 of the 105 Justices: 8 Catholics, 5 Jews, one black, and one woman to serve on the Supreme Court between 1789 and 1990. Roger Taney, Edward White, Joseph McKenna, Pierce Butler, Louis Brandeis, Benjamin Cardozo, Felix Frankfurter, Frank Murphy, William Brennan, Arthur Goldberg, Abe Fortas, Thurgood Marshall, Sandra Day O'Connor, Antonin Scalia, and Anthony Kennedy. After an opening chapter laying out the conceptual framework that underlies Perry's investigation of the representative nature of the Supreme Court, the book presents a detailed examination of the circumstances surrounding the nomination and confirmation of each justice. Perry's analysis of the historical record shows that race and gender were important considerations in the appointments of Marshall and O'Connor. The evidence on religion as a factor in the appointment process is mixed. For some nominees, their religion played no consequential role in the deliberations of the president who chose them. For others, religion was an important, if not the primary, reason for their selection to the high court. Often unrecognized, Perry identifies concern with these representational criteria of religion, race, and gender as a distinctively 20th-century phenomenon. While Perry's suggestion that representation narrowly defined is relevant to court nominations, her more persuasive argument deals with the relevance of court nominations to presidential politics. She draws a link between the political coming of age of Catholics, Jews, blacks, and women and the degree to which presidents have considered these representational characteristics of potential nominees. Representation is seen as a political reward. In some cases, the reward is paid for past support. In other situations, the reward is offered in anticipation of or to secure future support. Having answered the question of whether representative factors such as religion, race, and gender played a role in the selection of Supreme Court Justices, Perry ventures further to address the issue of whether such factors SHOULD play a role. In confronting this normative question, she finds herself skating on thin ice. The book turns on a specific definition of representation. Perry's definition warrants discussion for it both refines and limits her thesis. Following Pitkin and Mosher, Perry concentrates on descriptive or passive representation, which is concerned with who the representative is or what he or she is like, rather than what he or she does. 10 Indeed, Perry argues forcefully in Chapter 6 that the court should be representative in this sense. But what is the value of descriptive representation?

Descriptive representation may assist the court in establishing legitimacy of its decisions Yet was it important to have a black representative on the court to get blacks to accept decision Brown v Board of Education Did having a Catholic member of the court make Roe v Wade more acceptable to Catholics Will having three Catholics on the court help legitimate the overturning of Roe v Wade Did having a man pen the Roe decision make it more palatable to men and will having a woman vote to overturn Roe make women more willing to accept such a decision What other possible effects of minority group representation exist Perhaps these individuals are role models for current or future generations Consider the words of Whitney M Young Jr on the appointment of Thurgood Marshall to the Supreme Court Page 127 follows This is an event of tremendous significance for Negro citizens It is an example of the heights which are open to kids in the ghetto His appointment is proof that whatever the obstacles Negroes can fight their way to the top 101 Yet no evidence is presented to suggest that Black Americans have found Thurgood Marshall to be a role model Similarly there is no evidence that Catholic Jewish or female Americans have drawn on the models presented by the likes of William Brennan Abe Fortas and Sandra Day O Connor Combined with the assertion that descriptive representation has not led to substantive representation it is hard to see the point of an emphasis of descriptive representation on the High Court at all In many ways the principal findings here despite the author s claims are not about descriptive representation but about the extent of interest representation on the Supreme Court For those who worry about the policy agendas of Supreme Court justices Perry s work implies that such worries are overblown at least with respect to minorities advancing positions that might be attributed to the groups they represent Unfortunately Perry s work predates the Thomas nomination of 1992 It would add to the single case study of Thurgood Marshall in assessing the notion of a Black seat on the Court Writing prior to the Thomas nomination Perry anticipates his promotion Clarence Thomas a conservative black member of the U S Court of Appeals reportedly made the short list of four candidates when Bush was considering a replacement for Justice Brennan 106 Perry argues that the best alternative for Bush would be to nominate a well qualified moderately conservative black whose race might blunt ideological attacks as Justice O Connor s gender and Justice Scalia s ethnic heritage arguably did 106 Bush may well have attempted to follow such advice in nominating Thomas to succeed Marshall The strategy was barely successful There are evidentiary concerns In attempting to demonstrate the importance of these representational factors Perry ignores systematic comparisons between the eventual nominee and the competition those other individuals who were considered by the president and rejected in favor of the nominee How can readers assess if race religion or gender played a decisive role one that put a particular nominee over the top in Perry s words if we do not know what the competition looked like One frustrating aspect of the book is its limited focus on the Supreme Court This is simply a bias of the reviewer Assessment of the descriptive representation of the Supreme Court is but a small step in the examination of representation in American courts Most descriptive representation in our nation s courts exists at lower levels of the federal courts and on the state

benches Perry concludes by reminding the reader that arguments pitting merit versus representation as criteria for Supreme Court appointments are both simplistic and often inaccurate. It is possible for a candidate to satisfy both concerns. Presidents rarely look for representative candidates that lack merit although they may often consider meritorious candidates without taking representation of group interests into account and certainly some presidents have appeared to offer candidates satisfying neither criteria. Neither ideology nor representation necessarily detract from merit. A candidate particularly a successful one is likely to satisfy a variety of criteria. Ideological compatibility, merit AND representational qualifications combine to make a nominee that will be successful. Similarly I would not overlook the merits of this work despite the weaknesses noted. The systematic historical Page 128 follows presentation of nomination politics will be welcome. It is a step toward further study of the role of minorities in the American courts. *Justice* Richard G. Kleindienst, 1985. The author recounts his life and career as a lawyer, Arizona GOP chairman and U.S. attorney general and describes the ethical choices he faced during the Watergate affair. **Crisis** William Edward Burghardt Du Bois, 1978. The American Courts John Boatner Gates, Charles A. Johnson, 1991. In 18 original commentaries scholars address the seminal issues in American judicial research: the nexus between policymaking and judicial decisionmaking, the impact of external pressures on the courts, the intricacies of judicial recruitment and the forces that drive policy innovation. ISBN 0 87187 541 1 pbk 23 95

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