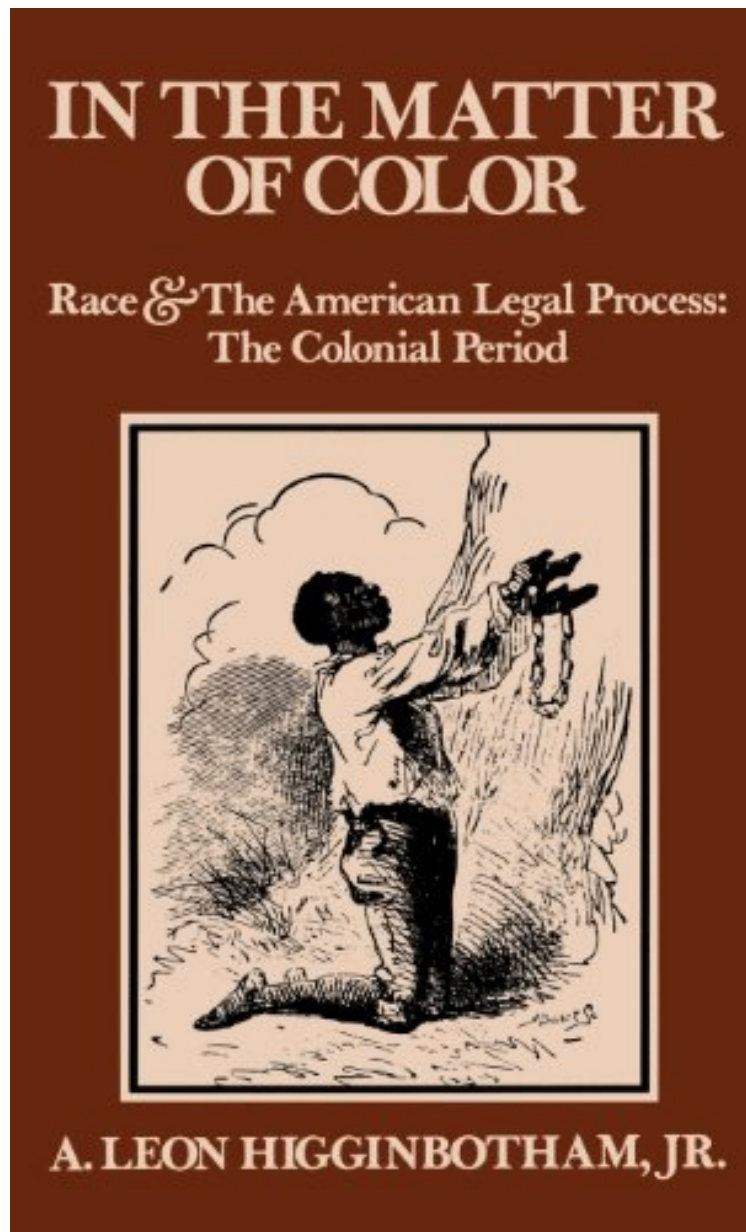


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# In the Matter of Color: Race and the American Legal Process 1: The Colonial Period

*A. Leon Higginbotham*

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## Race and the American Legal Process 1: The Colonial Period:

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In his first book Judge A Leon Higginbotham Jr one of the first five African Americans to become a federal judge shows how the law itself contributed to inflicting injustice on millions of Americans solely on the basis of their color For many readers even those well steeped in African American studies or American history or the law this book will stir new passions

.com In this midst of heated, often poisonous, arguments about affirmative action, school busing, and race-based political redistricting, A. Leon Higginbotham Jr. provides a welcome voice of reason. The sequel to his acclaimed *In the Matter of Color*, published in 1978, *Shades of Freedom* is a history of American racial law from the 17th century to the present. This long and often dark chronology is examined with precision, providing Higginbotham ample space to air his own view, that America has come far but still has far to go. Higginbotham, the former Chief Judge of the U.S. Court Appeals for the Third Circuit and the winner of the Presidential Medal of Freedom, is unabashedly liberal, especially in wholeheartedly supporting the concept of political districts designed to create black majorities. His analyses, particularly of major decisions such as the 1857 *Dred Scott* case, are compelling and elegant. And his indignation is palpable. From Publishers Weekly Retired federal judge Higginbotham is one of the nation's most distinguished commentators on law and race. In 1978, he published his impressive *In the Matter of Color*, the first volume of a series charting racial progress and regress over the past three centuries. Now, Oxford is touting this as the "magisterial follow-up." But, though the period covered follows (loosely) that of the earlier volume, it hardly seems like the expected sequel. Perhaps because it is adapted from Higginbotham's law review articles, this book is uneven. Still, Higginbotham's conceptualization of the "Ten Precepts of American Slavery Jurisprudence" is an incisive tool for analyzing notorious cases that still echo through American law. Of these assumptions and premises that facilitated slavery, the most enduring is that of inferiority, which, says the author, persists, even as the laws regarding other precepts?such as the rights of African Americans to marry, to be educated, etc.?have evolved. He goes on to describe cases that limited the freedom glimpsed after the Civil War, culminating in the notorious *Plessy v. Ferguson* "separate but equal" decision. Shying away from the last five decades of Supreme Court decisions, the author offers a chapter on the Charles Evans Hughes court (1930-1941), which made tentative steps toward justice. The decision to end with reprints of Higginbotham's 1995 open letter to Newt Gingrich and two 1996 commentaries from the *Boston Globe* only emphasize the jury-rigged nature of the book. Copyright 1996 Reed Business Information, Inc. "Chronicles in unrelenting detail the role of the law in the enslavement and subjugation of black Americans during the colonial period. No attempt to summarize the colonial experience could convey the rich and comprehensive detail which is the major strength of Judge Higginbotham's work."--Harvard Law "A definitive study of racism, slavery, and the law in early America."--American Historical "Founded on comprehensive research, thoroughly documented, and well-written, *In the Matter of Color* is a contribution of the first importance to the study of racial issues in America, invaluable alike to students of American history, law, or society."--History