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# Pro Bono

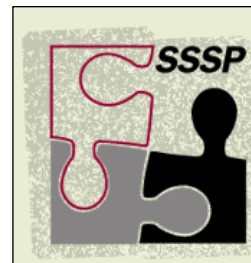
Newsletter of the Law and Society Division of the  
Society for the Study of Social Problems

*Kim Richman & Otis Grant, co-editors*

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FALL 2005

Volume 12  
Number 1



## PREFACE

Greetings to all our members and supporters! The meeting in Philadelphia was a success! Philadelphia is more than a typical northeastern city. As a final resting place of some of America's foremost founders, Philadelphia highlights the birth of America and our often rocky relationship with the concepts of democracy. It was in this dynamic city, with its historical significance, that scholars, practitioners and advocates met to exchange ideas, get empowered and re-invigorate. Thank you to all those who came to Philadelphia and participated in our annual meeting!

This academic year brings upon vast changes, both nationally and internationally. With the selection of the new Justices of the U.S. Supreme Court, law in America may change drastically. We must be ready and willing to give our educated critiques in an effort to enlighten the citizenry in regards to the new laws that are sure to come. Internationally, the U.S. is becoming more marginalized because of its policies. People of color in Europe are protesting, believing that they are victims of blatant discrimination. Globalization has been having effects that need to be addressed at both the macro and micro levels. Governments around the world seem irresponsible or repressive and the very concept of justice remains open to debate. All too often it is the politicians instead of the academy who educate the world about the promises of democracy.

In August we will meet in the wonderful city of Montréal. Our theme is "Building Just, Diverse and Democratic Communities." We invite all of our members to meet us there as we discuss, analyze and educate! In this issue of *Pro Bono* you will find important information regarding

next year's meeting (see page 3 for "Call for Papers" and page 7 for "Program Participation Schedule"), and the call for nominations for the Lindesmith Award (see page 7). It's also that time again for our Division elections. We received nominations at the business meeting in Philadelphia and we also want to request any additional nominations at this time. Please forward any nominations for Chair and Vice-Chair by December 31<sup>st</sup> (see page 6).

Included in the newsletter is an essay about Rosa Parks by Otis Grant (page 4). Also be sure to check out the "Member News and Announcements" section on page 8 for provocative new books.

As always, you are encouraged to participate in all aspects of your Law and Society Division! Division members are also encouraged to send in short "Law and Social Problems Essays" to share their scholarly work in the area of our Division's scholarly interests. The newsletter is an excellent medium to expose your current research to an interesting and interested readership. Graduate students are especially encouraged to submit their work! Contact the Division's Vice-Chair or Chair for more information.

Otis Grant, Division Chair  
Indiana University South Bend  
P.O. Box 7111  
South Bend, IN 46634  
[ogrant@iusb.edu](mailto:ogrant@iusb.edu)  
phone: (574) 520-4157; fax: (574) 520-5031

Kim Richman, Division Vice-Chair  
Department of Sociology  
University of San Francisco  
2130 Fulton Street  
San Francisco, CA 94117  
[kdrichman@usfca.edu](mailto:kdrichman@usfca.edu)  
phone: (415) 422-5414; fax: (415) 422-5671

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## SSSP LAW AND SOCIETY @ PHILADELPHIA



### Division Business Meeting Report, 2005

Present at the meeting in Philadelphia were Otis Grant, Kim Richman, Cary Federman and Susan Will.

1) **Lindesmith Award:** The winner of the 2005 Lindesmith Award was Gabrielle Ferrales of the Department of Sociology at Northwestern University. Congratulations Gabrielle! Gabrielle was sent an attractive plaque and will serve, along with Otis Grant and Kim Richman, on the award committee this coming year.

2) **2006 Panels:** The Division is organizing or co-organizing many exciting panels for next year's meetings in Montréal (listed on page 3 of this newsletter). Thanks to all those who have agreed to organize and chair panels!

3) This year we will hold Division elections ("Call for Nominations" is listed on page 6).

