

Racial Politics And Presumptions Of The American Legal Process

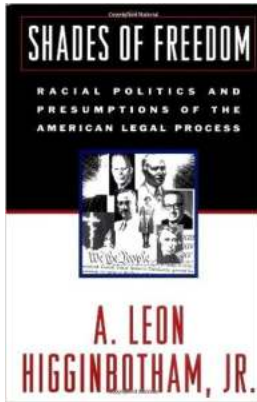
Are racial politics influencing the presumptions of the American legal process? This topic has been a subject of debate and controversy in recent years. With incidents of racial bias and discrimination coming to light, it is crucial to examine the possible implications that racial politics can have on the fairness and effectiveness of the American legal system. This article aims to delve into the issue and shed light on the deep-rooted challenges faced by racial minorities in the pursuit of justice.

The Role of Racial Politics in the Legal Process

The American legal process is designed to ensure equality and justice for all its citizens, regardless of their race or ethnicity. However, there is growing evidence to suggest that racial politics can influence key aspects of this process. The presumption of innocence, a fundamental principle in criminal law, is often subject to racial bias. Minority individuals may face higher presumptions of guilt based solely on their race, leading to unfair treatment and outcomes.

One specific area where racial politics intersects with the legal process is the selection of juries. Juries play a crucial role in deciding guilt or innocence, but studies have shown that racial bias can affect the composition of the jury pool. Racial minorities may be underrepresented, leading to a lack of diverse perspectives and potential prejudices. These systemic issues can undermine the integrity of the entire legal process.

Shades of Freedom: Racial Politics and Presumptions of the American Legal Process



by A. Leon Higginbotham (1st Edition, Kindle Edition)

★★★★☆ 4.5 out of 5

Language : English

File size : 5491 KB

Text-to-Speech: Enabled

Screen Reader: Supported

Word Wise : Enabled

Print length : 352 pages

Lending : Enabled



Racial Disparities in Sentencing

The impact of racial politics becomes even more apparent when examining disparities in sentencing. Racial minorities are often subjected to harsher penalties compared to their white counterparts, even for similar offenses. This disparity has been widely documented in numerous studies, highlighting the deeply ingrained biases that persist within the legal system.

The "war on drugs" is an example of how racial politics can shape sentencing outcomes. Despite similar rates of drug use among different racial groups, individuals belonging to minority communities are disproportionately targeted and receive lengthier prison sentences. These policies not only perpetuate racial stereotypes but also perpetuate societal divisions and hinder efforts towards creating a fair justice system.

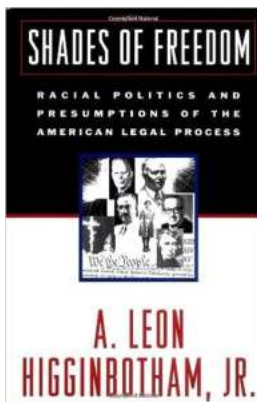
Overcoming Racial Politics in the Legal System

The first step towards addressing the influence of racial politics in the legal process is acknowledging its existence. Recognizing the presence of racial bias and discrimination is crucial in sparking meaningful change. Lawmakers, judges,

and legal professionals must actively work towards dismantling systemic barriers that perpetuate racial inequalities.

Education and awareness on racial and cultural diversity should also be promoted within the legal profession. Mandatory training programs can provide valuable insights into implicit biases and help promote a more inclusive and equitable justice system. Additionally, efforts should be made to increase the representation of racial minorities within legal institutions, allowing for a variety of voices and perspectives.

Racial politics undeniably influence the presumptions of the American legal process. The biases and prejudices that exist within the system have significant consequences for racial minorities seeking justice. It is crucial to acknowledge and address these issues to create a legal system that is truly fair and equitable for all. By promoting awareness, education, and diversity within legal institutions, we can strive towards a future where racial politics no longer hinder the pursuit of justice.



Shades of Freedom: Racial Politics and Presumptions of the American Legal Process

by A. Leon Higginbotham (1st Edition, Kindle Edition)

★★★★☆ 4.5 out of 5

Language : English

File size : 5491 KB

Text-to-Speech : Enabled

Screen Reader : Supported

Word Wise : Enabled

Print length : 352 pages

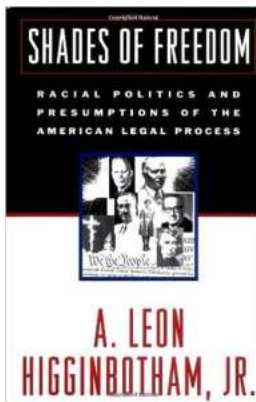
Lending : Enabled



Few individuals have had as great an impact on the law--both its practice and its history--as A. Leon Higginbotham, Jr. A winner of the Presidential Medal of Freedom, the nation's highest civilian honor, he has distinguished himself over the decades both as a professor at Yale, the University of Pennsylvania, and Harvard, and as a judge on the United States Court of Appeals. But Judge Higginbotham is perhaps best known as an authority on racism in America: not the least important achievement of his long career has been *In the Matter of Color*, the first volume in a monumental history of race and the American legal process. Published in 1978, this brilliant book has been hailed as the definitive account of racism, slavery, and the law in colonial America.

