



# Social Science in Court

Mobilizing  
Experts  
in the  
School  
Desegregation  
Cases

Mark A. Chesler  
Joseph Sanders  
Debra S. Kalmuss

# Social Science In Court Mobilizing Experts In The School Desegregation Cases

**Rosemary J. Erickson, Rita James Simon**

## **Social Science In Court Mobilizing Experts In The School Desegregation Cases:**

**Social Science in Court** Mark A. Chesler, Joseph Sanders, Debra S. Kalmuss, 1988 The 1954 landmark school desegregation decision of the U S Supreme Court *Brown v Board of Education* was part of one of the most extensive and tumultuous social legal movements in the nation's history The authors of this study employ the school desegregation movement to examine the role of social scientists and social science in the litigation process Covering seventeen desegregation cases in litigation after 1970 they bring together the perspectives of judges lawyers and social scientists in a work sure to be of interest to all concerned with the court process public policy applied social science conflict resolution and the continuing process of school integration The authors focus not only on the legal issues but also on the broader issues of conflict resolution managed social change and the public role of social science They first provide a chronicle of the events leading up to the *Brown* case and then a thorough and detailed analysis of the social science expert witnesses called upon to testify in the desegregation cases that followed In the course of their research they interviewed 90 scientists who appeared as witnesses 70 lawyers who tried these cases for both plaintiff and defense groups and 10 trial judges who presided in the cases No other study has been so broadly encompassing both in the number of cases and in the span of time involved **The Use of Social Science Data in Supreme Court Decisions** Rosemary J. Erickson, Rita James Simon, 1998 The cultures of law and social science differ markedly as to the kinds of truth they pursue Law is deductive presenting its findings as certainties social science is largely inductive presenting its conclusions as subject to revision and contingency Yet the legal community traditionally draws at will and unsystematically on the findings of social science sometimes with unfortunate results The authors of this study explore this issue by focusing on the manner in which the United States Supreme Court uses social science data in reaching its decisions Concentrating on decisions involving the issues of abortion sex discrimination and sexual harassment they show that the use of such data has increased over the last twenty years but they also show that whether such data are used appears to hinge more on the liberal conservative or longheld positions of the judges and the types of cases involved rather than on the objectivity or validity of the data By offering insights into how data are used by the Supreme Court the authors hope to show social scientists how to make their research more suitable for courtroom use and to show the legal community how such data can be used more effectively As Long as They Don't Move Next Door Stephen Grant Meyer, 2001 The first full length national history of American race relations examined through the lens of housing discrimination Jacket **The Emergence of Historical Forensic Expertise** Vladimir Petrović, 2016-10-26 This book scrutinizes the emergence of historians participating as expert witnesses in historical forensic contribution in some of the most important national and international legal ventures of the last century It aims to advance the debate from discussions on whether historians should testify or not toward nuanced understanding of the history of the practice and making the best out of its performance in the future **The Experts' War on Poverty** Romain D. Huret, 2018-10-15 In the critically

acclaimed *La Fin de la Pauvert* Romain D Huret identifies a network of experts who were dedicated to the post World War II battle against poverty in the United States John Angell s translation of Huret s work brings to light for an English speaking audience this critical set of intellectuals working in federal government academic institutions and think tanks Their efforts to create a policy bureaucracy to support federal socio economic action spanned from the last days of the New Deal to the late 1960s when President Richard M Nixon implemented the Family Assistance Plan Often toiling in obscurity this cadre of experts waged their own war not only on poverty but on the American political establishment Their policy recommendations as Huret clearly shows often militated against the unscientific prejudices and electoral calculations that ruled Washington D C politics *The Experts War on Poverty* highlights the metrics research and economic and social facts these social scientists employed in their work and thereby reveals the unstable institutional foundation of successive executive efforts to grapple with gross social and economic disparities in the United States Huret argues that this internal war coming at a time of great disruption due to the Cold War undermined and fractured the institutional system officially directed at ending poverty The official War on Poverty which arguably reached its peak under President Lyndon B Johnson was thus fomented and maintained by a group of experts determined to fight poverty in radical ways that outstripped both the operational capacity of the federal government and the political will of a succession of presidents      **Making Civil Rights Law** Mark V.

