

# Resources for Understanding the Constitution from a DEIA Perspective

Diverse Perspectives on the Constitution



As part of TIE's plan to curate and publish quarterly resource lists, we are developing more thematically focused reading lists to join our existing library of DEIA resources. For Fall 2022, the *Toward Inclusive Excellence* editorial team is excited to share a frequently requested resource guide on the United States Constitution. Assembled by eight outstanding experts in the field, readers have first-time access to a wealth of knowledge exploring a wide range of Constitutionally centered topics from a DEIA perspective.

Many thanks to our contributors for developing this powerful and essential resource for our community.



**Mathilde Cohen**

George Williamson Crawford Professor of Law, University of Connecticut School of Law



**Dr. Barbara Little**

Program Manager, Cultural Resources Office of Interpretation and Education; Project Director, NPS Mellon Humanities Fellows Program, National Park Service. Follow the National Park Service on Twitter [@NatIParkService](https://twitter.com/NatIParkService)



**Dr. Robert C. Cottrell**

Professor Emeritus, History and American Studies, California State University, Chico



**Dr. John E. Finn**

Professor Emeritus, Government, Wesleyan University



**Dr. Morgan Marietta**

Professor, Political Science, University of Massachusetts Lowell



**Carolyn Grose**

Professor of Law, Mitchell Hamline School of Law



**Dr. David Schultz**

Distinguished University Professor, Political Science and Legal Studies, Hamline University



**SpearIt**

Professor of Law, University of Pittsburgh School of Law

## Understanding the Roots of the Constitution

1. [\*\*Allow Me To Retort: A Black Guy's Guide to the Constitution\*\*](#) (2022) by Elie Mystal
2. [\*\*The Case Against the Supreme Court\*\*](#) (2014) by Erwin Chemerinsky
3. [\*\*A Citizen's Guide to the Constitution and the Supreme Court: Constitutional Conflict in American Politics\*\*](#) (2014) by Morgan Marietta
4. [\*\*The Color of Law: A Forgotten History of How Our Government Segregated America\*\*](#) (2017) by Richard Rothstein
5. [\*\*Dark Bargain: Slavery, Profits, and the Struggle for the Constitution\*\*](#) (2005) by Lawrence Goldstone
6. [\*\*Fracturing the Founding: How the Alt-Right Corrupts the Constitution\*\*](#) (2019) by John E. Finn
7. [\*\*How to Read the Constitution and Why\*\*](#) (2019) by Kim Wehle
8. [\*\*Justice Deferred: Race and the Supreme Court\*\*](#) (2021) Orville Vernon Burton and Armand Derfner
9. [\*\*A People's History of the Supreme Court: The Men and Women Whose Cases and Decision Have Shaped Our Constitution\*\*](#) (1999) by Peter Irons
10. [\*\*Race, Racism, and American Law, 6th ed.\*\*](#) (2008) by Derrick Bell
11. [\*\*"The Savage Constitution"\*\*](#) (2014) by Gregory Ablavsky\*
12. [\*\*"Slavery, Federalism, and the Structure of the Constitution"\*\*](#) (1992) by Earl Maltz
13. [\*\*Slavery, Race and the American Revolution\*\*](#) (1974) by Duncan J. MacLeod
14. [\*\*Slavery's Capitalism: A New History of American Economic Development\*\*](#) (2016) edited by Sven Beckert and Seth Rockman
15. [\*\*"Teaching Engaged Citizenship"\*\*](#) series, written by Talia Brenner and edited by Katie McCarthy for the National Park Service
16. [\*\*The World the Slaveholders Made: Two Essays in Interpretation, 2nd revised ed.\*\*](#) (1988) by Eugene D. Genovese

## Protecting Minority Rights

1. [\*\*13th\*\*](#) (2016) film directed by Ava DuVernay
2. [\*\*"19th Amendment and Women's Access to the Vote Across America" series\*\*](#) (2019) edited by Tamara Gaskell for the National Park Service
3. [\*\*"The Antiracist Constitution"\*\*](#) (2022) by Brandon Hasbrouck
4. [\*\*The Disability Rights Movement: From Charity to Confrontation\*\*](#) (2001) by Doris Fleischer and Frieda Zames
5. [\*\*Disabled Rights: American Disability Policy and the Fight for Equality\*\*](#) (2003) by Jacqueline Vaughn
6. [\*\*Embodied Injustice: Race, Disability, and Health\*\*](#) (2022) by Mary Crossley
7. [\*\*From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality\*\*](#) (2004) by Michael J. Klarman
8. [\*\*"Gender as a Core Value in Teaching Constitutional Law"\*\*](#) (2011) by Cheryl Hanna\*
9. [\*\*Integrating Doctrine and Diversity: Inclusion and Equity in the Law School Classroom\*\*](#) (2021) edited by Nicole P. Dyszlewski, Raquel J. Gabriel, Suzanne Harrington-Steppen, Anna Russell, Genevieve B. Tung
10. [\*\*"Minority Rights and the Electoral College: What Minority, Whose Rights?"\*\*](#) (2021) by David Schultz
11. [\*\*The New Jim Crow: Mass Incarceration in the Age of Colorblindness, 10th anniversary ed.\*\*](#) (2020) by Michelle Alexander. Also featured on TIE's [\*\*voting rights resource list\*\*](#)
12. [\*\*Promises to Keep: African Americans and the Constitutional Order, 1776 to the Present, 2nd ed.\*\*](#) (2020) by Donald Nieman
13. [\*\*Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities\*\*](#) (2003) by David M. Engel and Frank M. Munger
14. [\*\*The Second: Race and Guns in a Fatally Unequal America\*\*](#) (2021) by Carol Anderson. Read Choice's [\*\*featured review of The Second\*\*](#)



