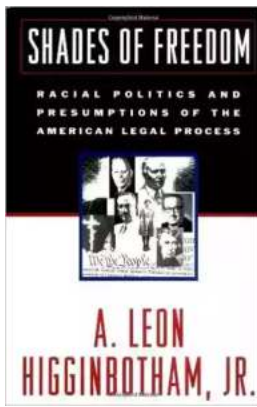


Racial Politics And Presumptions Of The American Legal Process

The American legal process is an intricate system designed to ensure justice and uphold the rights of all individuals regardless of their race, ethnicity, or background. However, beneath the surface, there lies a complex web of assumptions, racial biases, and political influences that can deeply affect the outcomes of cases and exacerbate racial disparities within the legal system.

Racial politics plays a significant role in shaping public perceptions and attitudes towards crime and justice. The media often perpetuates racial stereotypes, sensationalizing crimes committed by individuals of certain racial or ethnic backgrounds and emphasizing the need for stricter law enforcement and harsher sentences. These portrayals contribute to the creation of presumptions among the general public that people from certain racial or ethnic groups are more likely to be criminals, fostering a prejudiced environment within which the legal process operates.

One key issue that arises from racial politics is the prevalence of racial profiling by law enforcement. Racial profiling refers to the practice of targeting individuals for suspicion of criminal activity based on their race, rather than evidence of any wrongdoing. This discriminatory practice disproportionately affects marginalized communities, predominantly people of color, leading to increased instances of harassment, wrongful arrests, and a lack of trust in law enforcement among these communities. The presumption that individuals from certain racial backgrounds are more likely to be involved in criminal activity further perpetuates this unjust practice.



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

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

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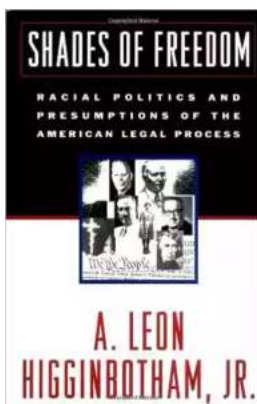
Another facet of the American legal process that is influenced by racial politics is the jury selection process. Juries are meant to be a fair representation of the community and a neutral panel that decides the guilt or innocence of the accused. However, racial biases in jury selection procedures can lead to the underrepresentation of racial minorities and amplify the existing racial disparities. Prosecutors often use peremptory challenges, the right to dismiss potential jurors without providing any reason, to systematically exclude individuals from minority groups. This practice undermines the principle of a fair trial, as it hinders the ability of the accused to be judged by a fully impartial jury.

The role of political influences cannot be ignored when discussing racial politics within the American legal process. Politicians, particularly those in positions of power, have the ability to shape the policies and laws that govern the legal system. However, these decisions are not always made with the interests of justice and equality in mind. Political considerations, such as appealing certain voter bases or gaining support from powerful interest groups, can often overshadow the need for fair and impartial justice. The result is a legal process

that is prone to political manipulation and biases, further exacerbating racial disparities and perpetuating systemic injustices.

In recent years, movements like Black Lives Matter have shed light on the racial inequalities within the American legal process, sparking widespread discussions on the need for reform. These conversations have prompted calls for increased transparency, accountability, and diversity within the legal system to address the underlying racial biases and presumptions. Efforts to implement implicit bias training for law enforcement, reform jury selection procedures, and promote diversity within the judiciary have gained traction as potential solutions to mitigate the effects of racial politics within the legal process.

Ultimately, the fight against racial politics and presumptions in the American legal process requires a multi-faceted approach. It involves actively challenging and dismantling racial stereotypes perpetuated by the media, holding law enforcement accountable for discriminatory practices like racial profiling, and ensuring that political decisions regarding the legal system prioritize justice and equality. Only through these efforts can the American legal process truly embody its intended purpose of providing equal protection and justice for all, regardless of their race or background.



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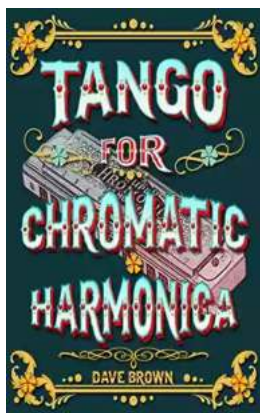
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Few individuals have had as great an impact on the law--both its practice and its history--as A. Leon Higginbotham, Jr. A winner of the Presidential Medal of Freedom, the nation's highest civilian honor, he has distinguished himself over the decades 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.



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