

# The Supreme Court Race And Civil Rights From Marshall To Rehnquist

## The Supreme Court Race and Civil Rights: From Marshall to Rehnquist

The American Supreme Court's role in shaping the nation's understanding and application of civil rights is undeniable. This evolution, particularly the dramatic shifts in jurisprudence between the eras of Thurgood Marshall and William Rehnquist, offers a compelling case study in the complexities of legal interpretation and the ongoing struggle for racial equality. This article examines the Supreme Court race and civil rights landscape during this pivotal period, highlighting key decisions and the profound impact of shifting judicial philosophies. We'll delve into the contrasting approaches to racial justice, focusing on key figures and landmark cases.

### The Marshall Era: A Bastion of Civil Rights Advancement

Thurgood Marshall, the first African American Supreme Court Justice, served from 1967 to 1991. His tenure witnessed a continuation and, in some ways, a culmination of the landmark civil rights victories of the 1950s and 60s. His powerful dissents, often penned with searing eloquence, are a testament to his unwavering commitment to racial equality. This period saw a significant expansion of civil rights protections, leveraging the momentum of *Brown v. Board of Education* (1954) and the Civil Rights Act of 1964.

#### ### Key Achievements and Legal Strategies

Marshall's impact extended beyond his opinions. His experience as a brilliant litigator before joining the Court informed his approach to legal strategy. He actively advocated for a robust interpretation of the Fourteenth Amendment's Equal Protection Clause, consistently pushing for remedies to address systemic racism. Key cases under his influence included:

- **Griggs v. Duke Power Co. (1971):** This case established the principle of disparate impact, meaning employment practices that appear neutral but disproportionately harm protected groups are illegal. This was a significant step towards dismantling discriminatory hiring practices.
- **Milliken v. Bradley (1974):** While a controversial decision, even this ruling, which limited the scope of court-ordered busing for school desegregation, reflected Marshall's continued advocacy for racial justice, though he dissented strongly against the limitations.

The Marshall Court era is characterized by a proactive approach to dismantling legally entrenched racial discrimination. His legacy lies not only in specific rulings but in the

establishment of a clear judicial precedent favoring aggressive action against racial injustice.

## **The Rehnquist Court: A Shift in Judicial Philosophy**

The appointment of William Rehnquist as Chief Justice in 1986 marked a turning point. The Rehnquist Court, while not explicitly anti-civil rights, exhibited a far more restrained approach compared to its predecessors. This era saw a gradual shift towards judicial restraint, a philosophy that emphasizes deference to legislative action and a narrower interpretation of constitutional guarantees. This shift profoundly impacted the trajectory of civil rights jurisprudence.

### **### A More Conservative Approach to Affirmative Action and Racial Justice**

This conservative shift is best exemplified through the Court's decisions on affirmative action. Cases like *\*Regents of the University of California v. Bakke (1978)\**, though decided before Rehnquist's appointment as Chief Justice, set a precedent that the Rehnquist Court would later refine and, in many ways, restrict. Subsequent decisions, such as *\*Grutter v. Bollinger (2003)\** and *\*Gratz v. Bollinger (2003)\**, while upholding the permissibility of affirmative action in limited circumstances, significantly narrowed its scope. This marked a departure from the more expansive approach championed by Marshall. The Rehnquist court also witnessed a more limited interpretation of the Voting Rights Act.

### **### The Erosion of Civil Rights Protections: A Critical Analysis**

The Rehnquist era wasn't solely defined by a retreat from affirmative action. Many argue that the Court's approach to other areas of civil rights law, such as voting rights and fair housing, also reflected a more conservative and less interventionist approach. The limitations placed on federal power to enforce racial equality had lasting effects on the ongoing struggle for civil rights.

## **The Contrasting Legacies: A Comparative Analysis of Judicial Approaches**

The contrasting approaches of the Marshall and Rehnquist Courts highlight the dynamic nature of judicial interpretation and its impact on social change. Marshall's legacy is one of active engagement in dismantling racial barriers, using the Court's power to create systemic change. Rehnquist's, in contrast, prioritised judicial restraint, leading to a more cautious, less interventionist approach. This difference underscores the critical role of judicial philosophy in shaping the evolution of civil rights law in America.