*Respectfully submitted,*  
Kim Richman, Vice-Chair

### Division Meeting Participation, 2005

Thanks to all who participated in our Division's exciting panels in Philadelphia including Richelle Swan, California State University, San Marcos; Rebecca Bordt, DePauw University; Marie Gottschalk, University of Pennsylvania; Michelle Brown, Ohio University; Danielle S. Rudes, University of California, Irvine; Kimberly Richman, University of San Francisco; Mamadi Matlhako, SUNY-Purchase College; Kristin Marsh, University of Mary Washington; Karunamay Subuddhi, Indian Institute of Technology, Bombay; Sibel Cekic, University of Illinois C/U; Rosemary A. Barbera, Monmouth University; Otis Grant, Indiana University South Bend; Stacy Lee Burns, Loyola Marymount University; Mark Peyrot, Loyola College in Maryland; Harry Perlstadt, Michigan State University; David W. Bartelt, Temple University; Kristen Crossney, Rutgers University; Joel C. Gibbons, Indiana University South Bend; Lloyd Klein, Macon State College; Raj Ghoshal, University of Florida; Kimber R. Williams, Arizona State University; L. Susan Williams, Kansas State University; Danielle Albright, University of New Mexico; Ryan Goodman, University of New Mexico; Daniel Hillyard, Southern Illinois University, Carbondale; Harland Prechel, Texas A&M University; Robert Saute, CUNY Graduate Center; Pamela Irving Jackson, Rhode Island College; Roderick Parkes, Center for European Integration Studies; Elizabeth Crouse, University of Hawaii Manoa; Jeanne Flavin, Fordham University; Shawna Cleary, University of Central Oklahoma; Darcy Purvis, University of California, Irvine; Marsha Rosenbaum, Safety First Project of the Drug Policy Alliance; Brian C. Kelly, Columbia University; Adam D. Jacobs, University of Wisconsin, Madison; Dina Perrone, Rutgers University, Newark; Alex Otieno, Arcadia University; Jessica Hoos, Arcadia University; Ethan Nadelman, Drug Policy Alliance; Cary Federman, Univ. of Ljubljana; Heather Jamerson, Emory University; Terry Lilley, University of Delaware; and Gabrielle Ferrales, Northwestern University, who presented at the Student Award Winning Papers session.

### Call for Papers

Your Law and Society Division is organizing the following panels for 2006:

- 1) **Diversity, Democracy, and the Challenge of Protecting Liberties**  
Organizer: Cary Federman, Institute of Criminology, University of Ljubljana, Slovenia  
[caryfederman@yahoo.com](mailto:caryfederman@yahoo.com)  
(send submissions by email only)
- 2) **Law, Legitimacy, and Building a Just Community**  
Organizer: Otis Grant, Indiana University, P.O. Box 7111, South Bend, IN 46634  
tel. (574) 520-4157 fax (574) 520-5031  
[ogrant@iusb.edu](mailto:ogrant@iusb.edu)
- 3) **Threats and Struggles Around Academic Freedom** (co-sponsored with Standards and Freedom of Research, Publications and Teaching Committee)  
Organizer: Debra Emmelman, Department of Sociology, Southern Connecticut State University, 501 Crescent St., New Haven, CT 06515, tel. (203) 392-5686 fax (203) 392-7087  
[emmelmand1@southernct.edu](mailto:emmelmand1@southernct.edu)
- 4) **Racial Disparities in the Criminal Justice System** (co-sponsored with Crime and Juvenile Delinquency Division)  
Organizer: Jemel Aguilar, University of Minnesota, School of Social Work, 1404 Gortner Ave., 105 Peters Hall, St. Paul, MN 55108, tel. (612) 624-4279 fax (612) 624-3744  
[jaguilar@che.umn.edu](mailto:jaguilar@che.umn.edu)
- 5) **Toward a Just Drug Policy: Comparative Perspectives** (co-sponsored with Drinking and Drugs Division)  
Organizer: Andrew Golub, NDRI, 47 Prospect Parkway, Burlington, VT 05401, tel. (802) 862-6717 [andrewgolub@verizon.net](mailto:andrewgolub@verizon.net)
- 6) **Environmental Justice** (co-sponsored with Environment and Technology Division)  
Organizer: Susan Will, CUNY, John Jay College of Criminal Justice, Sociology Dept., 899 Tenth Ave., New York, NY 10019  
tel. (212) 237-8669 fax (212) 237-8941  
[swill@jjay.cuny.edu](mailto:swill@jjay.cuny.edu)

