HARVARD

BLACKLETTER

LAW JOURNAL

Volume 18 Spring 2002

Copyright © 2002 by the President and Fellows of Harvard College U.S. ISSN 0897-2761

TABLE OF CONTENTS

- 1 Critical Race Theory: New Strategies for Civil Rights in the New Millennium?

 Bernie D. Jones
- 91 The Rhetoric of Resistance: Islamism, Modernity, and Globalization *Aliya Haider*
- 129 The Reality of Political Prisoners in the United States: What September 11 Taught Us About Defending Them J. Soffiyah Elijah
- 139 Dialogic Fidelity: The Fourteenth Amendment, Historical Meaning, and Appropriate Scrutiny for Sex Discrimination Ben Glassman
- 185 "Sounding Black" in the Courtroom: Court-Sanctioned Racial Stereotyping Lis Wiehl
- 211 A Discovery of Sorts: Reexamining the Origins of the Federal Indian Housing Obligation *Virginia Davis*

HARVARD

BLACKLETTER

LAW JOURNAL

Co-Editors in Chief JILL ZIMMERMAN TREVOR GARDNER II

Managing Editors Cytheria Jernigan Sidney Robbins Jillian Tattersall Submissions Editors Adiah Ferron Joseph Thomas

Aneelah Afzali Afia Asamoah Aaron Bloom Executive Editors

Dominick Cromartie

Amber Holley

Nubiaa Shabaka

Samuel Spital Kristy Tillman Julia Tomassetti

Submissions Committee
AARON BLOOM
ALIYAH HAIDER
SAMUEL SPITAL

Jamila Alexander Jackie Brown Tinika Brown Katrina Burton Courtney Dunbar Ricardo Exantus Staff
EARNEST GREGORY
ASHLEY HIBBETT
AARON LAMB
MARIAN LEE
REX LEE

Harmony Loube Shannon Manigault Anthony Phillips Jabrina Robinson Lynn Wood Geoffrey Wyatt

Faculty Advisory Board
R. Richard Banks, Stanford Law School
Devon W. Carbado, UCLA School of Law
Martha Minow, Harvard Law School
Reva Siegel, Yale Law School
J. Clay Smith, Jr., Howard University School of Law
Kenji Yoshino, Yale Law School

Special thanks to Harmony Loube, Anthony Phillips, Aaron Frankel, Chris Markowski, Rob Dobson, and James McKellar

Harvard BlackLetter Law Journal

Publications Center
Harvard Law School
1541 Massachusetts Avenue
Cambridge, MA 02138
(617) 495-7984
hlsblj@law.harvard.edu
www.law.harvard.edu/studorgs/blj

The *Harvard BlackLetter Law Journal* is published annually by Harvard Law School students.

Editorial Policy: The Harvard BlackLetter Law Journal is committed to publishing manuscripts that critique traditional constitutionalism and promote civil rights. Specifically, the Journal focuses on legal issues of particular importance to African Americans and other status minorities. The Journal has adopted an interdisciplinary approach to the law and includes articles and essays addressing social and economic issues that affect the exercise of legal rights and privileges. We invite and respect provocative discussion spanning the entire ideological and political spectrum.

Submissions: The Journal welcomes the submission of manuscripts prepared by law school or other faculty, students, and practitioners. Manuscripts should be submitted in duplicate, typed, double-spaced, and with a diskette if possible. Footnotes should comply with *A Uniform System of Citation* (17th ed. 2000). Unpublished manuscripts will be returned only if accompanied by a self-addressed postage-paid envelope. All manuscript correspondence should be addressed to the Articles Editor at the address above. The Journal does not accept submissions via e-mail.

Subscriptions: Subscription rates for the 2002 volume (Volume 18) are \$14.00 domestic; \$17.00 foreign surface mail (\$18.00 to Canada); \$23.00 foreign airmail. All correspondence concerning subscriptions should be addressed to: Subscriptions Manager, Publications Center, Harvard Law School, 1541 Massachusetts Avenue, Cambridge, MA 02138, (617) 495-3694. E-mail: ssulliva@law.harvard.edu. Unless otherwise requested by the subscriber, the *Journal* is mailed at bulk rate. For some overseas subscribers, delivery via air mail may be more reliable than standard surface rate service. Claims for missing issues of Volume 18 will be honored only until January 2003.

Back Issues: Past volumes are available exclusively from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY, 14209, 1-800-828-7571, wsheinco@class.org. Contact William S. Hein & Co. for information on prices for bound volumes.

Permission to Copy: The articles in this issue may be reproduced and distributed, in whole or in part, by nonprofit institutions for educational purposes including distribution to students, provided that the copies are distributed at or below cost and identify the author, the Harvard BlackLetter Law Journal, the volume, the number of the first page, and the year of the article's publication.

Acknowledgments: Thanks to all the staff at the Publications Center.