## **The Enduring Relevance of the Supreme Court Race and Civil Rights Debate**

The debate over the role of the Supreme Court in protecting and advancing civil rights continues to this day. The legacy of both Marshall and Rehnquist serves as a powerful reminder of the ongoing tension between judicial activism and restraint, and the significant impact of

judicial decisions on the lives of marginalized communities. The ongoing discussion about the composition of the Supreme Court and its impact on the future of civil rights demonstrates the lasting relevance of this historical analysis.

## Conclusion

The journey from Thurgood Marshall to William Rehnquist represents a profound shift in the Supreme Court's approach to racial justice. Marshall's era witnessed a proactive engagement in dismantling systemic racism, building upon the momentum of earlier civil rights movements. Rehnquist's era, characterized by a more restrained approach, ushered in a period of greater judicial deference and a narrower interpretation of civil rights laws. Understanding this evolution is crucial to comprehending the complexities of the American legal system and the ongoing struggle for racial equality. The ongoing debate surrounding the Supreme Court's role in civil rights underscores the enduring importance of understanding this historical context.

## FAQ

### **Q1: How did Thurgood Marshall's background influence his judicial philosophy?**

A1: Marshall's extensive experience as a brilliant litigator for the NAACP before becoming a Justice profoundly shaped his judicial philosophy. He understood the systemic nature of racial discrimination firsthand, and this understanding informed his commitment to a robust interpretation of the Fourteenth Amendment and proactive judicial engagement in dismantling racial barriers. His dissents often provided powerful critiques of the limitations of judicial restraint in addressing deep-seated inequalities.

### **Q2: What were some of the major criticisms of the Rehnquist Court's approach to civil rights?**

A2: Critics argued the Rehnquist Court's approach to civil rights was excessively cautious and deferential to legislative actions, sometimes at the expense of protecting minority rights. They pointed to decisions that limited the scope of affirmative action and arguably weakened enforcement of the Voting Rights Act as examples of this restrained approach. The concern was that this approach inadvertently allowed systemic inequalities to persist.

### **Q3: Did the Rehnquist Court completely overturn the progress made during the Marshall era?**

A3: No, the Rehnquist Court did not completely overturn the progress of the Marshall era. However, it significantly altered the trajectory of civil rights jurisprudence through a more limited interpretation of relevant constitutional clauses and statutes. While some prior precedents remained intact, the Rehnquist Court's decisions generally reflected a less interventionist and more conservative approach, leading to a perceived narrowing of civil rights protections in some areas.

### **Q4: What is the significance of the "disparate impact" doctrine?**

A4: The disparate impact doctrine, established in *Griggs v. Duke Power Co.*, holds that

employment practices that appear neutral on their face but have a disproportionately negative impact on a protected group are illegal, even in the absence of discriminatory intent. This was a significant development in civil rights law, as it addressed systemic racism embedded in seemingly neutral policies and procedures.

**Q5: How did the Rehnquist Court's decisions on affirmative action impact higher education?**

A5: The Rehnquist Court's decisions on affirmative action significantly altered higher education. While not banning affirmative action outright, the court established strict standards for its implementation, requiring narrowly tailored programs that avoid quotas and consider race as only one factor among many in admissions decisions. This led to a significant decrease in the use of race-conscious admissions policies and sparked ongoing debate about achieving diversity in higher education.

**Q6: What are some of the lasting impacts of the judicial approaches of Marshall and Rehnquist?**

A6: The contrasting approaches of Marshall and Rehnquist continue to shape contemporary debates about racial justice and the role of the Supreme Court. Marshall's legacy emphasizes proactive judicial engagement in dismantling systemic racism, while Rehnquist's legacy highlights the value of judicial restraint and deference to legislative actions. Understanding these contrasting approaches is crucial for interpreting current Supreme Court decisions on civil rights issues.

**Q7: How relevant are these historical analyses to contemporary discussions about civil rights?**

A7: These historical analyses are extremely relevant to contemporary discussions about civil rights. The ongoing debates about affirmative action, voting rights, and police brutality, among other issues, are directly informed by the legal precedents and jurisprudential approaches established during the Marshall and Rehnquist eras. Understanding the shifts in judicial philosophy from one era to another helps shed light on the ongoing complexities and challenges in achieving racial justice.