- 7) **Families and Criminal Justice** (co-sponsored with Family Division)  
Organizer: Ebonie L. Cunningham, Sociology and Anthropology, Purdue University, 700 W. State St., West Lafayette, IN 47907  
tel. (765) 494-4668 fax (765) 496-1476  
[elcunnin@purdue.edu](mailto:elcunnin@purdue.edu)
- 8) **Same Sex Marriage Across Borders** (co-sponsored with Family Division and Sexual Behavior, Politics and Communities Division)  
Organizer: Melanie Heath, Department of Sociology, University of Southern California, Kaprielian Hall 352, Los Angeles, CA 90089  
tel. (310) 450-7051 fax (213) 740-3535  
[mheath@usc.edu](mailto:mheath@usc.edu)
- 9) **Transgender Communities, Families and Law** (co-sponsored with Family Division and Sexual Behavior, Politics and Communities)  
Organizer: Nancy Mezey, Dept. of Political Science, Monmouth University, 400 Cedar Ave., West Long Branch, NJ 07764  
tel. (732) 263-5631 fax (732) 263-5162  
[nmezey@monmouth.edu](mailto:nmezey@monmouth.edu)
- 10) **Law and Sexualities** (co-sponsored with Sexual Behavior, Politics and Communities Division)  
Co-organizers: Lloyd Klein, Macon State College, 100 College Station Dr., Macon, GA 31206 tel. (478) 471-2081  
[lklein@mail.maconstate.edu](mailto:lklein@mail.maconstate.edu)  
  
Kim Richman, Dept. of Sociology, University of San Francisco, 2130 Fulton Street, San Francisco, CA 94117 tel. (415) 422-5414 fax (415) 422-5671 [kdreichman@usfca.edu](mailto:kdreichman@usfca.edu)
- 11) **Transgender Legal Issues** (co-sponsored with Sexual Behavior, Politics and Communities Division)  
Organizer: Sandra Schroer, Dept. of Sociology, Muskingum College, CH 124, New Concord, OH 43762 tel. (740) 826-8287 fax (740) 863-8357 [sschroer@muskingum.edu](mailto:sschroer@muskingum.edu)

Please contact the respective organizers of our panels for more details.

*Deadline for submissions is  
January 31, 2006.*

## Epic Images and Post Structuralism in the Death of Rosa Parks

Otis B. Grant  
Indiana University South Bend  
[ogrant@iusb.edu](mailto:ogrant@iusb.edu)

Emily Dickinson wrote that a person cannot begin to walk the path of civility until they have "stopped for death." At the time of her death at the age of ninety two, Rosa Parks was suffering from dementia. It is doubtful that she could remember or comprehend the significance of commemorating the 50<sup>th</sup> anniversary of that fateful day in December. But people remembered Rosa Parks. Thousands of mourners attended her memorials in Montgomery, Alabama, and Detroit, Michigan. Parks was even allowed to lie in state at the U.S. Capital Rotunda in Washington D.C., an honor usually reserved for America's foremost leaders. If Parks exemplifies the very best of America, she should have enjoyed the honors bestowed upon her and the intrinsic satisfaction that comes from doing one's work. In testament to her good deeds Parks would be as King envisioned, judged by the content of her character and the civility she displayed to her fellow human beings.

For many African Americans Rosa Parks is the venerated "mother" of the modern American Civil Rights Movement and in the black community is as important as George Washington and Thomas Jefferson. Hence, for some of us, when we remember Rosa Parks we also discover who we are as a society. Seeing Parks lying in state surrounded by a military honor guard we are required, as with any human practice, to make moral orientations no matter how nefarious those orientations may turn out to be. From a Jungian perspective it is readily evident that the American military is inundated in masculinity, which bespeaks of the sociopolitical effects of male embodiment and male privilege. Yet, here was Parks, the pacifist being honored by the mightiest military on earth. The portrait was made all the more surreal because Parks personified the nonviolence of Dr. King, and as such, to be surrounded by soldiers, portrayed a life that was antithetical to the very essence of the movement that King embodied.

In giving Parks a state funeral we decided to remember her in epic style. With the symbolic empty buses that drove along the funeral route, and public proclamations of the righteousness of democracy, we reworked the Civil Rights Movement into nostalgia, into a golden age when we all came together in the name of equality. Though we may honor King's vision of a peaceful revolution, we see the fight for equality in streams which are multiple, tangled and all too often partial. It is within this realm that we seek to tell stories about those who resisted second class citizenship and it is within this realm that post structural theorists visit the past.

