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Thucydides' Law of History, or from Kerner, 1968 to Hacker, 1992

Charles Sumner Stone
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CHARLES SUMNER STONE, JR.*

The doleful prediction of the 1968 National Advisory Commission on Civil Disorders (The Kerner Commission)—"Our nation is moving toward two societies, one black, one white—separate and unequal"1—which followed the 1967 racial disorders that scorched America's urban landscape appears to have been documented prophetically twenty-four years later by an impressive array of sociological data in Andrew Hacker's textbook Two Nations: Black and White, Separate, Hostile, Unequal.2 Both the Kerner Commission3 and Hacker, whose statistical data and sociological analysis updated Gunnar Myrdal's epochal An American Dilemma,4 reached a surprising agreement on the genesis of America's racially dichotomous society:

Kerner Commission: What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.5

Hacker: So in allocating responsibility, the response should be clear. It is white America that has made being black so disconsolate an estate. Legal slavery may be in the past, but segregation and subordination have been allowed to persist.6

During the Kerner Commission's hearings on the causes of the 1967 riots, one of the first witnesses was distinguished psychologist Kenneth

* Walter Smith Spearman Professor of Journalism and Mass Communication, University of North Carolina at Chapel Hill. B.A. 1948, Wesleyan University; M.A. 1951, University of Chicago.

1. REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS 1 (Bantam Books 1968) [hereinafter KERNER COMM'N REPORT]. This Commission was created by Executive Order No. 11365, which was issued by President Lyndon B. Johnson on July 29, 1967. Id. at 534 app. A.


3. The Report of the National Advisory Commission on Civil Disorders eventually became known as the "Kerner Commission Report" after its chairman, the then-governor of Illinois, Otto Kerner.

4. GUNNAR MYRDAL, AN AMERICAN DILEMMA (1944).

5. KERNER COMM'N REPORT, supra note 1, at 2.

6. HACKER, supra note 2, at 218.
B. Clark, who bemoaned the Thucydidean nature of prior riot reports that seemed repetitious, primarily because the historical events on which those reports were based had recurred periodically:

I read that report . . . of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of '35, the report of the investigating committee on the Harlem riot of '43, the report of the McCone Commission on the Watts riot. I must again in candor say to you members of this Commission—it is a kind of Alice in Wonderland—with the same moving picture reshown over and over again, the same analysis, the same recommendations and the same inaction.

Against this historical backdrop of recurring violent racial clashes, two indices of black-white progress can be measured: (1) improvement of the media's ability to report a fair and balanced story of minority communities; and (2) the extent to which the media's authoritative reporting about democracy has carried over into the media's fairer employment and promotion of minorities. In assigning a sociology of causation for the 1967 riots, the Kerner Commission singled out the media as one of the factors contributing to the racial disorders. Yet, the Commission did not cite the media as one of the root causes when it answered the three questions that President Johnson asked the Commission: "What happened? Why did it happen? What can be done to prevent it from happening again?"

Many black critics and scholars have long insisted that the media's reporting and shaping of images historically have contributed to institutionalized racism because of the press's integral influence as the fourth estate. Based on that contention, the Commission logically should

7. "I shall be content if those shall pronounce my History useful who desire to give a view of events as they did really happen, and as they are very likely, in accordance with human nature, to repeat themselves at some future time—if not exactly the same, yet very similar." THE GREAT QUOTATIONS 685 (George Seldes comp. 1966) (quoting 1 THUCYDIDES, HISTORY 22 (411 B.C.)).

8. After the Watts riots of 1965, the McCone Commission issued a report analyzing the causes of the riots. GOVERNOR'S COMM'N ON THE LOS ANGELES RIOTS, VIOLENCE IN THE CITY—AN END OR A BEGINNING? 26-80 (1965). The commission was chaired by John A. McCone, former director of the Central Intelligence Agency. 25 FACTS ON FILE 447 (1965) (footnote added).

9. KERNER COMM'N REPORT, supra note 1, at 483 (quoting Dr. Kenneth B. Clark).

10. Id. at 1, 362-67.

11. Editor's Note: The contributors to this symposium have used the terms "African American," "black," and "black American," often interchangeably, in their articles. The North Carolina Law Review has elected to defer to its contributors' choices in the absence of any universally accepted racial or ethnic designation.

12. In the Kerner Commission Report's Part II, "Why Did It Happen?" no mention was
have included the media in the first two parts of the Commission's threefold taxonomy—"What happened?" and "Why did it happen?"—because of the media's historical role as a cultural refractor and its powerful ability to influence public opinion on critical issues. Instead, the Commission relegated its analysis of the media to only the third part of the Commission's taxonomy—"What can be done?" Jannette L. Dates, a black professor of journalism at Howard University, alluded to the Kerner Commission's inconsistency in criticizing the media, while not including the press in its threefold analysis of the causes of the riots: "The report of the National Advisory Commission on Civil Disorders . . . focused on the causes of violence in America and singled out the media as one of the causes of discontent among the black populace."14

In trying to assess how the media's influence has changed between 1967 and 1993 and whether its coverage of the black community and its employment of blacks as journalists has improved, remained the same, or worsened during those twenty-five years, we must analyze five factors: (1) the state of the African-American community; (2) the state of race relations; (3) the state of the media; (4) the role of African-Americans in the media; and (5) the impact of other minorities on African-American progress.

I. THE STATE OF THE AFRICAN-AMERICAN COMMUNITY

In 1967, only five African Americans were members of Congress. The year began with six members, but on March 1, 1967, the House of Representatives excluded Harlem's Representative, Adam Clayton Powell, Jr., the flamboyant and controversial chairman of the House Education and Labor Committee, for alleged improper use of committee

made of the black press and its roles in the making of African-American history and in reporting events. In From Slavery to Freedom, however, authors John Hope Franklin and Alfred A. Moss, Jr. write: "As the Negro community came more and more to take on the attributes of an entirely separate world, the black press performed an increasingly important function." JOHN H. FRANKLIN & ALFRED A. MOSS, JR., FROM SLAVERY TO FREEDOM 378 (6th ed. 1988).

Jannette L. Dates, in Split Image, also wrote:

The black press . . . deserves special attention . . . because if it had not existed, there would have been no print medium of communications for African Americans that could instill a sense of community, a feeling of self-worth, or keep alive the often muted struggle to escape, first slavery, and then the clutches of segregation and discrimination.


In comparison, by 1993, forty African Americans, including for the first time African-American women, had become members of the House of Representatives, and the first African-American woman, Carol Moseley Braun, was elected to the Senate from Illinois.

