

ARTICLE CONTENTS

INTRODUCTION	258
I. THE MAKING OF A LEGAL LIBERAL INTERPRETATION	269
II. SETTING THE STAGE: LOCHNER, THE POLICE POWER, AND RACE UPLI	FT 272
A. Civil Rights Lawyers and the Lochner Tradition	273
B. Civil Rights Lawyers and the Police Power	276
C. The Voluntarist Alternative	277
D. Conclusion: The Emergence of Race Uplift	280
III. CIVIL RIGHTS LAWYERING IN THE ERA OF MIGRATION:	
VOLUNTARISM, LEGALISM, AND RACE UPLIFT	281
A. Voluntarism, Anti-Legalism, and Equal Citizenship	281
B. Legalism, Pluralism, and Equal Citizenship	287
C. Citizenship Claims and Public Opinion	297
D. Conclusion	290
IV. SOCIAL ENGINEERING IN PRACTICE:	
AN ALTERNATIVE HISTORY OF THE DEPRESSION ERA	290
A. Three New Frames for the Private Labor Market:	
Antidiscrimination, Marxist Politics, and the New Voluntarism	302
B. The Influence of Progressive-Realist Jurisprudence	308
C. Civil Rights in the Private Labor Market: The Emergence of Labor La	w 318
D. Civil Rights in the Private Labor Market:	
The Emergence of Antidiscrimination Practice	331
E. Conclusion	342
V. THE REVOLUTIONS OF 1938: LEGAL LIBERALISM AND ITS ALTERNATION	VES 343
CONCLUSION	351



THE YALE LAW JOURNAL

NOVEMBER 2005 VOLUME 115, NUMBER 2

ARTICLES

- 256 Rethinking Civil Rights Lawyering and Politics in the Era Before *Brown Kenneth W. Mack*
- Jurisdictional Competition for Trust Funds: An Empirical Analysis of Perpetuities and Taxes Robert H. Sitkoff and Max M. Schanzenbach

NOTE

Bailing Out Congress: An Assessment and Defense of the Air Transportation Safety and System Stabilization Act of 2001 Jonathan Lewinsohn

COMMENT

491 The Secret Ambition of Racial Profiling