Tushnet,1994-02-24 From the 1930s to the early 1960s civil rights law was made primarily through constitutional litigation Before Rosa Parks could ignite a Montgomery Bus Boycott the Supreme Court had to strike down the Alabama law which made segregated bus service required by law before Martin Luther King could march on Selma to register voters the Supreme Court had to find unconstitutional the Southern Democratic Party s exclusion of African Americans and before the March on Washington and the Civil Rights Act of 1964 the Supreme Court had to strike down the laws allowing for the segregation of public graduate schools colleges high schools and grade schools *Making Civil Rights Law* provides a chronological narrative history of the legal struggle led by Thurgood Marshall and the NAACP Legal Defense Fund that preceded the political battles for civil rights Drawing on interviews with Thurgood Marshall and other NAACP lawyers as well as new information about the private deliberations of the Supreme Court Tushnet tells the dramatic story of how the NAACP Legal Defense Fund led the Court to use the Constitution as an instrument of liberty and justice for all African Americans He also offers new insights into how the justices argued among themselves about the historic changes they were to make in American society *Making Civil Rights Law* provides an overall picture of the forces involved in civil rights litigation bringing clarity to the legal reasoning that animated this Constitutional revolution and showing how the slow development of doctrine and precedent reflected the overall legal strategy of Thurgood Marshall and the NAACP      *Social Science in Law* John Monahan,Laurens Walker,1998 The Fourth Edition of Monahan Walker s *Social Science in Law* Thoroughly incorporates *Daubert v Merrill Dow Pharmaceuticals Inc* the United States Supreme Court s landmark decision on scientific evidence

Features expanded in depth treatment of the growing use of survey methods to establish damages in mass tort cases  
Integrates the latest Web site addresses to aid in further social science legal research      **Bendectin on Trial** Joseph Sanders,1998 Explains how courts handle mass product liability litigation and explores the roles of the different participants

**Scientific Evidence and Equal Protection of the Law** Angelo N Ancheta,2006-02-02 Scientific and social scientific evidence has informed judicial decisions and the making of constitutional law for decades but for much of U S history it has also served as a rhetorical device to justify inequality It is only in recent years that scientific and statistical research has helped redress discrimination but not without controversy Scientific Evidence and Equal Protection of the Law provides unique insights into the judicial process and scientific inquiry by examining major decisions of the U S Supreme Court civil rights advocacy and the nature of science itself Angelo Ancheta discusses leading equal protection cases such as Brown v Board of Education and recent litigation involving race related affirmative action gender inequality and discrimination based on sexual orientation He also examines less prominent but equally compelling cases including McCleskey v Kemp which involved statistical evidence that a state s death penalty was disproportionately used when victims were white and defendants were black and Castaneda v Partida which established key standards of evidence in addressing the exclusion of Latinos from grand jury service For each case Ancheta explores the tensions between scientific findings and constitutional values      Brown vs. Board of Education of Topeka NA NA,2016-04-30 A general introduction analyzes the case s legal precedents and situates the case in the historical context of Jim Crow discrimination and the burgeoning development of the NAACP Photographs a collection of political cartoons a chronology questions for consideration a bibliography and an index are also included

**Complex Justice** Joshua M. Dunn,2012-09-01 In 1987 Judge Russell Clark mandated tax increases to help pay for improvements to the Kansas City Missouri School District in an effort to lure white students and quality teachers back to the inner city district Yet even after increasing employee salaries and constructing elaborate facilities at a cost of more than 2 billion the district remained overwhelmingly segregated and student achievement remained far below national averages Just eight years later the U S Supreme Court began reversing these initiatives signifying a major retreat from Brown v Board of Education In Kansas City African American families opposed to the district court s efforts organized a takeover of the school board and requested that the court case be closed Joshua Dunn argues that Judge Clark s ruling was not the result of tyrannical judicial activism but was rather the logical outcome of previous contradictory Supreme Court doctrines High Court decisions Dunn explains necessarily limit the policy choices available to lower court judges introducing complications the Supreme Court would not anticipate He demonstrates that the Kansas City case is a model lesson for the types of problems that develop for lower courts in any area in which the Supreme Court attempts to create significant change Dunn s exploration of this landmark case deepens our understanding of when courts can and cannot successfully create and manage public policy      *The Problems of Jurisprudence* Richard A. Posner,1993-03-15 Here one of America s most