In 1967, there were fewer than fifty African-American mayors, and no major city was governed by an African-American mayor. By 1991, African Americans had become mayors of more than 300 cities, including Atlanta, Baltimore, Cleveland, Denver, Detroit, Hartford, Kansas City, Los Angeles, New Orleans, New York, Oakland, Richmond, Seattle, and Washington, D.C. In addition, at the present time African Americans are Speakers of the House in two states: Dan Blue in North Carolina and Willie Brown in California. In the last three years, African Americans also made history as L. Douglas Wilder became the first African American governor of Virginia, and Ronald Brown, the first chairman of the Democratic National Committee, and later the first African American to be appointed as U.S. Secretary of Commerce in 1993. However, few events in black electoral politics galvanized black voter turnout more than the two presidential campaigns of the charismatic Reverend Jesse Jackson. In 1984 and 1988, Jackson made political history by running for president as a major candidate in the Democratic primaries.

Nonetheless, none of these dramatic gains translated into dramatic improvements for African Americans living below the poverty line or for African Americans involved in the criminal justice system. In 1967, 34% of all African-American families lived below the poverty line, compared to 9% of all white families. In 1990, the percentage of African-American families living below the poverty line had decreased to 29%, but was still nearly four times that of white families living below the poverty line. In 1967, the number of inmates in federal and state pris-

15. 113 CONG. REC. 4997-5039 (1967).
16. Id. at 5037-38.
17. Id. at 5038.
20. Id.
ons was estimated to be 204,691.\textsuperscript{21} No figures are available on the exact percentage of African-American inmates in that year, although one of the nation's most distinguished black criminal lawyers, Raymond Brown of Montclair, New Jersey, estimated in an interview with this writer that 15\% to 20\% of the federal and state prison inmates in 1967 were African-Americans. By 1990, the total number of federal and state prison inmates had surged to 738,894.\textsuperscript{22} Former Howard University Dean Douglas Glasgow estimates that African Americans now comprise 46\% of all federal and state prisoners.\textsuperscript{23}

A pivotal factor in the African-American prison population explosion has been the violent confrontations between young African-American males and the police. Police brutality against African Americans in major cities with large minority populations generally has been viewed as the cause of race riots in New York in 1964, Watts in 1965, Newark and Detroit in 1967, and South Central Los Angeles in 1992. Many African-Americans, however, view these confrontations as an ongoing national scandal that is symbolized by the killings of African-American motorists by white policemen during high-speed chases in Miami and Detroit, the secretly videotaped beating of a speeding motorist, Rodney King, in Los Angeles after a high-speed chase, and the subsequent acquittal of the policemen involved.

A \textit{USA Today} editorial capsuled the Rodney King beating as the reflection of a national crisis:

"Could this happen in my town?" many asked as they watched over and over the scene videotaped by a witness.

Sadly, the answer for many is yes.

There were 2,500 complaints against Chicago police last year. A probe of police brutality has been demanded in Georgia. There have been problems in Kansas City, Dallas and Miami.\textsuperscript{24}

Yet, the \textit{Kerner Commission Report} devoted only two and a half pages to "Police Conduct,"\textsuperscript{25} a euphemism for police brutality and mis-

\begin{itemize}
\item Id.
\item \textsuperscript{23} Patrick Welsh, \textit{Young, Black, Male, and Trapped}, WASH. POST, Sept. 24, 1989, at B4.
\item Former Howard University Dean Douglas Glasgow, author of \textit{The Black Underclass}, "notes that black males are 'unchallenged for last place in every important demographic statistic.' For example: Black men make up only 3.5 percent of the college population but 46 percent of the prison population; a black male has a 1-in-23 chance of being murdered before he is 25." Id. (quoting interview with Douglas Glasgow).
\item \textsuperscript{24} \textit{Crack Down Hard on Police Brutality}, USA TODAY, March 21, 1991, at 12A.
\item \textsuperscript{25} See \textit{Kerner Comm'n Report}, supra note 1, at 302-04.
\end{itemize}
conduct. In summarizing several national polls and surveys by Gallup, the New York Times, and the Senate Subcommittee on Executive Reorganization, the Kerner Commission concluded that “[t]he ‘brutality,’ referred to in this and other surveys is often not precisely defined,”26 despite the Commission’s own finding that “Negroes firmly believe that police brutality and harassment occur repeatedly in Negro neighborhoods. This belief is unquestionably one of the major reasons for intense Negro resentment against the police.”27

Not all of the pathologies of African-American life can still be blamed on white racism, however. In 1967, drugs were not a national menace to the tranquility of African-American neighborhoods. In fact, the Kerner Commission mentioned the problems of the street encountered by ghetto children almost as an afterthought; in its analysis of the “jungle”28 (its official euphemism for the “culture of poverty”), it lumped narcotics addiction with illegitimate births, single parent homes, and juvenile delinquency.29 Today, however, law enforcement agencies report that although white Americans comprise over eighty percent of all drug users, black Americans comprise forty percent of all arrests for drug use.

In addition, even if white police are viewed as what some black rap groups describe as “the gestapo,” no police misconduct has devastated black youth with such cruel efficiency as the rate at which young African-American males are murdering each other. The Kerner Commission Report’s section “Why did it happen?” devotes only four pages to “Crime and Insecurity” as part of its chapter entitled “Conditions of Life in the Racial Ghetto.”30 In 1993, however, the widespread infestation of African-American communities by black drug dealers, together with the wanton killings of innocent black bystanders by deracinated black youth in Washington, D.C., Detroit, and Philadelphia has provided a pathology to compete with white racism in the decimation of African-American families. “Experts attribute the rise [in the urban homicide rate] to an increase in drug disputes, deadlier weapons and a tendency among more young people to start careers in crime with a gun.”31

The extent of black youth responsibility for this urban carnage has

26. Id. at 302 & n.2.
27. Id. at 302 (emphasis added).
28. Id. at 262.
29. Id. at 262-63 (“Of the 59,720 addicts known to the U.S. Bureau of Narcotics at the end of 1966, just over 50 percent were Negroes.”).
30. Id. at 266-69.
31. Michael deCourcy Hinds, Number of Killings Soars In Big Cities Across U.S., N.Y. TIMES, July 18, 1990, at A1. Ironically, some of the cities with the largest increases in homicides have been major cities with African-American mayors or large African-American populations: Chicago, Detroit, Los Angeles, New York, Philadelphia, and Washington, D.C.
been revealed by a report from the U.S. Centers for Disease Control (CDC).  