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15. ***Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*** (2008) by Douglas A. Blackmon
16. ***"The Survival of Racism Under the Constitution"*** (1992) by Juan Williams
17. ***This Land*** (2019-) podcast hosted by Rebecca Nagle. Exploring "how a string of custody battles over Native children became a federal lawsuit that threatens everything from tribal sovereignty to civil rights."
18. ***"Transgender Tropes & Constitutional Review"*** (2019) by Jennifer L. Levi and Kevin M. Barry
19. ***Where Is Your Body?: And Other Essays on Race, Gender, and the Law*** (1997) by Mari J. Matsuda
20. ***Words That Wound: Critical Race Theory, Assaultive Speech, And The First Amendment*** (1993) by Mari J Matsuda, Charles R. Lawrence III, Richard Delgado, and Kimberlé Williams Crenshaw
7. ***"Enslaved by Words: Legalities & Limitations of 'Post-Racial' Language"*** (2011) by Spearlt\*
8. ***How Rights Went Wrong: Why Our Obsession with Rights Is Tearing America Apart*** (2021) by Jamal Greene
9. ***"Originalism's Race Problem"*** (2011) by Jamal Greene
10. ***"Profiling Originalism"*** (2011) by Jamal Greene, Stephen Ansolabehere, and Nathaniel Persily
11. ***"Race, Federalism, and Voting Rights"*** (2015) by Guy-Uriel E. Charles and Luis E. Fuentes-Rohwer\*
12. ***"Reconstituting the Future: An Equality Amendment"*** (2019) by Catharine A. MacKinnon and Kimberlé W. Crenshaw
13. ***"Reimagining the Death Penalty: Targeting Christians, Conservatives"*** (2020) by Spearlt\*
14. ***SCOTUS 2021: Major Decisions and Developments of the US Supreme Court*** (2022) edited by Morgan Marietta
15. ***SCOTUS 2022: Major Decisions and Developments of the US Supreme Court*** (forthcoming in 2023) edited by Morgan Marietta
16. ***"Thirteenth Amendment Optimism"*** (2012) by Jamal Greene
17. ***"The U.S. Constitution: Reimagining 'We the People' as an Inclusive Construct"*** (2021) by Joan RM Bullock, Constance Fain, L. Darnell Weeden, and Spearlt. Transcript of a panel discussing policing practices in the US
18. ***"What's Love Got To Do With It? Interest-Convergence as a Lens to View State Ratification of Post Emancipation Slave Marriages"*** (2014) by Danne Johnson\*
19. ***"The White Supremacist Constitution"*** (2022) by Ruth Colker

## Nuanced Legal Specifics for More Advanced Explorations

1. ***"Amending a Racist Constitution"*** (2021) by William J. Aceves
2. ***"The Anticanon"*** (2011) by Jamal Greene
3. ***"Constitutional Law — Do Black Lives Matter to the Constitution?"*** (2018) by Bruce K. Miller
4. ***"An Equal Rights Amendment for the Twenty-First Century: Bringing Global Constitutionalism Home"*** (2017) by Julie C. Suk
5. ***Constitutional Literacy: A Core Curriculum for a Multicultural Nation*** (1993) by Toni Marie Massaro
6. ***Critical Race Judgments: Rewritten U.S. Court Opinions on Race and the Law*** (2022) edited by Bennett Capers, Devon W. Carbado, R. A. Lenhardt, and Angela Onwuachi-Willig

According to ***The New York Times***, there is increased interest in materials about race and racism. At the request from many TIE readers, we will provide you a quarterly curated list of DEIA resources. Many thanks to our contributors for curating this outstanding list.

Interested in contributing to TIE? Send an email to Deb V. at Choice [dvillavicencio@ala-choice.org](mailto:dvillavicencio@ala-choice.org) with your topic idea.

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Directed by Alexia Hudson-Ward, Associate Director of Research and Learning at MIT Libraries, **Toward Inclusive Excellence** (TIE) is a blog that explores issues of equity, diversity, and inclusion, particularly, though not only, as they affect the academic library community. TIE is brought to you by Choice, a publishing division of the Association of College and Research Libraries (ACRL).

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