Most of us are familiar with the pertinent details of Rosa Park's story. On December 1, 1955, in Montgomery, Alabama, Parks took a seat in the front of the black section of a city bus. When the bus became crowded the bus driver demanded that Parks move so a white male passenger could have her seat. Parks calmly explained that she would not give up her seat. When the police officer arrested her, Parks asked him why he treated blacks so badly, to which the officer replied that he was just obeying the law. After Parks was arrested, a group of African Americans formed the Montgomery Improvement Association, and elected Martin Luther King, Jr. as its leader. He went on to lead the yearlong "Montgomery Bus Boycott," when thousands of blacks chose to walk rather than sit in the "colored" section of city buses.

Segregation in the South was both cultural and statutory. Montgomery's segregation laws were particularly intricate. Blacks were required to pay their fare to the driver, then get off and board the bus through the back door. Often times the bus would drive off before the paid-up customer made it to the back entrance. Blacks were not allowed to sit across the aisle from whites, they could only sit in the "colored," or rear section of the bus. If the white section was full and another white customer entered, blacks were required to give up their seats and move farther to the back. These indignities were especially egregious due to the fact that two-thirds of the bus riders in Montgomery were black.

Political conservatives and liberals embraced the epic remembrance of Parks



because it sharpened the image of human rights by contrasting the dark days of the past with a brighter prognosis for the future. Black leaders ranging from Jesse Jackson to Louis Farrakhan spoke eloquently about Parks. Their stories of the progress made since 1955 rang true to even the most cynical of scholars, not because these leaders are the only ones that represent reality; rather, their sermons of America's redemption laid out contrasting images of past and present which hold us because it plays into our deeply entrenched doubts of our progress towards equality. In so doing, Parks' funeral depicted an epic portrayal of our present situation, which included conservatives self-righteously demanding that we realize there is little reason to continue the seemingly endless, albeit inconsequential work toward equality. Or said another way, why bother to fight for civil rights if we have already achieved equality.

When Rosa Parks refused to move to the back of the bus, it sparked a boycott which ignited the Civil Rights Movement. Yet Mrs. Parks was not the first African American to be arrested for violating Chapter 6, Section 11 of the Montgomery City Code. A few months earlier, Claudette Colvin, a 15-year-old pregnant African American female, was arrested for refusing to give her seat to a white passenger. But the NAACP did not consider a black 15-year-old pregnant female to be an upstanding citizen and decided not to press a lawsuit. Mary Louise Smith was another young African American woman arrested for violating the Montgomery City Code. But like Colvin, the NAACP did not believe she possessed the moral turpitude that would make for a sympathetic victim.

The actions of the NAACP suggest that the Civil Rights Movement transpired within the ideology of civility, an ethos of practical reason, civil disobedience and nonviolence, which informed perceptions of law and society. The past is the cultural and institutional foundation in which our present age is rooted. For those who embrace post structuralism, the past constructs the present and the present constructs the past. As such, Parks' passing offers hypotheses rather than conclusions. A hypothesis of Parks is also a parable of her existence, manifesting in a far-reaching

influence over human lives in the past, present and future. Accordingly, for contemporary law and society scholars, the quandary with Rosa Parks is that we cannot concede her importance without paying due diligence to both the reach and limitations of the Civil Rights Movement. Consequently, law and society scholars who seek to build a more caring and just world must not end their inquiries by ascertaining the reasons why Rosa Parks is a true heroine in our society. They must also ascertain the symbolism of her legacy.

Three African American male passengers were also on Parks' bus that day. But they went to the back of the bus when ordered to do so. Yet they were not commended for obeying the law on that fateful day. It was in the small, silent, harmless looking Parks, that the NAACP had its perfect plaintiff, a person who could personify civil disobedience. Thus, it was inevitable, that Parks' funeral, like her arrest, centered on the socio-construction of victimhood and citizenship. When King lamented that Parks' act was a longing for human dignity, we must wonder about the helplessness of the pregnant 15-year-old. Was her cause not a plea for dignity? Are the actions of the three black men who obeyed the law, but stepped aside to allow the frail Parks to be humiliated and arrested, relevant to contemporary young black men who seek heroes in those who willingly objectify women?