Between 1984 and 1988, the murder rate for black men between the ages of fifteen and twenty-four shot up by 67%. One out of every 1,000 young black men—ten times the number of whites—is doomed to die violently each year, according to Dr. Robert Froehlke, author of the 1990 CDC report. Homicide is now the number one cause of death for black males between the ages of fifteen and twenty-four.

II. THE STATE OF RACE RELATIONS

The first defining moment for African Americans in 1967 was the exclusion from the House of Representatives on March 1 of the fiery, flamboyant, and history-making Representative Adam Clayton Powell, Jr. Powell, who was from New York City, was only the second African American to chair a congressional committee. In the early years of his ministerial career, when he was leading protest marches in Harlem, Powell was known as “Mr. Civil Rights.”

Officially, Powell was excluded for misuse of his committee funds, including paying for private trips and putting his wife on the payroll, even though she performed no official duties in his congressional district or Washington office. Privately, most of Powell’s African-American supporters in his Harlem congressional district and a few of his white colleagues charged that his exclusion was racially motivated because of his sponsorship of the first National Conference on Black Power in August, 1966. They pointed to Connecticut’s Senator Thomas V. Dodd, whose abuses of office were considered by columnists and editorial writers to be of comparable seriousness, but who was merely censured by the Senate in 1966.

When the phrase “black power” first burst on the national scene in the late spring and early summer of 1966, the social combustibility of white fears and black militancy created such a firestorm of tensions between white and black Americans that many prominent civil rights activists, elected officials, and civic leaders of both races denounced the phrase and the movement as “divisive.” Nonetheless, the phrase acquired a life force of its own. Although violent confrontations between whites and blacks had erupted in 1963 and 1964, before the “black power” move-

33. Id.
34. Id.
35. CHUCK STONE, BLACK POLITICAL POWER IN AMERICA 191 (1968).
36. Id. at 12.
ment, in Birmingham, Cambridge, Chicago, Cleveland, Jacksonville, New York City, Philadelphia, St. Augustine, and Savannah, many critics and journalists credited “black power’s” influence as the riots’ incendiary fuse.

But 1967, during which widespread racial disorders resulted in the establishment of the Kerner Commission, was a year of political and racial contradictions. Powell had been excluded in March of that year. Newark erupted with four days of racial rioting on July 11. And the second National Conference on Black Power was held in Newark two weeks later, despite public pleas from New Jersey Governor Hughes that it not be convened. On the day the black power conference ended, Detroit exploded into an orgy of violence rivaling Newark’s riots in deadly intensity, racial fury, destruction of property, and loss of lives.

Paradoxically, on June 27, 1967, three weeks before 164 riots and disorders were to engulf 128 cities, President Lyndon B. Johnson announced the appointment of the first African-American member of the Supreme Court, Thurgood Marshall, the distinguished legal warhorse of the civil rights movement. On October 2, Marshall was sworn in.

The following year, 1968, may have been one of history’s most emotionally convulsive years for African Americans. On April 4, 1968, less than one month after the Kerner Commission had issued its report, Martin Luther King, Jr. was assassinated in Memphis, Tennessee. Again, African-American youth went on rampages, burning and looting, particularly in Washington, D.C., forcing President Johnson to call out the national guard to patrol the streets and restore quiet.

Almost two months to the day after King’s assassination, on June 5, 1968, New York Senator Robert F. Kennedy was assassinated in Los Angeles while campaigning for the Democratic nomination for president. For African-Americans, there was a lonely incandescence in this stygian scenario that had deprived them of a beloved “drum major for justice” and the brother of one of African Americans’ most cherished presidential friends: In November, Shirley Chisholm of Brooklyn, New York became the first African-American woman to be elected to the House of Representatives, ending the year of the Kerner Commission Report on a moderately positive note.

The following year, 1969, also must be considered momentous for two reasons. Although it foreshadowed the beginning of the dissolution of the black-Jewish alliance that had energized the civil rights movement, it also ignited a new political torch that was to light the way to the election of the first African-American mayors of major cities.

37. KERNER COMM’N REPORT, supra note 1, at 113.
On January 31, 1969, a *Time* magazine cover, under the headline *Black vs. Jew: A Tragic Confrontation*, depicted three blacks and three whites grimly facing each other across a split black and white page.\(^3^8\) The story’s headline inside the magazine was less accusatory of African-American culpability for the inter-ethnic schism: *The Black and the Jew: A Falling Out of Allies*.\(^3^9\) The conflict revealed, however, a naturally evolving dissolution of the civil rights movement’s effectiveness and the inexorable disintegration of the movement’s interracial leadership and constituency.

*Time*’s *Black vs. Jew* cover headline also highlighted a pattern of mainstream media reporting that repeatedly has assigned most of the culpability to African Americans for tensions and conflict between the races. Ironically, twenty-three years later, *The Atlantic* would reprise the accusatory *Time* headline in its October, 1992 issue; this time, Latinos were assigned as the object of African-American hostility: *Blacks vs. Browns*.\(^4^0\)

The year 1969 ended with a small measure of black progress symbolized by the election of African Americans the following year, 1970, when two of America’s major cities, Cleveland and Gary, elected their first black mayors.

The gradual progress in race relations screeched to a sudden halt in 1970, two years after Richard M. Nixon took office, when the era of “benign neglect” toward black Americans was inaugurated. Urged by Daniel Patrick Moynihan, Assistant Secretary of Labor, as a new policy in a memo to President Nixon, “benign neglect” was based on the perception that black Americans had made such substantial educational gains that it was no longer necessary for the federal government politically to subsidize civil rights.

In the Republican administrations of Presidents Nixon, Ford, and Reagan, the “benign neglect” policy, which amounted to a political hands off policy toward civil rights, continued. Between the Ford and Reagan administrations, the Democratic administration of President Jimmy Carter briefly interrupted the policy by reviving a mild sensitivity toward civil rights.

But by 1992, civil rights had been mothballed as an important national issue for both political parties. As both the *Economist* and the *Wall Street Journal* reported in their post-November presidential election stories, neither of the 1992 presidential candidates discussed civil rights.

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39. *Id.* at 55.
during the campaign. “Instead of plain talk about race, the campaign produced an awkward silence,” wrote the lead editorial in the *Economist*. The *Wall Street Journal* echoed this sentiment: “Eerily missing from the 1992 presidential debate was any mention of civil rights.”