**Q8: What are some sources for further research on this topic?**

A8: For in-depth research, explore biographies of Thurgood Marshall and William Rehnquist, legal scholarship on Supreme Court decisions related to civil rights, and academic articles analyzing the evolution of civil rights jurisprudence. The Supreme Court's official website and online legal databases provide access to case opinions and legal documents. Histories of the Civil Rights Movement and scholarly works analyzing the impact of the Court on racial equality are also valuable resources.

## **The Supreme Court: A Shifting Landscape of Race and**

# Civil Rights from Marshall to Rehnquist

The trajectory of the Supreme Court's stance on race and civil rights from the era of Thurgood Marshall to that of William Rehnquist presents a compelling study in constitutional evolution. This period, spanning roughly from the mid-20th period to the late 20th century, witnessed a profound shift in the Court's tack to issues of racial justice, moving from a vigorous advocacy of affirmative action and desegregation to a more hesitant and often constraining interpretation of civil rights legislation. Understanding this transformation requires examining the unique contributions of key justices, the wider social and political context, and the permanent impact of their decisions.

Marshall, the first African American justice, carried an exceptional outlook to the Court. His objections, often fervent and fluent, acted as powerful evaluations of decisions he deemed to be backward in the area of racial equity. Cases like *\*Regents of the University of California v. Bakke\** (1978), where the Court removed down a strict quota system for affirmative action, demonstrated the growing differences within the Court on the suitable proportion between remedying past discrimination and ensuring just opportunity for all. Marshall's energetic advocacy for a more expansive explanation of the Fourteenth Amendment laid the groundwork for future challenges on affirmative action and racial discrimination.

The elevation of Rehnquist to Chief Justice in 1986 signaled a distinct shift in the Court's philosophical terrain. Rehnquist, a right-wing justice, championed a more narrow interpretation of the Constitution, often emphasizing states' rights and curtailing the scope of federal intervention in matters of racial equity. This method was apparent in cases involving voting rights, affirmative action, and school desegregation, where the Court became increasingly hesitant to broaden the reach of civil rights guarantees.

The shift from Marshall to Rehnquist wasn't just a change in people; it reflected broader societal changes. The growth of the conservative movement, the diminution of the Civil Rights Movement's power, and an increasing uncertainty about the effectiveness of affirmative action all added to the Court's evolving outlook. Cases like *\*City of Richmond v. J.A. Croson Co.\** (1989) and *\*Adarand Constructors, Inc. v. Peña\** (1995) exemplify this trend, where the Court implemented stricter scrutiny on affirmative action programs, needing a compelling governmental interest to justify them.

The legacy of this era remains to shape discussions about race and civil rights in the United States now. The arguments surrounding affirmative action, voting rights, and racial profiling are all closely tied to the standards created by the Supreme Court during this period. Understanding this historical context is essential for analyzing current legal debates and creating effective approaches for promoting racial equality in the future. The disparity between Marshall's dream of a truly equal society and the comparatively restrictive method that arose under Rehnquist underscores the continuing battle for racial equity in America.

## Frequently Asked Questions (FAQs):

**1. What was Thurgood Marshall's main contribution to the Supreme Court?** Marshall's unique perspective as the first African American justice, along with his passionate advocacy for

a broad interpretation of civil rights, significantly influenced the Court's decisions, even in dissent. His legacy continues to inspire efforts towards racial justice.

**2. How did the Rehnquist Court differ from previous Courts in its approach to civil rights?** The Rehnquist Court adopted a more conservative approach, emphasizing states' rights and imposing stricter scrutiny on affirmative action programs, leading to a more limited interpretation of civil rights legislation compared to its predecessors.

**3. What is the lasting impact of this period on contemporary civil rights debates?** The precedents set during this period continue to shape debates surrounding affirmative action, voting rights, and racial profiling. Understanding this historical context is crucial for navigating contemporary legal challenges and formulating effective strategies for racial justice.

**4. What are some of the key Supreme Court cases that exemplify the shift in approach?** \*Regents of the University of California v. Bakke\*, \*City of Richmond v. J.A. Croson Co.\*, and \*Adarand Constructors, Inc. v. Peña\* represent significant turning points in the Court's stance on affirmative action, illustrating a move towards stricter scrutiny.

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