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Contact: Danielle Gensburg
E-mail: dgensburg@abfn.org
Phone: 312.988.6546
Fax: 312.988.6579
Online: americanbarfoundation.org
Facebook: [American Bar Foundation](https://www.facebook.com/AmericanBarFoundation)
Twitter: [@ABFResearch](https://twitter.com/ABFResearch)

New book examines legal history of 1960 lunch counter sit-in movement

Author Christopher Schmidt illuminates legal issues at the heart of nonviolent ‘sit-in’ protests during civil rights era

CHICAGO, April 3, 2018 — In his new book, [“The Sit-Ins: Protest and Legal Change in the Civil Rights Era,”](#) author and legal scholar [Christopher Schmidt](#) offers a history of the lunch counter sit-in movement of 1960. He tells the story of the African-American college students who initiated a wave of nonviolent sit-in protests at “whites-only” lunch counters across the segregated south in the spring and winter of 1960 from the unique perspective of a legal historian.

“Behind the now iconic scenes of African-American college students sitting in quiet defiance at whites-only lunch counters lies a series of underappreciated legal dilemmas — about the meaning of constitutional equality, the capacity of legal institutions to remedy different forms of injustice, and the relationship between legal reform and social change,” Schmidt writes in the introduction to “The Sit-Ins.”

Bringing to the foreground the complex legal issues that have traditionally been missed by historical accounts of the sit-in movement, this book revises our understanding of how the sit-in movement came to be and how it influenced American society and constitutional law. Beyond offering a fresh assessment of the 1960 sit-in movement, Schmidt’s historical account also provides a powerful case study of constitutional development in modern America. He illustrates how the constitutional claim that originated from the sit-in protests was interpreted among various social contexts and institutional settings. Each of the book’s six chapters is devoted to a different group that played a role in the legal history of the sit-ins: students, civil rights lawyers, outside supporters, opponents, judges and the lawmakers who crafted and passed the Civil Rights Act of 1964 — the ultimate victory of the sit-in movement.

“By giving proper attention to the distinctive organizational and institutional demands of these different groups, we can better understand the legal history of the sit-ins,” Schmidt writes. “We can better understand, for example, how student activists, civil rights lawyers and liberal Supreme Court justices could all agree on the fundamental wrongness of racial discrimination at lunch counters, but could arrive at very different conclusions as to the proper remedy for this wrong.”

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“The Sit-Ins” took almost 10 years for Schmidt, a faculty fellow at the American Bar Foundation (ABF) and professor at Chicago-Kent College of Law, to write. He became inspired to write the book when he was a third-year law student. Intrigued by cases he came across in his Constitutional Law course involving appeals of students who had been involved in lunch counter sit-in protests, he decided to write his seminar paper on the topic. As he began his research, Schmidt was surprised to learn that no one had written a book on the sit-ins. His seminar paper turned into a series of academic articles, which eventually became the basis for his book.

“One of my goals in this book is to showcase the way attention to law — including some rather thorny questions of constitutional doctrine — can illuminate our understanding of American history,” Schmidt says.

Schmidt has recently published opinion pieces in [The Washington Post](#) and [USA Today](#), focusing on what made the sit-ins so effective and the parallels between the student protesters of 1960 and today’s student-led gun-control movement.

“Chris Schmidt has written an impressive and highly accessible legal history of a critical moment in the Civil Rights movement,” said Ajay K. Mehrotra, director of the ABF. “The Sit-Ins’ is a serious contribution to scholarship and a book that will be read and appreciated by an entire new generation of young leader-activists, who are now themselves shaping legal history.”

Other leading legal scholars have also praised “The Sit-Ins.” Risa Goluboff, dean of the University of Virginia School of Law, writes that “Schmidt has written the definitive legal treatment of the sit-in movement of the 1960s.” Michael Klarman, professor at Harvard Law School, calls Schmidt “one of our most talented young legal historians” and praises the book for demonstrating “how ordinary Americans shape the development of constitutional law.” For more information about “The Sit-Ins: Protest and Legal Change in the Civil Rights Era,” published by the [University of Chicago Press](#), visit the book’s website: thesitins.com.

About the Author

Christopher W. Schmidt is a Faculty Fellow at the American Bar Foundation; professor and Associate Dean for Faculty Development, and co-director of the Institute of the Supreme Court of the United States at Chicago-Kent College of Law. He received his B.A. from Dartmouth College, an M.A. and Ph.D. from Harvard University and a J.D. from Harvard Law School. He has published in leading law reviews and academic journals on a range of topics, including the historical development of the Fourteenth Amendment, the history of Brown v. Board of Education, the Tea Party as a constitutional movement, how Supreme Court Justices communicate with the American people, and the rise of free agency in Major League Baseball.

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