Although African Americans can no longer be characterized as Ralph Ellison’s “invisible man,” the black masses are still disproportionately excluded from the economic mainstream. The resurrection of Malcolm X’s charismatic militancy and the seductive influence of his philosophy on young blacks who have retreated from integration has caused radical change: An escalation of black protests on some college campuses in response to white attacks and slurs; an increasing number of applications of black students to black colleges despite continued white resistance to affirmative action; the growth of support for school choice; and an increasing number of African-American “immersion schools” in Baltimore, Chicago, Detroit, Los Angeles, Milwaukee, and Portland, Oregon that are designed specifically for young African-American males. Some educators and civil rights activists oppose “immersion schools” for young African-American males as a reinstitution of “separate but equal” and a consequent resegregation of the public school system.

Another new potentially damaging blow to inter-racial civility is the rise of open conflicts between blacks, on the one hand, and Hispanics and

43. On January 7, 1991, the NAACP Legal Defense and Educational Fund, Inc. issued a six-point position paper, “Reflections of Proposals for Separate Schools for African-American Male Pupils,” which opposed immersion schools and which was sent to members of the board of directors by Director-Counsel Julius L. Chambers. (The writer is a member of the NAACP-LDF national board of directors). Citing the “long-term effect,” the NAACP-LDF contended, inter alia, that such schools would provide a “new rationalization that could be seized by the majority community to justify racial separatism in the provision of public education, and perhaps ultimately other public goods and services,” and that the “overrepresentation” of African-American males “in special classes avoids systemic treatment of the problems.” Julius L. Chambers, NAACP Legal Defense and Educational Fund, Reflections of Proposals for Separate School for African-American Male Pupils (Jan. 7, 1991) (position paper on file with author).

In Milwaukee, where two such schools have already been created, Doris Stacy, an 18-year veteran of the school board who voted against the plan, said the segregation or isolation of any group of students is “a very dangerous idea. To institutionalize white or black schools in 1990 would be disappointing.” Millicent Lawton, Milwaukee to Create Two Schools for Black Males, EDUC. WK., Oct. 10, 1990, at 1, 2.

At the same time, immersion schools for young African-American males have equally strenuous supporters, some of whom have mixed feelings. “This experiment in Milwaukee must take place,” said Spencer H. Holland, director of the Center for Educating African-American Males at Morgan State University. Id. Jomills H. Braadock, II, Director of Johns Hopkins University Center for Research on Effective Schooling for Disadvantaged Students, said he had a “mixed reaction” to the program but saw “a number of potential benefits.” Id.
Asians, on the other. For the last fifteen years, inter-ethnic conflicts were confined to black-Jewish tensions that had begun smoldering in 1967 after a period of halcyon inter-racial togetherness during the civil rights movement in which Jews were pivotal to the movement's success. Racial disorders further aggravated black-Jewish relationships because of the larger numbers of Jewish business ownerships vis-à-vis the equally disproportionate numbers of low income and unemployed African-Americans.

In Los Angeles, which has become a kind of classic urban textbook on racial enmities, recurring racial disorders have been in the forefront of the changing relationships between African-Americans and other ethnic groups. A comparison of the two riots in Los Angeles—Watts, August 11, 1965, and South Central Los Angeles, April 29, 1992—dramatically illuminates these changes. In 1965, blacks and Latinos were political allies. There were no significant numbers of Korean-American-owned businesses in ghetto communities. When Watts erupted in 1965, the riot was reported and analyzed as a simplistic ethnic algorithm: blacks vs. whites. The media made no socio-economic distinctions among blacks in reporting on the vandalism and the arrests. Part of this journalistic myopia was caused by a lack of African-American reporters. In 1965 the Los Angeles Times did not employ a single African-American journalist and was forced to send an African-American copy boy into the violence-convulsed community to report the story.

In 1992, a jury's finding that the Los Angeles police and California highway patrolmen were not guilty of using unreasonable force against Rodney King triggered a violent outburst in South Central Los Angeles that reflected a more complicated inter-ethnic symbiosis. Lawless African Americans were joined by lawless Latinos in the human tornado that destroyed one billion dollars of insured businesses, many of them owned by Korean-Americans in an area known as Koreatown. "But state officials believe that at least 30 percent of the approximately four thousand businesses destroyed were Latino-owned."

In Los Angeles, where almost only blacks were arrested after the 1965 Watts riots, more Latinos (forty-nine percent) were arrested than African Americans after the 1992 riot. Did this unity of destruction

44. KERNER COMM'N REPORT, supra note 1, at 38.
45. NABJ Print Task Force, The L.A. Unrest and Beyond 2 (August, 1992) (manuscript on file with author).
47. Miles, supra note 40, at 52.
48. Id. at 41.
symbolize a strengthened political unity between Latinos and African-Americans? Not necessarily. Prior to the momentary Latino-African-American unity in destruction, the two groups were becoming more politically estranged. In what reporter Jack Miles called, "A New Paradigm: Blacks vs. Latinos," he summed up in one paragraph a prophetic polarization between blacks and Latinos:

> What counts for more, however, than any incipient struggle between older and newer Latino immigrants is the emerging struggle between Latinos and blacks . . . . The terms of engagement, if we take our cue from the rappers, would seem to be black versus white or black versus Asian. But the Korean population of Los Angeles County is just 150,000, a tiny fraction of the Latino population of 3.3 million. Of the 60,560 people in Koreatown itself, only 26.5 percent are Asian; more than 50 percent are Latino. Blacks are the most oppressed minority, but it matters enormously that whites are no longer a majority. And within the urban geography of Los Angeles, African-Americans seem to me to be competing more directly with Latin Americans than with any other group.  

This new escalating inter-ethnic conflict may be caused, in part, by the sharp increase in the number of immigrants, the majority of whom are coming from Latin American countries. Miles cited United States Census Bureau figures released on May 11, 1992 that reported the admission of 8.6 million immigrants during the 1980s, more than in any decade since 1900-1910. Of that number, over 750,000 indicated to immigration authorities that Los Angeles was their intended destination.

Adding to these burgeoning numbers are the unknown numbers of immigrants who enter illegally from Mexico and other Central American countries and who are willing to work at low paying jobs in order to survive. This illegal influx has only exacerbated the competition between African Americans and Latinos for a limited number of jobs.

### III. The State of the Media

In 1968, America was a nation of contradictory daily newspaper reading habits. The 1,438 evening newspapers (including sixteen "all day" newspapers) comprised 82% of the 1749 daily newspapers, but their combined circulation of 36,279,265 accounted for 58.9% of the total circulation of 61,560,952. The 327 morning newspapers, however, which comprised only 18% of the daily newspaper circulation, ac-

49. Id. at 52.
50. Id. at 41.
counted for 41% (25,848,270) of the total circulation. Newspapers were clearly as vital to America's morning reading habits as coffee was integral to the nation's breakfast.

