
SUMMARY OF CONTENTS

ACKNOWLEDGEMENTS.....	V
PREFACE.....	VII
EDITORIAL NOTE	XI
TABLE OF CASES.....	XXIII
Chapter 1. Slavery and the First Reconstruction: Establishing and Contesting the Racial Order.....	1
I. Law and White Supremacy	1
II. Race, Slavery, and Judicial Power.....	4
III. From Slavery, to Civil War, to Segregation	31
IV. Colonialism, Immigration, and the Complexities of the Racial Order.....	72
V. A Twentieth-Century Reckoning	88
Chapter 2. Civil Rights, the Second Reconstruction, and the Ascendance of Colorblindness	105
I. The Second Reconstruction	107
II. Implementing the Second Reconstruction and the Rise of Colorblindness.....	135
Chapter 3. Intimacy and Child Placement.....	175
I. Introduction.....	175
II. Marriage and Intimate Coupling	176
III. Child Placements	184
Chapter 4. Primary Education and Integration	245
I. Introduction.....	245
II. The Use and Limitations of Judicial Power to Promote Integration.....	246
III. Alternatives to Integration.....	290
Chapter 5. Higher Education	311
I. Formal Equality	311
II. Affirmative Action as Racial Remedy	312
III. The Diversity Rationale.....	330
IV. The Means of Affirmative Action	353
V. Inter-Minority Conflict	376
VI. Rethinking Integration	394
Chapter 6. Employment Discrimination	407
I. Introduction.....	407
II. Two Theories of Discrimination: Treatment and Impact	410
III. Conceptual Controversies over Race and Discrimination	443
IV. The Uncertain Future of Disparate Impact Claims (and Affirmative Action)	486

Chapter 7. Policing	503
I. Introduction to Race and Criminal Justice	503
II. Policing	505
 Chapter 8. Criminal Trial and Punishment.....	 589
I. Introduction.....	589
II. Prosecutorial Charging.....	590
III. Jury Selection.....	606
IV. Punishment	647
 Chapter 9. Free Expression	 691
I. Introduction.....	691
II. Racist Speech	694
III. Why Free Speech: The Doctrine and Its Justifications	716
IV. Hate Crimes	729
V. Racist Symbols	759
VI. Conclusion	776
 Chapter 10. Voting Rights and Electoral Participation	 779
I. Introduction.....	779
II. Protecting Voting as an Individual Right	782
III. Voting as a Group Right	830
IV. Who Still Can't Vote	902
 Appendix of Constitutional and Statutory Law	 941
INDEX	987