distinguished scholar judges shares with us his vision of the law Posner argues for a pragmatic jurisprudence one that eschews formalism in favor of the factual and the empirical Laws he argues are not abstract sacred entities but socially determined goads for shaping behavior to conform with society's values      Equality in Education Law and Policy, 1954-2010 Benjamin M. Superfine, 2013-03-11 Educational equality has long been a vital concept in US law and policy Since *Brown v Board of Education* the concept of educational equality has remained markedly durable and animated major school reform efforts including desegregation school finance reform the education of students with disabilities and English language learners charter schools voucher policies the various iterations of the Elementary and Secondary Education Act including No Child Left Behind and the Stimulus Despite such attention students educational opportunities have remained persistently unequal as understandings of the goals underlying schooling fundamental changes in educational governance and the definition of an equal education have continually shifted Drawing from law education policy history and political science this book examines how the concept of equality in education law and policy has transformed from *Brown* through the Stimulus the major factors influencing this transformation and the significant problems that school reforms accordingly continue to face      *Psychology And Social Policy* Peter Suedfeld, Peter Tetlock, 2019-03-25 This work explores the application of psychological data and theories to controversial policy issues such as racial and gender inequality violence and criminal justice The book also asks whether psychology really has relevant expertise to contribute First published in 1992 Routledge is an imprint of Taylor Francis an informal company      Race Relations Litigation in an Age of Complexity Stephen L. Wasby, 1995 The first book length study of civil rights litigation from the late 1960s through the early 1980s *Race Relations Litigation in an Age of Complexity* fills a void in the scholarly literature on American courts and politics in the post *Brown versus Board of Education* era      Why Busing Failed Matthew F. Delmont, 2016-03-01 In the decades after the landmark *Brown v Board of Education* Supreme Court decision busing to achieve school desegregation became one of the nation's most controversial civil rights issues *Why Busing Failed* is the first book to examine the pitched battles over busing on a national scale focusing on cities such as Boston Chicago New York and Pontiac Michigan This groundbreaking book shows how school officials politicians the courts and the media gave precedence to the desires of white parents who opposed school desegregation over the civil rights of black students This broad and incisive history of busing features a cast of characters that includes national political figures such as then president Richard Nixon Chicago mayor Richard J Daley and antibusing advocate Louise Day Hicks as well as some lesser known activists on both sides of the issue Boston civil rights leaders Ruth Batson and Ellen Jackson who opposed segregated schools and Pontiac housewife and antibusing activist Irene McCabe black conservative Clay Smothers and Florida governor Claude Kirk all supporters of school segregation *Why Busing Failed* shows how antibusing parents and politicians ultimately succeeded in preventing full public school desegregation      **Looking to the Future**, 2010      Between North and South Brett Gadsden, 2012-10-08 *Between North and South* chronicles the three

decade long struggle over segregated schooling in Delaware a key border state and important site of civil rights activism and white reaction Historian Brett Gadsden begins by tracing the origins of a long litigation campaign by NAACP attorneys who translated popular complaints about the inequities in Jim Crow schooling into challenges to racial proscriptions in public education Their legal victories subsequently provided the evidentiary basis for the Supreme Court's historic decision in *Brown v Board of Education* marking Delaware as a center of civil rights advancements Gadsden's further examination of a novel metropolitan approach to address the problem of segregation in city and suburban schools wherein proponents highlighted the web of state sponsored discrimination that produced interrelated school and residential segregation reveals the strategic creativity of civil rights activists He shows us how even in the face of concerted white opposition these activists continued to advance civil rights reforms into the 1970s secured one of the most progressive busing remedies in the nation and created a potential model for desegregation efforts across the United States Between North and South also explores how activists on both sides of the contest in this border state adjacent to the Mason Dixon line helped create perpetuate and contest ideas of southern exceptionalism and northern innocence Gadsden offers instead a new framework in which southern style and northern style modes of racial segregation and discrimination are revealed largely as regional myths that civil rights activists and opponents alternately evoked and strategically deployed to both advance and thwart reform

Witnessing for Sociology Pamela J. Jenkins, J.S. Kroll-Smith, 1996-06-24 The American court system is making increasing use of sociologists as expert witnesses From toxic torts to religious cults and brainwashing sociological knowledge is becoming increasingly more commonplace in the legal arena This edited volume is a collection of the experiences of sociologists who have appeared as expert witnesses in a variety of court cases Many of the cases covered in this book revolve around central issues of murder self defense religious cults battered women child pornography environmentalism and homelessness This volume is unique in its breadth of topics and contributions

*Controversies in Minority Voting* Bernard N. Grofman, Chandler Davidson, 2011-01-01 Widely regarded as one of the most successful pieces of modern legislation the Voting Rights Act of 1965 has transformed the nature of minority participation and representation in the United States But with success came controversy as some scholars claim the Act has outlived its usefulness or been subverted in its aim This volume brings together leading scholars to offer a twenty five year perspective on the consequences of this landmark act The Fifteenth Amendment ratified in 1870 stated that the right of U S citizens to vote shall not be denied or abridged by the United States or by any State on account of race color or condition of previous servitude The South however virtually ignored this right disfranchising blacks through violence intimidation literacy tests and poll taxes The primary purpose of the Voting Rights Act of 1965 was to break down these barriers to minority voting Beginning with chapters covering the key provisions of the Act the book discusses the way the Act has transformed American politics and looks at the role played by major civil rights groups in lobbying for extensions and amendments to it and in insuring that its provisions would be enforced

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