By 1991, the nation's newspaper reading habits had changed as a result of a national shift to television network news which, in turn, had begun suffering an ironic loss of viewers to cable television. Twenty-three years after the Kerner Commission Report, there were 163 fewer daily newspapers being published. Interestingly, the number of morning newspapers had increased from 327 to 571 (a gain of 244 newspapers), while the number of evening newspapers had decreased from 1,438 to 1,042 (a loss of 396 newspapers).  

Still the total circulation had held relatively steady at 60,687,125 for a twenty-three-year loss of 1,858,269. Although many publishers have attempted to put the most optimistic face on this comparatively small decrease in readership (2%), the decline has serious implications for the nation's reading habits when compared to the increase in the United States' population from 200,706,000 in 1968 to 254,105,000 in 1992. Meanwhile, the circulation equation shifted dramatically in twenty-three years. In 1991, the 571 morning newspapers accounted for 68% of all newspaper circulation, while the 1,042 evening newspapers accounted for only 31.6% of the total circulation of 60,687,125.

America's newspaper readers had irrevocably crossed two informational rubicons, a change from evening to morning newspaper reading habits and a shift from newspaper news to television news. Newspaper executives repeatedly have cited the impact of television's evening news as a factor in the decline of afternoon newspapers. Although 1968—the year of the Kerner Commission—was a year of robust numbers of newspaper readers, it was a year of paucity of jobs for African-American journalists: "Black journalists accounted for less than one percent of the United States' working journalists" in 1968. Under the subsequent prodding of the American Society of Newspaper Editors (ASNE), which finally awakened like Rip Van Winkle to the intractable underrepresentation of African Americans in the media, editors—especially those in large metropolitan areas populated by minorities—began the slow process of implementing affirmative action. To encourage further hiring of minorities, ASNE set the year 2000 as its goal for achieving demographic parity that would represent the combined proportionate

52. Editor & Publisher International Yearbook vi (Orlando Velez ed., 1992).
percentages of minorities in the population: African-Americans (12.4%), Latinos (8.6%), Asian-Americans (2.8%), and Native Americans (.007%), for a total of 23%.

As of 1992, however, the total percentage of minority journalists—African-Americans, Latinos, Asian-Americans, and Native Americans—had increased from less than 3% in 1968 to 9.3% in 1992. The ASNE did not begin tracking minority progress in the newsrooms until 1978.

One possible reason for the media’s reluctance to increase the numbers and percentage of black reporters has been the media’s apparent twofold conviction that it did not need minority reporters to cover the minority community, and that minority reporters were not sufficiently skilled or talented to cover anything else. As a result, one of the biggest cottage industries to develop within the media was the growth of a group of almost exclusively white reporters and editors who achieved national distinction as prize-winning journalistic experts on civil rights, black people, black progress, black pathologies, black culture, black-white relations, black-Jewish relations, black injustices, and black inequalities.

If employment of minorities, particularly blacks, by the mainstream media plodded forward with tortoise-like speed, reporting about blacks came closer to the hare’s velocity. Beginning in 1966, blacks were featured almost monthly on the cover of various national magazines or in page one newspaper features. *Newsweek* was especially solicitous about the state of the black race that antedated the series of urban racial explosions. The *Newsweek* covers are a kind of historical cataloguing of the vicissitudes of the black-white symbiosis that reflected the changing times and America’s shifting interests in civil rights. On June 20, 1966 (the year before the riots in Newark and Detroit), *Newsweek*’s cover story on *The [James] Meredith March* broke new ground and featured a picture of “Martin Luther King” (sic) being interviewed. That issue was followed by more frequent *Newsweek* cover stories on the black experience than cover stories by any other mainstream publication:


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January 16, 1967 - Must Adam Leave Eden? (speculating on Representative Adam Clayton Powell, Jr.’s possible exclusion from Congress and picturing saucily grinning Powell in beach attire, leaning on a post).

Nov. 20, 1967 - The Negro in America: What Must Be Done (showing two hands, one a clenched fist, the other reaching upward).


May 5, 1969 - Universities Under the Gun (picturing armed black Cornell University students leaving a building).

Feb. 23, 1970 - The Panthers and the Law (showing three ominous-looking blacks with a poster of Bobby Seale in the background).

Aug. 3, 1970 - The Black Mayors: How Are They Doing (picturing Kenneth Gibson, the first black to be elected mayor of Newark, New Jersey).

Oct. 26, 1970 - Angela Davis: Black Revolutionary (including a picture of the brilliant scholar who had tried to smuggle guns into a courtroom to free the three “Soledad Brothers” who had killed a prison guard).

June 17, 1971 - The New Black Politics (depicting twelve black members of Congress, including Shirley Chisholm, on the Capitol steps).

March 23, 1986 - Brothers—A Vivid Portrait of Black Men in America (picturing a black man holding his daughter on his lap).

March 7, 1988 - Black and White—How Integrated is America? (showing two five-year-olds, a white boy and a black girl, supposedly hugging each other, but with only the black girl’s arm shown draped over the shoulder of the white boy).

Sept. 11, 1989 - Can the Children Be Saved? One Block’s Battle Against Drugs (showing a little black child in Philadelphia. The cover epitomized the stereotype that drugs are a black problem, but more importantly, shifted the emphasis away from civil rights to black-on-black pathologies within the black community).

During the years of Newsweek’s fecund display of black experience covers, Time, The New York Times Sunday Magazine, and The Saturday Review also occasionally featured cover stories on various aspects of the black experience (middle-class blacks, black families, black executives and corporate stress, black studies, and black self-help programs), but none as frequently as Newsweek.

During these same twenty-five years, television was adapting, but
more slowly, to an awakening moral imperative to report on the black experience. Television was able to dramatize with pictures, perhaps more effectively than newspapers were able to report, the cataclysmic changes of the civil rights movement—from sit-ins, demonstrations, and protest marches to race riots and racial attacks.

In 1993, African-American television reporters are no longer an electronic rarity. African-Americans report from Moscow, the White House, the governor's office, the mayor's office, congressional hearings, executive branch departments, theater openings, movies, jazz concerts, and as local week-end anchors. The only regular week-day African-American national network anchor person, however, is Bernard Shaw of CNN (Cable News Network). Despite these historical advances since the year of the *Kerner Commission Report*, African Americans still remain in the back of the electronic bus in terms of their numbers, including executives and producers.

