

*Promises to Keep; African-Americans and the Constitutional Order, 1776 to the Present.* By Donald G. Nieman. *Organization of American Historians Bicentennial Essays on the Bill of Rights.* (New York and Oxford: Oxford University Press, 1991. Pp. xvi, 275. Paper, \$9.95; cloth, \$29.95.)

Not just an admirably clear, beautifully written, and extremely well informed summary of a generation of productive scholarship, *Promises to Keep* is also the first comprehensive statement of a new view of the history of race relations law in America. Compared to the post-civil rights movement feeling of deep malaise, Donald G. Nieman's interpretation is more attentive to the efforts of African Americans to assert their rights, more sympathetic to their white liberal allies, and more impressed with the plasticity and changeability of the law. Short but detailed, assuming no initial knowledge but containing at least some facts that will be new to all but the most advanced specialists, simultaneously printed in hard and soft covers, this first published volume in the Organization of American Historians' series of bicentennial essays on the Bill of Rights should be widely adopted for classes and read by anyone interested in black or legal history.

Focusing on U. S. Supreme Court decisions and congressional consideration of laws and constitutional amendments, as most of the scholarship has, Nieman's account stretches from the Declaration of Independence, with its false and quickly betrayed seeming promise of freedom for all, to the 1990 congressional attempt to overturn the Reagan Court's backtracking on equal employment opportunity. It is succinctly authoritative not only on such familiar decisions as *Dred Scott*, *Plessy v. Ferguson*, and *Brown v. Board of Education* but also on such abstruse or obscure questions as the original intent of the Fourteenth Amendment, the economic consequences of the post-Civil War black codes, and the

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successful 1982 effort to overturn the Bolden voting rights decision.

What distinguishes Nieman's approach (which he shares with others, including this reviewer) most is the degree to which he casts blacks and white racial liberals as activists, attempting to use the law and the Constitution to overcome racial discrimination not just during the First and Second Reconstructions but during almost every era in American history. Without underestimating the extent of oppression, Nieman paints blacks not just as victims and the law as not just a means of social control by a "hegemonic" ideology, class, or caste. The law of race relations in America has been and will continue to be a propitious but perilous battlefield for friends of equal rights.

But if continuous, undiluted white racism and stark discontinuities in the struggle against it do not explain the disadvantages from which blacks have suffered, as the more pessimistic account holds, what does explain those disadvantages? The largest question raised by the research that Nieman draws upon and embodies is: What accounts for variations in the shape of race relations law from place to place and time to time? That is the prime topic for research after this fine book.

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