One cannot separate Rosa Parks from the Civil Rights Movement anymore than the Civil Rights Movement can be separated from King's mandate on nonviolence. Notwithstanding, as much as we try to (re)construct Parks as a committed follower of King, in reality she never believed that nonviolence was the only solution. In 1962 Parks was horrified when King didn't physically defend himself when a white man repeatedly punched him in the face at a convention. Parks believed King's goal of nonviolence was commendable but unrealistic. In fact, she professed admiration for Malcolm X and Black Nationalism after he had renounced the Nation of Islam. Parks' biographer, Douglass Brinkley, claimed that during the 1960s Parks had transformed from a gentle demure Christian lady into a tough-minded feminist, who no longer believed in the gradualist

approach of integrationists. Why then do we have this persistent perception of Parks as the foremother of passive resistance?

Just like W.E.B. Dubois is epically remembered as a free thinking integrationist instead of the Pan African Nationalist who finally rejected his American citizenship, the social construction of race and citizenship vis-à-vis the Civil Rights Movement is controlled by whites' nostalgic for the golden age of the Civil Rights Movement. If Parks was a warrior like the late great Judge A. Leon Higginbotham wants us to believe, then it is totally appropriate to bury her with "full military honors." But we must not forget, the military exists to kill and dominate, goals that are antithetical to the Civil Rights Movement.

The state funeral and accompanying symbolism of Parks' passing requires not only reflection, but also demands scrutiny. We cannot pay proper tribute to Rosa Parks by simply condemning the civil rights abuses of the 1960s or merely noting that she is a heroine. Instead, we must apply a variety of challenging, and if necessary, radical perspectives that are concerned with language, discourse, and power relations in regards to human interaction. Though these disparate perspectives often share a reluctance to accept that progress, justice, truth, or rationality are anything but perceptions, they must be embraced nonetheless. Whereas our conservative counterparts will search for the hidden rationalities of Parks' funeral, and thus her life, we too must find cause in her life's work in an effort to free others from oppression.

Accordingly, we honor Parks most if we reject simply re-informing the people about the goals of the Civil Rights Movement, and instead seek to redefine the goals of the Civil Rights Movement. Perhaps in so doing we will realize that like Rosa Parks' state funeral, salutations for the Civil Rights Movement superficially appeal to some as a concept of rationality, but in reality, is disguised and represents a new way of telling a familiar story of violence and power.

REFERENCES: Michel Foucault, Beyond Structuralism and Hermeneutics (2nd ed. 1983); Mary Hull, Rosa Parks: Civil Rights Leader (1994); Thomas Johnson, The Complete Poems of Emily Dickinson (1955).

### Call for Nominations!

#### Division Elections 2006-2008

The Division is looking for volunteers to run for the positions of Chair and Vice-Chair of our Division.

The new positions will go into effect at the meeting in Montréal in 2006 and will last for two years.

**Please send your nominations  
(self-nominations are acceptable)  
by December 31<sup>st</sup> to:**

Otis Grant, Chair, Law & Society Division,  
[ogrant@iusb.edu](mailto:ogrant@iusb.edu).

### "Building Just, Diverse and Democratic Communities"

Next year's SSSP meeting will be held at the Hilton Montréal Bonaventure in Montréal, Québec, Canada, August 10-12.

(see p. 7 for Program Participation Schedule)

### NEW BOOKS...

Check out  
**Member News and Announcements**  
for exciting new books by our  
Division members!

**Call for Nominations!**  
**2006 LINDESMITH AWARD**  
**SSSP LAW & SOCIETY DIVISION**

The Alfred R. Lindesmith Award is annually given to the best paper 1) that was presented at the previous year's SSSP annual meeting, 2) that is law-related, 3) that is written by one or more untenured faculty and/or graduate student(s), and 4) has not been accepted for publication prior to presentation at the SSSP meeting.\*

If your paper or that of a friend meet these criteria, please submit via hard copy **AND** email to Kimberly Richman, Vice Chair, SSSP Law and Society Division, Department of Sociology, University of San Francisco, 2130 Fulton Street, San Francisco, CA 94117; [kdreichman@usfca.edu](mailto:kdreichman@usfca.edu); w: 415-422-5414. The winner will receive a plaque and a ticket to the SSSP awards banquet.