IV. THE ROLES OF AFRICAN AMERICANS IN THE MEDIA

One of the first casualties of the mainstream media's tepid response to the *Kerner Commission Report* was its good intentions. Instead of adopting a vigorous equal opportunity employment program or a critical self-examination of its reporting on minorities, the media joined with journalism schools (some of the more benignly self-exculpatory resisters to equal employment and admissions) to sponsor five-year-cyclical seminars, "Kerner Plus 5," "Kerner Plus 10," "Kerner Plus 15," and "Kerner Plus 20." These seminars amounted to nothing more than industry-justifying discussions of reportorial shortcomings, instead of programmatic outlines of methods to incorporate accomplishments and of demonstrably successful strategies for the employment and reporting of minorities as described in Chapter 15 of the *Kerner Commission Report* entitled, "The News Media and the Disorders."

Here again, the *Kerner Commission Report* focused almost solely on African-Americans and their Du Boisian "double consciousness"^59^ relating.

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59. The phrase "double consciousness" was first used by W.E. Burghardt Du Bois in the epochal essay, *Of Our Spiritual Strivings*, in his book *The Souls of Black Folk*, considered a literary classic by most African-American scholars. Du Bois, in summarizing the twofold psyche of African Americans, wrote:

> After the Egyptian and Indian, the Greek and Roman, the Teuton and Mongolian, the Negro is a sort of seventh son, born with a veil, and gifted with a second-sight in this American world, a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world
tionship to the media. Seventy-two years after Du Bois's concept of "double consciousness" had capsuled the African-American's historical ethos, a group of African-American journalists applied the double consciousness vision to their profession. On December 12, 1975, seven years after the Kerner Commission had issued its report, forty-three African-American newspaper, magazine, and electronic journalists met in Washington, D.C., and formed the National Association of Black Journalists (NABJ). Founding members included Mal Goode, the first African American to be hired as a reporter by a television network; the late Max Robinson, the first African American to be hired as a news anchor by a network; Paul Delaney, former deputy national editor of the New York Times and now the chairman of the Journalism Department in the University of Alabama's College of Communication; and this writer who was then a senior editor at the Philadelphia Daily News. This writer was elected as NABJ's first president. With the exception of five journalists from the black media (radio and magazines), the remaining thirty-eight founding members were employed by mainstream newspapers and television and radio stations.

Today, nine NABJ presidents later, including its first woman president, Sidmel Estes-Sumpter, elected two years ago, the NABJ has over 3000 members, a Washington office, ten regional directors, and an operating budget of over one million dollars. Of NABJ's twelve objectives, the first was to "strengthen ties between blacks in the black media and blacks in the white media." Other objectives were to sensitize the white media to the institutional racism in their coverage and employment practices; expand the white media's coverage and balanced reporting in the black community; critique through a national newsletter examples of the media's reportorial deficiencies as they affect blacks; encourage journalism schools to appoint black professors through the work of a liaison committee; work with high schools to identify potential journalists; act as a clearinghouse for jobs; and work to upgrade black journalists in managerial and supervisory jobs.

that looks on in amused contempt and pity. One ever feels his two-ness, an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.


60. In this era of moral certitude of ethnic and gender diversity that occasionally is misrepresented as a philosophical perversion called "political correctness," it should be noted that all six of NABJ's officers in 1993 are women.


62. Id.
It is instructive to compare NABJ's 1975 goals with the 1968 recommendations of the Kerner Commission as listed in the report's section, “Negroes in Journalism.” Declaring that “the journalism profession has been shockingly backward in seeking out, training and promoting Negroes,” the Kerner Commission urged:

The recruitment of Negro reporters must extend beyond established journalists, or those who have already formed ambitions along those lines. It must become a commitment to seek out young Negro men and women, inspire them to become—and then train them as—journalists. Training programs should be started at high schools and intensified at colleges. Summer vacation and part-time editorial jobs, coupled with offers of permanent employment, can awaken career plans.63

As did NABJ, the Kerner Commission Report also recognized the equally critical problem of a more balanced, diversified, and accurate portrayal of African Americans in the media if white Americans were to be educated to a more informed appreciation of Negroes as normative American citizens. In the section, “The Negro in the Media,” the Kerner Commission Report recommended:

[T]he news media must publish newspapers and produce programs that recognize the existence and activities of the Negro, both as a Negro and as part of the community. It would be a contribution of inestimable importance to race relations in the United States simply to treat ordinary news about Negroes as news of other groups is now treated.64

African Americans, however, rarely enjoy the luxury of “ordinary news.” As the Kerner Commission documented, African Americans constantly encounter different and disproportionately malevolent treatment at the hands of an institutionalized white racist system than do whites. It is in the criminal justice system, especially in the hands of the police, that African Americans suffer their most consistent mistreatments.

Yet, the Kerner Commission Report seemed to doubt the authenticity or accuracy of reports by African Americans that a double standard is operative in the media and in the criminal justice system. Even worse, the Commission seemed unable to make up its mind on just how fair or evenhanded the media had been in its reporting. Each of its three conclusions about the media seemed to contradict the others:

First, despite instances of sensationalism, inaccuracies and

63. KERNER COMM’N REPORT, supra note 1, at 384-85.
64. Id. at 385.
distortions, newspapers, radio and television, on the whole, made a real effort to give a balanced, factual account of the 1967 disorders.

Second, despite this effort, the portrayal of the violence that occurred last summer failed to reflect accurately its scale and character. The overall effect was, we believe, an exaggeration of both mood and event.

Third, and ultimately most important, we believe that the media have thus far failed to report adequately on the causes and consequence of civil disorders and the underlying problems of race relations.65

Later in its report, however, the Commission conceded that its major concern was not with the news media’s reporting about the riots, “but in the failure to report adequately on race relations and ghetto problems and to bring more Negroes into journalism.”66 The media leadership infrastructure of African-American journalists, civil rights activists, social critics, book authors, entertainers, free lance writers, and members of professional organizations contend that this failure is a direct result of the “white racism” to which the Commission alluded in the early part of its report.67

Trying to counteract what African-American professionals perceive as a white male-dominated industry with an abulic posture toward racial equality, African Americans have accelerated their efforts in urging the media to hire and promote more African Americans and to be more sensitive to the media’s negative racial stereotypes that reinforce racial polarization and which, in turn, provide a fertile pasture for racial hostilities. This two-tier concern is a logical concomitant of Du Bois’s “double consciousness” which, ninety years later, still determines the operational methods used by African Americans to protest and accommodate the psychic duality of their existence.

65. Id. at 362-63. In 1968, most African-American journalists would have challenged the accuracy of the Commission’s claim. As further evidence of the dogged persistence of such skepticism, an NABJ Task Force issued its own report in August, 1992, on the 1992 L.A. riots and cited “notable failures—stories that were either missed, ignored, underreported or misjudged. Examples include the sparse reporting of Hispanic involvement in the unrest, broad generalizations about the looters and the overemphasis on black-Korean tensions.” NABJ Print Task Force, supra note 45, at 2.