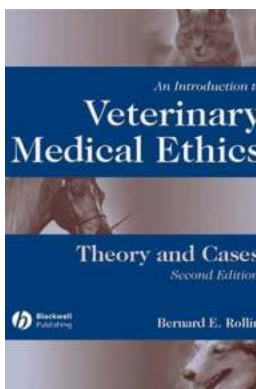
Now, after twenty years, comes the long-awaited sequel. In *Shades of Freedom*, Higginbotham provides a magisterial account of the interaction between the law and racial oppression in America from colonial times to the present, demonstrating how the one agent that should have guaranteed equal treatment before the law--the judicial system--instead played a dominant role in enforcing the inferior position of blacks. The issue of racial inferiority is central to this volume, as Higginbotham documents how early white perceptions of black inferiority slowly became codified into law. Perhaps the most powerful and insightful writing centers on a pair of famous Supreme Court cases, which Higginbotham uses to portray race relations at two vital moments in our history. The *Dred Scott* decision of 1857 declared that a slave who had escaped to free territory must be returned to his slave owner. Chief Justice Roger Taney, in his notorious opinion for the majority, stated that blacks were "so inferior that they had no right which the white man was bound to respect." For Higginbotham, Taney's decision reflects the extreme state that race relations had reached just before the Civil War. And after the War and Reconstruction, Higginbotham reveals, the Courts showed a pervasive reluctance (if not hostility) toward the goal of full and equal justice for African Americans, and this was particularly true of the Supreme Court. And in the *Plessy v. Ferguson* decision, which

Higginbotham terms "one of the most catastrophic racial decisions ever rendered," the Court held that full equality--in schooling or housing, for instance--was unnecessary as long as there were "separate but equal" facilities. Higginbotham also documents the eloquent voices that opposed the openly racist workings of the judicial system, from Reconstruction Congressman John R. Lynch to Supreme Court Justice John Marshall Harlan to W. E. B. Du Bois, and he shows that, ironically, it was the conservative Supreme Court of the 1930s that began the attack on school segregation, and overturned the convictions of African Americans in the famous Scottsboro case. But today racial bias still dominates the nation, Higginbotham concludes, as he shows how in six recent court cases the public perception of black inferiority continues to persist. In *Shades of Freedom*, a noted scholar and celebrated jurist offers a work of magnificent scope, insight, and passion. Ranging from the earliest colonial times to the present, it is a superb work of history--and a mirror to the American soul.



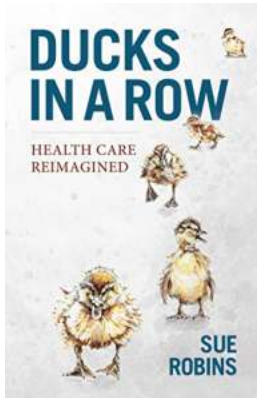
Racial Politics And Presumptions Of The American Legal Process

Are racial politics influencing the presumptions of the American legal process? This topic has been a subject of debate and controversy in recent years. With...



An Introduction To Veterinary Medical Ethics: Caring for Our Furry Friends

As humans, we have an inherent responsibility to care for and protect animals. They rely on us for their well-being, and it is our duty to ensure they receive...



Ducks In Row Health Care Reimagined: Revolutionizing the Future of Healthcare

: In these rapidly changing times, the healthcare industry has never been more important. The demand for high-quality healthcare services is soaring, and...



113 Great Imaginative Movies On Demand You've Probably Never Seen

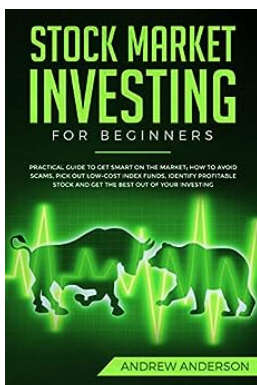
Looking for a movie night filled with awe, wonder, and imagination? We've got you covered. In this list, we've compiled 113 incredible and thought-provoking films that will...

5,203
THINGS
TO DO
INSTEAD OF
LOOKING AT
YOUR PHONE

BARBARA ANN KIPFER
Author of 14,000 Things to Be Happy About

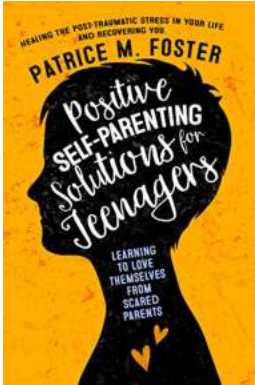
203 Things To Do Instead Of Looking At Your Phone: Unplugging From the Digital World

In today's fast-paced, technology-driven world, it's no surprise that many of us constantly find ourselves glued to our phones. Whether it's mindlessly scrolling through social...



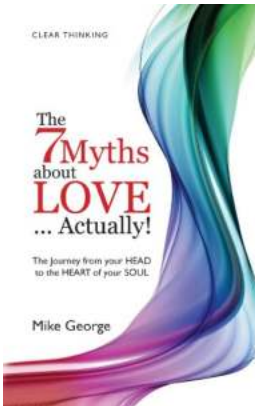
Practical Guide To Get Smart On The Market: How To Avoid Scams & Pick Out Low-Cost Deals

Are you tired of falling victim to online scams and paying inflated prices for everyday items? In today's hyper-connected world, it's essential to equip yourself with the...



Learning To Love Themselves From Scared Parents: A Journey Towards Self-Acceptance

Parenting is one of the greatest responsibilities in life. As parents, we strive to provide our children with love, support, and a nurturing environment. However, what...



Myths About Love Actually The Journey

Love is a journey that we all embark on at some point in our lives. It's a complex and mysterious emotion that has inspired countless poets, songwriters, and artists....