**The deadline for submissions is March 1, 2006.**

*\* Papers submitted for publication but not yet accepted are eligible.*

**Tell a Colleague! Tell a Friend!**

**Join the Society for the Study of Social Problems and the SSSP Law & Society Division!**

Founded in 1951, the Society for the Study of Social Problems promotes research on and serious examination of problems of social life. The SSSP works to solve these problems and to develop informed social policy. As a member, you will find peers and colleagues working together to develop and apply research which makes a difference. And you will be able to join many of the SSSP Divisions, including...*The SSSP Law & Society Division*, dedicated to the study of all aspects of law and social problems, and publishes the newsletter, *Pro Bono*!

**Visit the SSSP website for more information:** <http://www.sssp1.org/>

**2006 Program Participation Schedule**

Deadline for submission of papers/proposals to session organizers of the Program Co-Chairs no later than **January 31, 2006**

Participants must be notified by the session organizer of acceptance or referral of paper/proposal no later than **February 20, 2006**

Session/paper titles and contact information for each author must be in the Executive Office no later than **March 1, 2006**

Preliminary programs will be mailed to all current members no later than **May 15, 2006**

**Annual Meeting, Hilton Montréal Bonaventure, Montréal, Québec, Canada..... August 10-12, 2006**

## Member News and Announcements

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### New Books...

#### **CORPORATE CRIME** (2006, Transaction Publishers)

##### **Peter Cleary Yeager**

Boston University, Department of Sociology, 96-100 Cummington St., Boston, MA 02215; phone: 617.358.0635; fax: 617.353.4837; email: [peyeager@bu.edu](mailto:peyeager@bu.edu)

Yeager's 1980 book with Marshall Clinard, Corporate Crime, has been re-issued by Transaction Publishers as a 'classic' in criminology and law. The 25<sup>th</sup> anniversary of the book was marked at last month's annual meeting of the American Society of Criminology with a thematic session entitled 'Corporate Crime: The Next 25 Years.'

#### **REGULATING SEX: THE POLITICS OF INTIMACY AND IDENTITY** (2005, Routledge)

##### **Elizabeth Bernstein**

Barnard College, Columbia University, Department of Sociology, 3009 Broadway, New York, NY 10027; phone: 212.854.3039; fax: 212.854.7491; email: [ebernste@barnard.edu](mailto:ebernste@barnard.edu)

##### **Laurie Schaffner**

University of Illinois at Chicago, Criminal Justice Department, 1007 West Harrison Street, Chicago, IL 60607; phone: 312.996.8844; fax: 312.996.8355; email: [schaff@uic.edu](mailto:schaff@uic.edu)

Bernstein and Schaffner's new anthology Regulating Sex: The Politics of Intimacy and Identity, presents essays that voice daring claims drawing on cutting edge research within gender and sexuality studies, the sociology of childhood and the family, and socio-legal studies. This volume engages both well-known and upcoming scholars in key contemporary debates around culture, sexuality, and the role of the state. Contributors include Laura Agustin, Mary Bernstein, Wendy Chapkis, Paisley Currah, Kjersti Ericsson, Gert Hekma, Janet R. Jakobsen, Kerwin Kaye, Elizabeth Lapovsky Kennedy, Shannon Minter, Julia OConnell Davidson, Will Rountree, Jacqueline Sanchez Taylor, Penelope Saunders and Steven Seidman.

#### **SUNDOWN TOWNS: A HIDDEN DIMENSION OF AMERICAN RACISM** (2005, New Press)

##### **James W. Loewen**

Professor Emeritus, University of Vermont; [jloewen@zoo.uvm.edu](mailto:jloewen@zoo.uvm.edu)

Winner of the Gustavus Myers Human Rights Book Award. Loewen demonstrates that strict racial exclusion was the norm in American towns and villages from sea to shining sea for much of the twentieth century. Weaving history, personal narrative, and hard-nosed analysis, Loewen shows that the sundown town was—and is—an American institution with a powerful and disturbing history of its own, told here for the first time. In Michigan, Indiana, Ohio, Illinois, Missouri, Pennsylvania, and elsewhere, sundown towns were created in waves of violence in the early decades of the twentieth century, and maintained well into the contemporary era. Sundown Towns suggests that despite such decisions and laws as *Buchanan v. Warley* (1917), *Brown v. Bd. of Ed.* (1954), the Civil Rights Act of 1964, and the "Housing Rights Act" of 1968, many towns in the US still keep out blacks.