66. KERNER COMM’N REPORT, supra note 1, at 385.

67. Often overlooked and frequently omitted from most major papers on the Kerner Commission is one sentence that glowed like a raging forest fire and seared the conscience of many African Americans. In one of the rarest instances in history of a federal document indicting “white racism” as a principal cause of African-American subjugation, the Commission concluded: “White racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II.” Id. at 10 (emphasis added).
Consistent with this two-tier concern is a conceptual dichotomy for the media jointly authored by Clint C. Wilson, II, Associate Dean of the Howard University School of Communications, and Felix Gutierrez, former associate professor at the University of Southern California School of Journalism and currently Vice-President of the Freedom Forum. In their book, *Minorities and Media*, Wilson and Gutierrez conceptually divide the media into two categories—nontertainment media (newspapers and news magazines) and entertainment media (movies and television).\(^6\) A case can be made, however, for television’s inclusion in the nontertainment category. Based on television’s ubiquitous ability to influence and sometimes even to control the flow of news events, especially elections and the times that important press conferences are called in order to accommodate the six or eleven o’clock news, this medium could also be included in the nontertainment media. First Amendment issues such as censorship (prior restraint), free press-fair trial conflicts, access to courtrooms, and trial dispositions affect television as critically as they do newspapers.

Moreover, one of the areas where damaging stereotypes have been employed with pervasive negative impact by both newspapers and television is advertising. In their anthropological assessment of the media’s stereotypical imaging of African Americans in news stories and advertisements, Jannette L. Dates, Associate Dean at the Howard University School of Communications, and William Barlow, associate professor of radio, television, and film at Howard University, have summarized authoritatively the harm inflicted by the media on African-American self-esteem and white American respect for African Americans. In the article entitled *Split Images and Double Binds*, the authors write:

> White domination of the mass media, with its pervasive control over the portrayal and participation of African-Americans in those media, has disclosed major cultural contradictions . . . . The black images mass-produced by them . . . have been filtered through the racial misconceptions and fantasies of the dominant white culture, which has tended to deny the existence of a rich and resilient black culture of equal worth.\(^6\)

Alluding to a “schizoid racial representation in the American mass media,” Dates and Barlow go on to note:

> [M]ore often than not, the images of African-Americans favored by the mainstream media were based on long-standing


black stereotypes. These one-dimensional caricatures not only gave white Americans a false impression of black life, art and culture, but they also helped to mold white public opinion patterns, and set the agenda for public discourse on the race issue, thus broadening the cultural gap between black and white America. On the other side of the racial divide, the stereotyped imagery provoked a defiant response from many black image makers, who consciously sought to undermine the prevailing black representations by parodying or negating those stereotypes.70

Is this social phenomenon now confined to the pages of African-American history71 or has significant progress been made in the nonentertainment (newspapers, magazines, and television news) and entertainment media (movies and non-news television) to render obsolete the dialogic concern over harmful African-American stereotypes? The question can best be answered by examining the extent to which African Americans have been able to exert control over the merchandising of African-American images. Dates and Barlow find “significant inroads” made by some African-American entrepreneurs and decision makers, such as Oprah Winfrey and Spike Lee, as television and movie producers.72

These authors outline two trends, however, that may retard and even reverse progress in enhancing the media’s image of African Americans: First, the failure of minority ownership of media outlets in minority communities to keep pace with changing demographic parity; and second, “the new revisionist black representations in the mass media [that upgrade the black stereotype to] a new ‘Noble Negro’ stereotype living in an upper middle-class utopia” and whose family has finally become—to use a well-known black expression—“just like white people,” as exemplified by the crossover popularity of television’s The Cosby Show.73 Some critics, however, still consider Bill Cosby’s situation comedy as a more sophisticated, updated, and acceptable version of Amos ’n

70. Id. at 455-56.
71. Two scholarly books which examine the history of cinematic and racial stereotypes, from diametric positions that may be influenced by the two authors’ ethnicities are: DONALD BOGLE, TOMS, COONS, MULATTOES, MAMMIES & BUCKS: AN INTERPRETIVE HISTORY OF BLACKS IN AMERICAN FILMS (1973) (Bogle, an African-American, authoritatively analyzes the harmful effects of negative stereotypes that were created and nurtured by Hollywood) & NEAL GABLER, AN EMPIRE OF THEIR OWN: HOW THE JEWS INVENTED HOLLYWOOD (1989) (Gabler, a Jewish American, examines how Jews became the most powerful ethnic force in conceptualizing and bringing to maturity the movie industry as a fantasized depiction of the American way of life).
72. Dates & Barlow, supra note 69, at 457.
73. Id.
Andy because both cater to unrealistic image extremes at opposite ends of the entertainment spectrum and both, paradoxically, are embraced by white conservatives who may not necessarily be enthusiastic proponents of affirmative action.\(^7\) What Henry Louis Gates, Jr., who is one of the nation's defining voices of the African-American experience, calls a "minuscule integration of blacks into the upper middle class" sows the seeds of its own rejection because "the social vision of Cosby... reassuringly throws the blame for black poverty back onto the impoverished."\(^7\)

To what extent does the issue of cinematic racial stereotypes interact with the issue of the news media's employment of African Americans and the news media's reporting of the African-American community? Are racial stereotypes, and by definition, racism and racial exclusion, still as serious a problem in the newspaper industry as the Kerner Commission described in its report? A December 12, 1992 story in *Editor & Publisher* headlined, *Tempers Flare: Minority Journalists Tell National Newspaper Association Officials that More Has to be Done in Diversifying Newsrooms*, described an acerbic confrontation during a four-hour meeting between the nearly all-white group of newspaper publishers and representatives of black, Latino, Asian, and gay journalists. According to the *Editor & Publisher* story, all of the minority representatives expressed dissatisfaction with the status of minority groups in newspapers and with the Newspaper Association of America's handling of it.

Sidmel Estes-Sumpter, president of the National Association of Black Journalists and a producer at WAGA-TV in Atlanta, saw no improvement over the past year.

"You just don't get it," she said in a 10-minute tongue-lashing of NAA's diversity committee, whose lack of progress left her "angry and very frustrated."

At the close of an afternoon of "talking heads," she called the meeting mostly a wasted effort because she saw little progress in "real solutions."\(^7\)

Estes-Sumpter singled out the warnings of the *Kerner Commission Report* that the media should begin to reflect the views of minorities if a

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greater racial amity is to be achieved. In response, a few of the executives readily conceded their industry's vulnerability on the charges of racism. "If you don't think there's racism in newspapers today, you're kidding yourself," declared Seattle Times publisher and CEO Frank Blethen.77 Wanda Lloyd, a USA Today executive and vice-chairwoman of the National Association of Minority Media Executives, concurred by citing "racism and hostility" at many newspapers. "It may be surprising, but I hear about it all the time," she said.78

The ubiquitous "it" (racial hostility) is now being fueled by a double white backlash against the accelerated employment of minorities. "White males consider themselves a threatened group by what we're talking about," declared the Times Mirror Company's president David Laventhol to the meeting of the newspaper CEOs.79 A backlash among white women against the industry's efforts to hire and promote minorities is also increasing, the Quincy, Massachusetts Patriot Ledger editor Bill Ketter told the meeting.80

Despite these twin constraints of the white male and white female backlashes, the persistence of racial stereotypes as a hostile impact on public dialogues is one with which newspapers must still cope. Gregory Favre, executive editor of the Sacramento Bee, told the groups that newspapers should "audit" their content to ascertain whether they may be inadvertently perpetuating racial and minority stereotypes. By his paper's policy of "exclusion," he realized that the Bee was contributing to the nurturing of "negative" perceptions about minority groups.81

V. THE IMPACT OF OTHER MINORITIES ON AFRICAN-AMERICAN PROGRESS

Alphonse Karr's historical fatalism, "Plus ca change, plus c'est la meme chose" ("The more things change, the more they remain the same"),82 has a special resonance for the history of African Americans. Not only does history continue to repeat itself in America's recurringly heartless treatment of African Americans, but almost identical negative

77. Id. at 14.
78. Id. at 38.
79. Id.
80. Id.
81. Id.
82. JOHN BARTLETT, FAMILIAR QUOTATIONS: A COLLECTION OF PASSAGES, PHRASES AND PROVERBS TRACED TO THEIR SOURCES IN ANCIENT AND MODERN LITERATURE 514 (Emily Morrison Beck ed., 15th ed. 1980) (quoting ALPHONSE KARR, LES GUEPES, Janvier (1849)).
images repeatedly are resurrected by the media to help the white majority culture enforce the second-class status of African Americans.

But things do change, as often for the better as for the worse. Certainly, no one would deny that significant progress has been made by African Americans in the media since the publication of the *Kerner Commission Report* twenty-five years ago. The nagging question, however, is how much of this progress is cumulatively irreversible? During the aggressively "benign neglect" years of the Reagan and Bush administrations, white racism was given presidential byes and African Americans lost many of the economic and educational gains they had made during the civil rights movement.

Numbers can be seductive. An eightfold increase of minorities in the media in the last twenty-five years may seem, at first blush, impressive. But measured against the disparity between the percentage of minorities in the newsroom and minorities in the national population, that eightfold increase is no cause for celebration. On the other hand, African Americans can see their images every day from early morning (the Today Show's Bryant Gumbel) to mid-day (Oprah Winfrey) to late night (Arsenio Hall and bandleader Bradford Marsalis on Jay Leno's Tonight Show). In between, lugubrious soap operas will include occasional African-American actors, and African-American journalists will be seen reporting from around the nation. Most of the major newspapers, as well as many smaller newspapers, will feature as de rigueur a syndicated African-American columnist.

Still, three-fourths of America's newspapers do not hire African-American reporters, and as the recent confrontation between publishers and heads of minority journalists' associations illustrates, a white male and female backlash is now beginning to protest the expanded hiring of minorities.

Even the enormous success and popularity of the black middle-class-oriented *The Cosby Show* had virtually no influence in stopping the escalation of suicidal violence among young African-American males. Recognizing this failure, Cosby announced plans to promote a show designed to instill pride in young African-American males. As he pursues this electronic vision, however, young African-American males appear to be far more interested in the memory of Malcolm X than the existence of Bill Cosby.

In 1993, the racial issue has multiplied in competing ethnicities to include not only African Americans, but Latinos, Asians, and Native

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Americans. The rationale for this broadened inclusion and rainbow spectrum of persons are the philosophies of multiculturalism and diversity. But, as the media insists on reporting, competition from minorities for a static piece of the economic and professional pie will continue to aggravate tensions between ethnic groups, despite the acclamation of multiculturalism in some quarters. At the same time, multiculturalism implicitly threatens the most favored status of white males (MFSWM), hence their disproportionate resistance and the rise of white demigods like David Duke, who speaks for the smoldering passions of more people than they are willing to admit.

Martin Luther once wrote, "It makes a difference whose ox is gored." Because white males still disproportionately control America's political and economic power structure as well as most of the oxen, they feel more threatened by the vigorous increase of gender and racial political and economic activity. In response to this perceived threat, they can effectively mobilize public opposition to multiculturalism and diversity. As a variation on that defunct E.F. Hutton television commercial would phrase it, when Arthur Schlesinger, George Will, Ross Perot, and Pat Robertson talk, America listens.

Diversity has managed, however, to acquire a cultural cachet that makes it almost fashionable. Only that fashionability prevents diversity from being mothballed over the backlash protests of white males and white females. Fifty years from now, when America commemorates the Kerner Commission Report, it is conceivable that multiculturalism will be so ingrained in America's culture that even a future Asian woman president of the United States will extol its productive felicity as a social permanence. In the year of Kerner plus 25, however, this nation's minorities will continue to debate with their white colleagues the extent to which multiculturalism vitiates our mythical meritocracy after struggling to deny its validity.

Even De Tocqueville, however, saw a kind of tarnished splendor in 1835 in the symbiosis of "The Three Races that Inhabit the United States." One hundred and fifty-eight years ago, it would have been almost impossible to conceive of a multicultural society of the national grandeur and demographic complexity that exists today. In all probability, "Kerner Plus 50" will celebrate an even more felicitously multicultural and egalitarian society than "Kerner Plus 25." It is always

84. BARTLETT, supra note 82, at 156 (quoting MARTIN LUTHER, WORKS 62 (1854)).

85. ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 291 (J.P. Mayer & Max Lerner eds., George Lawrence trans., 12th ed. 1966) (citing chapter entitled "Some Considerations Concerning the Present State and Probable Future of the Three Races that Inhabit the Territory of the United States").
possible, however, as Dr. Kenneth B. Clark lamented before the Kerner Commission about the recurring race riots, that Thucydides' law of history could witness future events which he predicted would "very likely, in accordance with human nature, repeat themselves, if not exactly the same, yet very similar." 86

86. THE GREAT QUOTATIONS, supra note 7, at 685 (quoting 1 THUCYDIDES, HISTORY 22 (411 B.C.)).